

**EAST HANOVER TOWNSHIP BOARD OF SUPERVISORS MEETING
8848 Jonestown Road, Grantville, PA 17028
January 19, 2010**

The meeting of the East Hanover Township Board of Supervisors was called to order with the pledge to the Flag by Chairman Keith Espenshade at 7:05 P.M. Present were Supervisors John Nelligan, Dave Marshall, George Rish and Tom Shutt.

Scott Wyland, Solicitor; Norman Ulrich, Engineer; David Smith, Codes and Zoning; Charles Longreen, Director of Public Works; and Deborah Casey Secretary/Treasurer were also present.

The meeting was audio taped. The tapes are strictly for the use of the Secretary-Treasurer for clarification during preparation of the minutes.

An Executive Session was held at 6:30 PM to discuss legal issues.

The Public Hearing for the Ordinance 2010-01 – Franchise Agreement will be held at 7:30 PM

APPROVAL OF THE MEETING MINUTES FROM JANUARY 4, 2010

Mr. Shutt made a motion to approve the minutes. Mr. Rish noted he had a few corrections; Page 2 Vacancy Board Chairman, Mr. Rish noted “appoint” should be replaced with “nominate”; page 7, “MINS’ should be “NIMS”; page 8, 5th bullet, Met-Ed is to reimburse with “interest” and not “investment”; page 9, middle of paragraph in the discussion of the lots, “he did not feel there would be no” should be “he did not feel there would be an”; Penn National Waiver request, the motion should read “Mr. Marshall seconded the motion” and not “seconded the plan”. **Mr. Rish made a motion to approve the minutes with those corrections. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.** The corrections were made to the minutes before posting on the website.

TREASURER’S REPORT

Expenditures:

General Fund	\$145,806.45
Operations and Maintenance	\$ 6,547.66
Park and Rec	<u>\$ 607.39</u>
Total	\$152,961.50

Mr. Marshall made a motion to pay the bills as submitted. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.

Receipts

General Fund	\$ 529,338.81
Operations & Maintenance	\$ 5,551.05
Park and Rec	\$ 81.00

Available Funds

General Fund	\$ 753,130.48
Operations & Maintenance	\$ 218,643.02
Street Light	\$ 4,599.80
State Fund	\$ 320,843.39
Public Sewer Fund	\$ 3,985.30
Park and Rec Fund	\$ <u>69,717.02</u>
TOTAL	\$1,370,919.01

CORRESPONDENCE

The correspondence is listed as a handout and is available for review during normal office hours.

REPORTS**PUBLIC WORKS DEPARTMENT – CHARLES LONGREEN**

- Mr. Longreen asked for approval to have Shannon Smith repair the Heating/Cooling system at a cost estimate of \$8,040.00 for the labor and removal and installation of the line set. Any and all other equipment needed to make the repairs would be purchased by East Hanover Township. Three requests were sent out for proposals. Chairman Espenshade noted we have been running on emergency heat and he would like to have the unit repaired.
- **Mr. Shutt made a motion to have Mr. Longreen follow up with Shannon Smith for the repairs. Mr. Marshall seconded the motion. The cost would be \$8,040.00. The motion was approved 4 in favor, Chairman Espenshade, Mr. Nelligan, Mr. Marshall and Mr. Shutt; 1 opposed, Mr. Rish.**
- Mr. Longreen asked for approval to train 2 individuals for on-call as needed drivers for snow removal. One is Crist Espenshade and the other Doug Spotz. Both have their CDL's. The hourly wage for PennDOT's temporary operators is \$15.67 per hour.
- **Mr. Nelligan made a motion to authorize the Public Works Director to train the 2 individuals as back up operators for plowing. Mr. Shutt seconded the motion. The motion was approved 5 in favor, 0 opposed.**
- **Mr. Marshall made a motion to set the pay rate at \$15.70 per hour for an on-call basis. Mr. Shutt seconded the motion. The motion was approved 5 in favor, 0 opposed.**
- The new dump truck has been received.
- A meeting was held last week with PennDOT. The plans for the Allentown Blvd. corridor were discussed. Improvements will be made at Rt. 743 and Rt. 22 at the traffic light with turn lanes. If everything works out, PennDOT will fund the entire project. Some intersections will be closed. PennDOT is to provide a report of the meeting and will be sending a confirmation letter with the details that were discussed.
- Mr. Marshall noted there is a contingency which PennDOT is hoping for and that is another round of stimulus money. The project has to be shovel-ready. He felt

PennDOT was willing to listen to the Township's suggestions and seemed to be agreeable to them.

- Mr. Shutt noted the intersection where the new fire house is going was discussed and a flashing light was mentioned. PennDOT noted it would not put up the lights, but it would run the conduit for it. He felt it was a successful meeting.
- Eric Epstein noted the funding will depend on another round of stimulus. Discussion should be held with Representative Holden and it is good to know there are plans. There is a HATS meeting coming up but the project does not show up on its priority list. Mr. Marshall noted PennDOT indicated that it is on the project list.
- Mr. Longreen noted PennDOT has requested a letter from the Township acknowledging that the Township will take over a traffic signal at Rt. 22 and Sand Beach Rd. if the light is warranted.
- **Mr. Marshall made a motion to have Mr. Longreen send a letter noting the Township will take over the light and maintenance if it is required. Mr. Nelligan seconded the motion.** Mr. Marshall noted the reason for considering a light at the intersection is because of the school. **The motion was approved 5 in favor, 0 opposed.**

CODES AND ZONING – DAVID SMITH

The Board has been presented with the SEO, UCC and Zoning reports.

- Mr. Smith noted Light-Heigel has provided a signed service agreement to the Board for UCC and Zoning services at the Municipal Building 5 days per week.
- Mr. Smith attended the FEMA meeting last week on behalf of the Township. The maps were reviewed and numerous corrections have been provided. A copy of the Zoning Ordinance was requested from Janine Park for her to review in regards to the new FEMA regulations and ordinance. Mr. Smith provided a copy. After her review, she will let the Township know if it is acceptable or if there is anything that needs to be done to update the ordinance. Mr. Smith will spend time with Mr. Nelligan to coordinate the review of the new FEMA regulations.
- Mr. Rish asked if Mr. Smith had ever reviewed items such as the FEMA map since he seemed to have found a lot of things to be fixed. Mr. Smith noted it was Light-Heigel's GIS department that reviewed the maps and they are experienced in this.

7:30 PM - PUBLIC HEARING FOR ORDINANCE 2010-01 – FRANCHISE AGREEMENT

Solicitor Wyland noted Solicitor Mark Stewart would be presiding over the hearing since Solicitor Wyland's firm may have a potential conflict of interest with one of the firms that may seek a franchise agreement with the Township.

- Solicitor Stewart noted it was the time and place advertised for the public hearing on Ordinance 2010-01 entitled An Ordinance Establishing and Providing for a Non-Exclusive Franchise for the Operation of Cable Television Systems in East Hanover Township, Dauphin County, Pennsylvania. The ordinance was prompted by the potential rollout of FIOS television service by Verizon. The

ordinance has been publicly available and will be marked for purposes of this hearing as Township Exhibit 1. This hearing has been properly advertised and Solicitor Stewart is in possession of the proof of publication which will be marked as Township Exhibit No. 2 for the hearing. Solicitor Stewart opened the hearing for public comments and requested that individuals to come to the mic and state their name and address.

- There was no public comment.
- Chairman Espenshade noted his issue is there are certain areas in the municipality that Comcast does not service. If someone wants to provide service in the municipality, is there a way to require them to do the whole municipality. Solicitor Stewart noted the only way is to address it in the Franchise Agreement. Comcast's agreement will be up for renewal in 2013 and the Township must give notice by October 1, 2012 that it wants to renegotiate the franchise agreement or it will automatically be renewed. At that point, the Township can get into a discussion with the provider. Under the Cable Act, since it involves a large investment by the cable company, it is not regulated and cannot be mandated, but the Township could try to impose conditions and negotiate. Chairman Espenshade felt if you are going to provide the service, it should be provided to everyone.
- Mr. Rish asked if it would cover internet and phone service. Solicitor Stewart noted it does not cover phone service but only covers the use of broadband on the internet to provide television service. It does not regulate the telephone service since that is regulated through the Public Utility Commission.
- Solicitor Stewart noted since there is no comment from the public, the record is closed for the hearing and it is now appropriate for the Board to action if it so desires. 7:36 PM.
- **Mr. Rish made a motion to adopt Ordinance 2010-01 which is an Ordinance Establishing and Providing for a Non-Exclusive Franchise for the Operation of Cable Television Systems in East Hanover Township, Dauphin County, Pennsylvania. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.**

The regular meeting resumed at 7:36 PM

ENGINEERS REPORT – NORMAN ULRICH

- Mr. Ulrich asked for Board consideration for attendance at the WPAC meeting, Watershed Plan Action Committee meeting. They are working on the new Act 167 Plan. The Township did receive a draft copy of the plan for review last fall and it was reviewed for the Township by LTL and comments were provided. The draft comments submitted will be discussed at the meeting. The meeting is January 28th beginning at 6:30 PM.
- HATS meetings are coming up and the Transportation Improvement Program will be discussed. The intersection at Rt. 743 and Rt. 22 will be brought up and discussed. Those dates are February 12th and 26th.
- Mr. and Mrs. Dennis Miller have sent the Township a letter requesting sewer for their commercial property. They are not in the sewer service area. A letter has

been drafted and sent to the Board for review. Mr. Ulrich asked for approval to forward the letter to Mrs. Casey to put onto letterhead and forward to the Millers. The letter explains that they are not in the sewer area, the Township may consider the hookup with the understanding that any capital expenses that occur will be the responsibility of the property owner since there is at this time not a specific need to service the area based on the Act 537.

- Mama's Pizza has requested to be hooked into the sewer system and is requesting a grinder pump. They are currently on a holding tank. A draft letter has been prepared and forwarded to the Board for review. The letter explains that the Township is in the middle of an Act 537 review, the property will be looked at and the Township is investigating service to that area. There are other problems in the area and gravity flow is being investigated. It would not make sense to hook them up to a grinder pump and then in the near future possibly be able to service it by gravity. The letter explains the situation to the property owner.
- Mr. Marshall noted when the plan was approved, there was a comment on the plan that they had to hookup to the sewer when EDU's became available. He asked if the Township had a choice about hooking up with a grinder pump since it was on the plan. Mr. Ulrich commented he would look at the wording on the plan. The general idea of the response letter is to let the property owner know the Township recognizes they are interested in hooking up and if they were to hold off, it may wind up going from a grinder pump to gravity fed which would be better for everyone involved.
- Mr. Ulrich commented there is now an ordinance in place for will serve sewer hookup, reserving capacity, etc. LTL has put a form letter together so when the Township gets requests regarding sewer, staff will have a form letter in place and if it applies, it could be sent to the individual making the request.
- The Funck's EXXON Station – a letter was provided to the Board as to the response to DEP on the violation letter, the penalty and the time line for the Act 537 as it relates to the repairs at Funck's EXXON.
- A brief discussion was held on the request from the Bow Creek Mall on its request for EDU's
- Discussion was held on the letters Mr. Ulrich is asking for approval on. Mr. Ulrich noted he will look at the language on the Mama's Pizza plan to ensure that the Township is not required to hook them up at this time.
- **Mr. Marshall made a motion to have the letters sent to the appropriate people, one being a form letter sent out as needed, the 1st letter to Dennis Miller, the 2nd to Mama's Pizza and the 3rd a form letter for request for service. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.**
- **Mr. Marshall made a motion to allow Mr. Ulrich or a representative of LTL to attend the 2 meetings mentioned, the HATS and WPAC meeting. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.**

- Solicitor Wyland noted he has been working with LTL on some property issues associated with the sanitary sewer. At this point LTL needs to engage the services of an appraiser at a cost of up to \$3,000.00.
- **Mr. Nelligan made a motion that LTL be authorized to contract with an appraiser for work on the sewer issue at a cost not to exceed \$3,000.00. Mr. Marshall seconded the motion. The motion was approved 5 in favor, 0 opposed.**

EFMR MONITORING GROUP – ERIC EPSTEIN/ANDY STEIN

- Mr. Epstein thanked Mr. Marshall and Mr. Ulrich for the efforts on the Rt. 743 and Rt. 22 issue.
- The Gaming Bill has been signed by the legislation but there are a couple of issues. East Hanover Lebanon and East Hanover Dauphin will get \$120,000.00 per year from table games. East Hanover Lebanon will get an additional \$160,000.00 per year which does not come from the Township's share. East Hanover Lebanon anticipated \$300,000.00 from the 1st legislation and it did not happen. Most people believe this cures the issue with East Hanover Lebanon.
- Mr. Epstein discussed what the Township is receiving from gaming through revenues and the MOU. The Township needs to start having discussions regarding the extension of the MOU beyond 2012. Further discussion was held on when table games would actually come into the Township.
- There is a large amount of money from Table Games dedicated to a Task Force to combat crime. Mr. Epstein's position on behalf of the Township is that those monies be available to the Township in the event that the PA State Police assess the Township a fee. He felt the option should be preserved in the event that the Township is charged for State Police service.
- Mr. Epstein reported on the rate cap expiration. He noted that he met with Met-Ed and its voluntary pre-payment program is available through December 31, 2010. He encouraged individuals to participate in it. You pay ahead and get 7 ½% interest. If you chose another generator, you get the money back. He suggested the PUC be invited to a meeting to discuss the issues.
- Mr. Marshall noted he would like to see Mr. Epstein pursue a meeting with Representative Holden regarding the Rt. 22 improvements. By consensus of the Board Mr. Epstein should contact Representative Holden.
- Mr. Rish noted the Township received a letter from the Gaming Control Board regarding a public hearing once Penn National requests table games. He asked what they are looking for at the public hearing. Mr. Epstein noted he doesn't know what will be discussed at the hearing. The legislation requires it so that people could register concerns, complaints, or input as to the potential impact the license will have. The Township hasn't even been able to baseline the effect from slots least table games.
- Andy Stein reported on the existing grants from the first year. There were 25 grants, 9 have been completed, 15 are underway and 1, the Park and Rec Open Space has not been started. A handout was provided to the Board showing the percentage of completion for the unfinished grants. The 2009 grants have not yet been awarded by the County.

- Chairman Espenshade provided Mr. Stein with a grant package for Park and Rec. Mr. Stein will review the package.
- Mr. Rish asked when the County makes its decisions on the grants, will the Township be notified before it is released to the Press. Mr. Stein felt the Township would be notified first.

WATER AND SEWER COMMITTEE – DAVE MARSHALL

- Funck's EXXON – DEP was out to look at the grinder pump and they are not happy with the situation. They have provided the Township with 3 things they would like the Township to do. Discussion was held at the Water and Sewer Committee meeting as to how the Township should respond. Chris Hannum of LTL drafted a letter and Solicitor Wyland reviewed it. The letter is to be sent to DEP this week. Once DEP has made its decision that decision will come before the Board for final approval.
- Mr. Hannum would like all the Supervisors to attend the next Water and Sewer Committee meeting to discuss the Act 537 Plan. The plan will be presented and problems in the Township and LTL's solution will be discussed. The 537 Plan is on schedule in relationship to the grant.
- The sewer issues for Partridge Hills and Englewood were discussed and we are getting closer to having a meeting for the public to let them know what is going to happen. The first thing that needs to be done is the archeological study so it is known where to lay the lines.
- It was noted the meetings have been advertised.

COG MEETING – DEB CASEY

- Mrs. Casey reported she attended the Capital Region Council of Governments Annual meeting and dinner which was held at the Penn Harris/Radisson. The keynote speaker was Dr. Terry Madonna who spoke on the upcoming 2010 elections. After his presentation, the COG meeting was called to order, roll call was taken and election of officers took place. The next meeting is February 15th at Hampden Township on Sporting Hill Rd.
- Mrs. Casey noted she would be attending the Dauphin County Tax Collection Committee meeting at DCCD on January 20th at 6:30 PM.
- Mr. Marshall noted the Township needs an alternate for the DCTCC. Richard Schock has expressed an interest in being the alternate. It was noted appointment would need to be made through a Resolution.

FIRE COMPANY – WAYNE ISSETT

- The Fire Company just received an extension on its Highway Occupancy Permit until January, 2011.

UNFINISHED BUSINESS

OLD COMPUTER HARDWARE

- No report.

HALBLEIB WAIVER REQUEST SECTION 307.E – MINIMUM PIPE SIZE

- Chairman Espenshade noted there is an 8 inch pipe which goes under the driveway. The Ordinance minimum pipe size is 15 inches. Mr. Halbleib is proposing to install an open bottom sump in the front of the pipe to catch any debris. It would be his responsibility to maintain and clean it which would be laid out in the Maintenance Agreement. Originally, the pipe was going to be the outlet of a detention pond and that is no longer the case; it is just a pipe under the driveway.
- **Mr. Marshall made a motion to accept the waiver. Mr. Nelligan seconded the motion.** Mr. Ulrich asked if the waiver is approved, would the Board want to see the plan updated to show the fore bay area Mr. Halbleib is suggesting. It could be handled as a detailed that would be attached to the plan. Chairman Espenshade was in favor of attaching it to the plan. **Mr. Marshall withdrew his motion.**
- **Mr. Marshall made a motion to grant the Halbleib request to leave the 8 inch pipe in tact, and grant the request for the waiver Section 307.E with the change to the plan being documented as an attachment to the plan. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.**

HALBLEIB – LAND DEVELOPMENT PLAN PUT IN A DESCRIPTION OF THE PLAN

- Mr. Marshall asked if Mr. Ulrich would like to see the details of the change on the plan before the Board votes on it. Mr. Ulrich noted he will issue a minor plan change modification letter which will outline the change as well as the fact that the plan has changed. Part of it will be Mr. Halbleib submitting the detail of the pit. Chairman Espenshade noted Mr. Halbleib has given the Board a grant of an extension of time if the Board would need more time. Mr. Ulrich noted the plan could be approved with conditions.
- Mrs. Casey asked if the items in Mr. Ulrich's December 15th letter were addressed. Mr. Ulrich noted Solicitor Wyland is working on the Developers Agreement and the other items have been addressed.
- **Mr. Marshall made a motion to approve the Halbleib plan conditioned on LTL's December 15th letter, and the attachment for the waiver previously approved is satisfactory to LTL. Mr. Nelligan seconded the motion.** It was questioned as to the payment of any outstanding fees. **Mr. Marshall amended his motion to include any outstanding fees that are owed to the Township be paid before the plan is recorded. Mr. Nelligan seconded the amended motion. The motion was approved 5 in favor, 0 opposed.**

NEW BUSINESS

NEWLY ELECTED OFFICIALS TRAINING – KEITH ESPENSHADE

Chairman Espenshade noted he would like to attend the session which is for 2 days on March 6th and March 13th which are Saturdays. The cost is \$175.00 for both sessions.

- **Mr. Rish made a motion to allow Chairman Espenshade to attend the Newly Elected Officials Training on March 6th and March 13th at a cost of \$175.00. Mr. Marshall seconded the motion. The motion was approved 5 in favor, 0 opposed.**

SHUTT – WAIVER – SECTION 623.2 PARK AND OPEN SPACE

Mr. Shutt noted he would step down from the table for discussion and action on the request.

- Chairman Espenshade noted the waiver is for the Park and Open Space requirement. The Shutt Subdivision/Land Development Plan did not create any net gain in lots, and just changed lot lines. He felt the intent of the ordinance was to charge the fee for the creation of new lots.
- Mr. Marshall noted he did not vote to allow for the Halbleib's request for this waiver, however, since the Board granted the waiver, he does not see any difference in the circumstances between the Shutt plan and the Halbleib plan.
- **Mr. Marshall made a motion to grant the waiver request, Section 623.2. Mr. Nelligan seconded the motion.** Mr. Rish felt the request was pretty much the same as the Halbleib's request but the plan was already conditionally approved. Mr. Marshall noted he had a problem with it also, but the fee has not yet been paid. **The motion was approved 3 in favor, Chairman Espenshade, Mr. Marshall and Mr. Nelligan; 1 opposed, Mr. Rish; 1 abstention, Mr. Shutt.**

OTHER BUSINESS FROM THE BOARD

Mr. Marshall noted the Township is in the process of redoing its ordinances. The Park and Rec Subdivision Fee needs to be readdressed.

Mr. Shutt noted since the ordinances are in the process of being reviewed for changes, he would like the Board of Supervisors and Planning Commission to sit down and discuss any changes that may be needed. He would like the Board to give approval to the Planning Commission as they go through the review of plans, to document any problems with the ordinances and present them to the Board. It was noted this suggestion will be conveyed to the Planning Commission.

Mr. Ulrich noted LTL has forwarded the SALDO long term changes to the Planning Commission and the Board for review.

Eric Epstein noted he has concerns about the reorganization of School Districts and Municipal tax representation with the TCC. Smaller School Districts and Municipalities may lose voting shares. The Township may want to fashion a policy with the Lower Dauphin School District.

BUSINESS FROM THE PUBLIC

There was no business from the public.

Mr. Nelligan made a motion to adjourn the meeting. The meeting was adjourned at 8:30 PM.

Respectfully submitted,

Deborah A. Casey

cc: Keith Espenshade
John Nelligan
Dave Marshall
Thomas Shutt
George Rish
Hawke, McKeon & Sniscak
Curt Cassel

Charles Longreen
Planning Commission
Light-Heigel & Associates
Posted
Zoning Hearing Board
LTL Consultants
Eric Epstein