

EAST HANOVER TOWNSHIP BOARD OF SUPERVISORS MEETING
8848 Jonestown Road, Grantville, PA 17028
April 20, 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 7:00 P.M. Present were Supervisors Dave Marshall, John Nelligan; 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.

APPROVAL OF THE MEETING MINUTES FROM APRIL 6, 2010

Mr. Marshall made a motion to approve the minutes as submitted. Mr. Rish seconded the motion. The motion was approved 5 in favor; 0 opposed.

TREASURER'S REPORT

Expenditures:

General Fund	\$193,547.52
Operations and Maintenance	\$ 7,865.60
Escrow	\$ 360.00
Park and Rec	<u>\$ 3,782.79</u>
Total	\$205,555.91

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

Mrs. Casey asked for approval to transfer \$20,000.00 to the Emergency Services Fund from the General Fund. This is from the gaming monies which were received this week.

Mr. Rish made a motion to allow the transfer of \$20,000.00 from the General Fund to the Emergency Services Fund. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.

Receipts

General Fund	\$ 65,868.92 – in addition \$969,067.00 Gaming
WWTP	\$ 17,759.00
Street Light	\$ 1,347.83

Available Funds

General Fund	\$1,868,032.74
Operations & Maintenance	\$ 243,506.63
Street Light	\$ 5,447.06

State Fund	\$ 478,596.64
Public Sewer Fund	\$ 3,485.76
Park and Rec Fund	\$ <u>77,656.37</u>
TOTAL	\$2,676,725.20

CORRESPONDENCE

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

JO ELLEN LITZ – SWATARA CREEK WATERSHED ASSOCIATION

Ms. Litz thanked the Board for their time. She received a letter from Andy Stein indicating that she should contact the Board to help it understand the goals and scope of the project for the Swatara Creek Watershed grant application and how the Casino has an impact on the watershed. Ms. Litz presented a topographic map of the area.

- Because of the contours, water from Penn National flows to the Swatara Creek. The watershed also provides water to the area. Ms. Litz explained the path of the creek and watershed.
- Ms. Litz noted the Casino has a treatment plant and also an area where it stores animal waste. Because of the topography, Stormwater runoff, effluent from the Casino treatment plant and runoff from the animal waste goes to the Swatara Creek.
- The project proposed is at 1929 Black’s Bridge Rd. in East Hanover Township, Lebanon County. She asked that the Township help sponsor the project. There is currently an office, a pavilion, a primitive boat launch, 35 primitive camp sites, hiking and boating. Discussion continued. \$60,000.00 is needed to finish the project. Ms. Litz discussed how volunteers clean up the Swatara every year.
- Ms. Litz continued her discussion of what the Watershed Association does for the Swatara Creek. DCNR provided half of the money for the development of the park. Fish and Boat has agreed to provide \$90,000.00 for the project and the Hershey Company has provided \$10,000.00. The Association would like \$60,000.00 from East Hanover Township to pay down the final amount. If the money is received, it will allow for the Park to be self-sustaining.
- Eric Epstein asked if there is a contribution from East Hanover Lebanon County. Ms. Litz noted there was not. She was told the process was to go to EH Lebanon for its approval and then to EH Dauphin since it has the money. Mr. Epstein noted EH Lebanon should have access to some of the revenue since we had worked with Lebanon County to ensure that they got funded. Solicitor Wyland noted it was his understanding that once table games are up and running, EH Lebanon will receive \$120,000.00 per year of unrestricted funds for its General Fund. Discussion continued. Mr. Epstein noted part of the reconciliation was to make sure Lebanon County got funded from table games.
- Ms. Litz continued her discussion.
- Chairman Espenshade asked if the Park is owned by the Association. Ms. Litz noted the Association owns the Park.
- Ms. Litz commented she spoke with Mr. Memmi and he felt it was a wonderful project that involves multi-municipalities and this is exactly what these funds are

supposed to be funding. He instructed her to contact Dauphin County's Bureau of Parks and she received a letter of support from them.

- Mr. Marshall noted the aerial photograph is very outdated on what the track is doing. The Township issued them a permit a while back and they erected a building to house the horse waste. To his knowledge, it goes into dumpsters at the barns and then relocated to the building. There should not be any runoff problems anymore.
- Mr. Nelligan noted he has to look at the project as to how it relates to the residents of East Hanover Dauphin County. There is no public access in the Township to the Swatara watershed. All access is private land, steep slope and no way to access the watershed. He asked in supporting this, what would be the benefit to our residents. Ms. Litz noted when the State approached the Swatara Watershed Association; it asked if they could create a water trail for the State. That was done and every 5 miles, they were to identify an access point. They started with the public accesses that existed and then filled in. The project that was discussed tonight is the center of the water trail. That is the site that gets used. It was a critical piece and was in private ownership, and that is why DCNR understood the significance in purchasing it. The entire trail is open to everyone including the residents of East Hanover Township. Also there are 3 water companies that draw from the Creek. It is a regional resource.
- Mr. Rish asked when the park is opened, would it be free access for launching canoes. Ms. Litz noted it would be. Discussion continued.
- Mr. Shutt asked if this is the group that wanted to change the name of the creek to Swatara River. Ms. Litz noted it was. Research was done, it was discovered that the creek used to be called the Swatara River. Mr. Shutt commented he knows the creek and there are areas that you can't float a canoe or anything. Ms. Litz noted in a drought year that is true.
- Mr. Rish commented he is involved in Troop 201 which is based in Union Deposit and the boys often use that as a starting or mid-point for canoeing. Ms. Litz noted one Scout signed the bridges as his Eagle Scout Project.
- Richard Schock noted the Swatara Creek Watershed is a large watershed and it floods very quickly and often. He asked if Ms. Litz was in favor of building the dam that is proposed on the creek or if her group opposes it. He sees it as a flood control and recreational project. Ms. Litz noted over the years, philosophies changed and the National EPA said they no longer wanted dams. The proposed dam was taken off the table and most of the dams on the creek were breached.
- Aaron Wolensky noted he is a member of Troop 201 and was present at the meeting to work on his citizenship and community merit badge. He feels the project is a great idea since the Scouts have launched their boats from there and it would help the Scouts and families to camp and have a great time.
- Mr. Epstein suggested we contact Senator Fulmer's office since he felt it was clear the way the document was written that \$160,000.00 was targeted from slots for EH Lebanon and \$120,000.00 from table games. We worked cooperatively with EH Lebanon to secure funding for them this year to repair Angle Road which was resources we donated. We also litigated with the SRBC on behalf of Lebanon County to ensure the aquifer was protected.

- Mr. Epstein noted because of the issue with wastewater, we had worked with Penn National and they were just awarded an Environmental Excellence award. What they are doing with their wastewater and reuse is state of the art. To consider this project means fewer dollars for organizations in our community. Funding availability from Lebanon County needs to be investigated.
- Ms. Litz noted when she discussed the project with Mr. Memmi, the first thing she asked was will it affect the funds available for EH Dauphin County. She was assured it would not. Discussion continued. Mr. Epstein felt the money Mr. Memmi was talking about would not require East Hanover to donate the money but send a letter of support. Ms. Litz noted that is what she is asking for.
- Chairman Espenshade noted the Board will review the information and request and make a decision at a later date.

REPORTS

PARK AND RECREATION – STEVE ESPENSHADE

- Mr. Espenshade thanked Mr. Longreen and the Public Works Department for rolling the athletic fields in the Sports Complex.
- The well drilling is scheduled to begin on April 23rd.
- The fencing project is 75% complete.
- Once the well is drilled, the process for bids will begin for the installation of the pump and pressure tank.
- Three proposals were received for the renovation of the large soccer field. Mr. Espenshade spoke with each contractor and told them what the Park and Rec Board wanted. Three different approaches and costs were received. Team Lewis \$9,853.00, Umbergers Landscaping \$6,165.96 and Davis Landscape, \$6,000.00. The approach to the process is totally different for all 3.
- Mr. Marshall asked which one would work for the field. Mr. Espenshade noted Team Lewis wants to put a fine layer of topsoil over the field and plant new grass; Davis wants to put a half inch of compost over the field and fertilize it. Mr. Espenshade noted there are ruts in the field and just putting compost in might level it out for now but it would deteriorate and you will still have the ruts. Umbergers wants to bring 20 ton of topsoil in, spread it and fill in the holes and put 60 tons of organic compost and spread it. They will also slit seed a \$1,000.00 of new seed. He felt Umbergers proposal is the best for the field.
- **Mr. Marshall made a motion to award the proposal to Umbergers for \$6,165.96. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.**
- Mr. Espenshade noted on the proposals there is also a ditch repair. The Public Works Department installed a pipe from the existing building down to the proposed well site. That area will need to be re-seeded. This will be taken out of the Subdivision Fund since it is new work. Proposals were received from each of the contractors that provided a proposal for the soccer field. Team Lewis \$1,352.00; Umbergers, \$1,200.00; and Davis, \$1,200.00. This was a proposal that was provided with the soccer field proposal.

- **Mr. Nelligan made a motion to award the proposal for the repair to Umbergers in the amount of \$1,200.00. Mr. Marshall seconded the motion. The motion was approved 5 in favor, 0 opposed.**
- Mr. Espenshade noted the Board received position descriptions and standard of performance for the counselors for the Summer Rec Program.
- Chairman Espenshade asked if the descriptions were just putting on paper what has been done for years. Mr. Espenshade noted that was correct. The salary figure will be updated every year. The Park and Rec Board is asking for support on the job descriptions and job qualifications. The Board of Supervisors did not have any problems with the documentation.
- Mr. Espenshade noted there is a request from the Lower Dauphin Soccer Association for the use of the Township's soccer fields. This is a request that is made annually.
- **Mr. Marshall made a motion to allow the Lower Dauphin Soccer Association to use our soccer fields providing they are in shape at the time they are ready to use them. Mr. Rish seconded the motion. The motion was approved 5 in favor, 0 opposed.**

APPROVAL OF VAN

Crist Espenshade noted the price of the van is \$22,020.43 which is \$20.43 over what was budgeted for in the 2010 budget. He asked for permission to purchase the van. The van recently purchased for the seniors transportation is a 12 passenger van and is not good on mileage. The additional van is more economic on fuel and will be used for short distance trips with 1 or 2 people. It is a 5 passenger van.

- Mrs. Casey asked if it will be insured through the County. Mr. Espenshade noted it would be.
- **Mr. Nelligan made a motion to purchase the van at the cost of \$22,020.43. Mr. Shutt seconded the motion.** Mr. Rish asked if it was through a State contract. It was noted it was purchased through COSTARS. **The motion was approved 5 in favor, 0 opposed.**

PUBLIC WORKS DEPARTMENT – CHARLES LONGREEN

- Mr. Longreen asked for permission to advertise for road materials and for 2 generators at the 2 pump stations. Advertisement would be April 27th and May 2nd, with bids received and opened on May 19th. June 1st would be the award of the bids. The road materials are for stone, paving, fuel, kerosene, and road oil.
- **Mr. Marshall made a motion to allow Mr. Longreen to advertise for road materials and the generators for the sewer system. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.**
- Mr. Longreen requested permission to hire Doug Spatz full time on a 90 day probation period with a re-evaluation prior to the 90 day period contingent upon his passing a pre-employment drug test. This individual will be working with Mr. Cassel at the Wastewater Treatment Plant to get his license. He will also be working with the Public Works Department and will assist Mr. Fisher in the park as needed.

- **Mr. Nelligan made a motion to make an offer to Mr. Spatz for the position described for a 90 day probation period in the amount of \$15.00 per hour. Mr. Shutt seconded the motion. The motion was approved 5 in favor, 0 opposed.**
- Mr. Longreen noted he received a letter regarding new Federal regulations for bridges. He will be forwarding it to the Township engineer, Mr. Ulrich for review.

CODES AND ZONING – DAVID SMITH

Mr. Smith noted on April 6th the Board was provided with the reports for UCC, SEO and Zoning reports for the month of March.

ENGINEERS REPORT – NORMAN ULRICH

- Mr. Ulrich commented there is sidewalk work going on at the Preserve at Bow Creek.

EFMR MONITORING GROUP – ERIC EPSTEIN

- Mr. Epstein noted earlier he had mentioned Penn National received an environmental award. He felt they are being good corporate citizens. The amount of water they are consuming is decreasing.
- The check we got from Gaming is about \$29,000.00 more than we got last year.
- Solicitor Wyland noted he will look at the amount the Township received and calculate the makeup payment to be received from the County.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

SUMMER NEWSLETTER

- Mr. Nelligan noted on page 2 under Emergency Management Coordinator, the Public Information Officer's telephone number was listed. He felt that should be deleted.
- **Mr. Marshall made a motion to approve the Newsletter with the change of having the Public Information Officer's number removed. Mr. Rish seconded the motion. The motion was approved 5 in favor, 0 opposed.**

HB 1254 – ANTI-TETHERING – ANTHONY JULIAN

Mr. Julian noted he provided information to the Board regarding the Bill. The bill is being re-drafted at this time. The Bill would target dogs that are chained up 365 days per year. It would restrict the amount of time that a dog could be tethered within a 24 hour period. Right now there are no restrictions. The tether would have requirements and would not be permitted to be tied to a permanent object such as a dog house. Mr. Julia further discussed the requirements of the bill. If the conditions are below 32 degrees or above 90 degrees, the dog would have to be brought inside. This will enhance the humane treatment of dogs. No open wounds should be visible and some sort of shade outside of a dog house will need to be provided to keep it out of the sun.

It will target negligent owners. The Humane Society reports that 60% of its nuisance calls are because of chained dogs. This is causing shelters and police officers money. The bill will broaden the cruelty laws that exist today. Chained dogs are more aggressive and if they get loose, they impose a danger to the community. There are 13 States that have enacted this type of law and 8 more are in the process. Mr. Julian continued his discussion and asked for support from the Township for the bill.

- Mr. Marshall asked if chained dogs that attack people weren't chained up, would they still attack people. Mr. Julian noted chaining increases aggression in dogs and they become more territorial and increases physiological problems in dogs.
- Mr. Shutt asked if he kept a dog on a chain all the time, would it get more aggressive. Mr. Julian noted it would. Mr. Shutt noted the Humane Society keeps its dogs in cages. Mr. Julian noted it does cause aggression and the Humane Society is having a problem with this. Mr. Shutt felt the average American should not have to suffer because of a hand full of people. Mr. Shutt noted he has had dogs all his life, is a farmer, and chains his dogs and lets them loose when he wants, but if he has to bring his dogs in when the temperature changes, then he won't have dogs.
- Mr. Marshall noted he has a dog that is in the house and is not chained outside. In the middle of winter, he will go outside and find a hunk of ice and get covered with snow and loves it. Dogs are designed to fight the elements. If they have a shelter to get in, he can't support something that forces you to take them into a house if it gets below 32 degrees. Discussion Continued.
- Mr. Julian noted he is in support of this bill and is under Representative Marsico's jurisdiction and is trying to gather support of the bill.
- Mr. Epstein asked if Mr. Julian is asking the Board to support a resolution to go to Representative Marsico, not that he is a representative of Representative Marsico. Mr. Julian noted that he does not represent Rep. Marsico. He is only contacting the municipalities in Rep. Marsico's district. Mr. Rish asked what the penalties would be. Mr. Julian noted that is being worked on.
- Mr. Rish noted he would like to keep track of the bill but is not in favor of having a law to control everything that people do, but he knows there are problems with people who tie dogs out and forget about them. Discussion continued.
- Mrs. Casey commented Mr. Julian noted that part of the enforcement would be Police. She asked if the enforcement would be at a State Police level since the Township does not have a local police force. She asked what obligation the Township would have for the enforcement of this bill. Mr. Julian noted they would have to rely on the State Police. Mr. Epstein had concerns about stretching the State Police resources if they have to enforce this law.
- Mr. Shutt felt more effort should be made on the children in the area vs. dogs. Everyone with dogs should not be punished just because of a few bad dog owners.
- Chairman Espenshade asked if some of the issues discussed will be spelled out in the bill once changes are made. Mr. Julian felt they would be. Chairman Espenshade felt before the Board would take any action, it would have to see what the language is.

- Chuck Mundy of Englewood noted he supported Mr. Julian's comments. It is common sense legislation. The part of the legislation referring to weather is not when it's below 32 degrees, but when a weather advisory is issued through the weather service. Dauphin County has a Dog Enforcement Officer who can be contacted for any violations, and the Humane Society. He felt the Board should write a letter of support.

CONCRETE PIPE

Chairman Espenshade noted in the Stormwater Management Flood Reduction Ordinance the Township requires concrete as the method of conveyance. There have been some requests to change that to plastic pipes.

- Mr. Marshall would like to also include steel pipe for where it would be appropriate.
- Mr. Longreen commented he would like to see it more on the discretion of the Township as to what should be installed. He doesn't feel it is fair to limit the residents to one type of pipe.
- Chairman Espenshade asked if it is at someone's discretion as to what type of pipe, will the Township run into an issue.
- Solicitor Wyland noted there are ordinances where they allow a design to be submitted in accordance with good engineering standards and you would have an engineer licensed in the State that would make the decision. The current ordinance only allows concrete even though an engineer may say plastic would work. If the idea is to eliminate concrete only, we can work on language that will allow for other materials and still not be vague.
- Mr. Marshall asked if it would be fair to say you can use pipe that is specifically designed for stormwater.
- Mr. Ulrich noted there are a number of different approaches. There are ordinances that call out the way East Hanover does, ones that specify a service life, etc. Under certain circumstances, if you don't have the proper cover, then the material you choose is more critical. Discussion continued.
- Mr. Nelligan asked if you could use the ASTM specifications which would cover a broad range of pipes. Mr. Ulrich noted those standards are more easily available. The ordinance can be modified any way the Board wants.
- Mr. Ulrich and Mr. Longreen will work on the amendments to the ordinance. Discussion continued on the type of pipes.
- Chuck Mundy asked if the concrete pipe usage will have any effect on the Englewood/Partridge Hills sewer project for the Township or homeowners. It was noted it would not; this is simply for stormwater. Plastic will be used for the sewer system.

ENGLEWOOD/PARTRIDGE HILLS SEWER SYSTEM SPECIAL MEETING

Mr. Marshall commented the residents who are going to be sewered were promised an update meeting. There is a design that is far enough along to present to the residents. We are also making a change with the 3M Component to eliminate grinder pumps and to go to centralized pump stations. A meeting needs to be held for that. Mr. Marshall felt that both meetings could be held at once. The Component 3M meeting needs to be

advertised 30 days prior to the meeting. This will a special meeting held outside of a regular Township meeting.

- Discussion was held on dates. It was noted a mailing would be made to the affected residents.
- **Mr. Marshall made a motion to advertise for a special meeting for June 10th at 7:00 PM for sewer system for Partridge Hills and Englewood as well as the 3M Component and we do a mailer to the residents of Englewood and Partridge Hills. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.**

EAST HANOVER LEBANON AND FOOD PANTRY – APPROVE GRANT AGREEMENTS

Chairman Espenshade noted even though the Township has no responsibility for the grants, the County would still like us to be the Co-Grantee of the grants. The reimbursement process will go through EH Lebanon and the Food Pantry. We will not be involved in any of the reporting, tracking or auditing of the grants.

- Eric Epstein suggested the grants be approved. Mr. Nelligan wanted to know why the Township had to sign the agreements. Mr. Epstein didn't know why but it would let the County know the Township approved. We wrote a letter of support for the 2 grants. This comes out of the County's funding and not the Township's share.
- Discussion continued.
- Mr. Rish noted he would be abstaining on voting since he was not involved in supporting the grants.
- **Mr. Marshall made a motion to sign the grant agreements for East Hanover Lebanon County and the Grantville Food Pantry pending Solicitor Wyland's review of the agreements showing that we have no responsibility associated with the administration of the grants. Mr. Shutt seconded the motion. The motion was approved 3 in favor, Chairman Espenshade, Mr. Marshall, Mr. Shutt; 1 opposed, Mr. Nelligan; 1 abstention, Mr. Rish.**

OTHER BUSINESS FROM THE BOARD

Mr. Shutt asked what would be wrong with having all 3 types of pipe in the ordinance. Chairman Espenshade noted it was felt all 3 should be in the ordinance, but there needs to be some sort of standard and specifications for pipe.

- Mr. Longreen felt the easiest way would be that it would have to be PennDOT approved pipe through the 408. Discussion continued.

BUSINESS FROM THE PUBLIC

Kevin Halbleib discussed his land development plan. He asked for some leniency on building his house and then come back and do all the stormwater requirements when he does the farm buildings.

- Mr. Ulrich asked about the roof leaders. Mr. Halbleib thought they go off the back end, across the driveway and into the berm that is going be built and into the retention pond. The ag buildings will be built later. Mr. Ulrich noted the

house is a small percentage of the overall impervious and there would not be a big impact.

- Mr. Nelligan felt the request is a valid and would like the Board to consider some sort of relief so that he can move forward.
- Solicitor Wyland commented it up to the Boards discretion to grant him temporary relief from completing the stormwater requirements at this time.
- Mr. Ulrich asked where Mr. Halbleib stood with the final paperwork. Mr. Halbleib noted he had to pay the final engineering fees, have the plan recorded and the stormwater agreement.
- Solicitor Wyland noted the shortened agreement should be available this week, but Mr. Halbleib is asking not to have to meet the requirements of the agreement at this time.
- Mr. Halbleib noted if an agreement was provided that he would have to comply with the stormwater requirements in the future, he would not have a problem signing that.
- Mr. Ulrich asked if there would be a problem to run the roof leaders and have those directed to some type of temporary berm. Mr. Halbleib had no problems with that. Mr. Ulrich noted this would then be some one building a house with a minor land disturbance permit and that process is in place. At the time he puts the other buildings up, then the temporary stormwater solution would be abandoned and he would complete the plan as it was proposed.
- Mr. Smith noted there were no concerns from a zoning standpoint.
- Discussion continued.
- Solicitor Wyland noted the agreement could be adjusted to include a clause which describes the phased approach and that Mr. Halbleib won't proceed with the other buildings until he addresses the stormwater. That way he could move forward with the house construction now. Discussion continued.
- **Mr. Marshall made a motion to make changes to the Halbleib plan land development agreement that it is done in phases and stormwater is addressed strictly for the house in the 1st phase. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.**

Mr. Nelligan made a motion to adjourn the meeting. The meeting was adjourned at 9:19 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