

**EAST HANOVER TOWNSHIP BOARD OF SUPERVISORS MEETING
8848 Jonestown Road, Grantville, PA 17028
July 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 7:02 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; 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.

There was an Executive session held at 6:00 PM to discuss legal issues.

APPROVAL OF THE MEETING MINUTES FROM JULY 6, 2010

Mr. Nelligan a motion to approve the minutes of the July 6th meeting. Mr. Marshall seconded the motion. The motion was approved 5 in favor, 0 opposed.

APPROVAL OF THE MEETING MINUTES FROM THE JULY 8TH SPECIAL MEETING

Mrs. Casey noted the 2nd bullet on page 1 reads "every 5 to 10" but should read "every 5 to 10 years"

Mr. Marshall made a motion to approve the minutes as written with the correction. Mr. Shutt seconded the motion. The motion was approved 5 in favor; 0 opposed.

TREASURER'S REPORT

Expenditures:

General Fund	\$ 45,616.81
Operations and Maintenance	\$ 5,959.03
State Fund	\$ 285.08
Park and Rec	<u>\$ 28,981.19</u>
Total	\$ 80,842.11

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

Receipts

General Fund	\$ 136,276.19	\$125,051.60 Grant Reimbursements
WWTP	\$ 13,219.28	
Street Light	\$ 462.46	
Park and Rec	\$ 1,243.21	

Available Funds

General Fund	\$ 863,559.46
Operations & Maintenance	\$ 221,208.87
Street Light	\$ 8,100.79
State Fund	\$ 441,436.96
Gaming Fund	\$ 848,756.06
Public Sewer Fund	\$ 3,386.04
Park and Rec Fund	\$ 39,993.13
TOTAL	\$2,426,441.31

CORRESPONDENCE

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

REPORTS**CODES AND ZONING – DAVID SMITH**

- Mr. Smith noted the Board was presented with the UCC, SEO and Zoning reports on July 6th. They are available at the municipal building for review.

ENGINEERS REPORT – NORMAN ULRICH

- Mr. Ulrich presented his report. It is available at the municipal building for review.
- LTL had a meeting with Hilton Garden representatives regarding some plan changes they are considering.
- There is some construction activity at The Preserve at Bow Creek. They are extending, per plan,
- some road work to allow for additional lots.

WATER AND SEWER COMMITTEE – DAVE MARSHALL

- Mr. Marshall noted on July 8th there was a public meeting and presentation on the update of the Act 537 Plan. Unfortunately, there were not many people at the meeting. The minutes are available for review.

EFMR MONITORING GROUP – ERIC EPSTEIN

- Mr. Epstein provided a report for the Board. It is available for review at the Municipal Building.
- Rt. 743/Rt. 22 update – Mr. Epstein noted he has a meeting coming up this week with the Tri-County Planning Commission. He attended a meeting with the Tri-County Regional Planning Commission on June 25th. The financing that was available for the project was taken out of the T bill and is now not available; however, PennDOT and the TCRPC believe that funding may be available for the project in the TIP program. PennDOT has a plan in place. He is anticipating there will be a meeting in August. Money is supposed to be approved by September and potentially released in October. There seems to be some sense that there will be some funding available for the project.

- Mr. Marshall asked if the TIP money was for the entire Rt. 22 corridor project or just for the intersection. Mr. Epstein noted it was just for the intersection. The funding for the entire project is not available.
- Gaming Grants – as part of the Memorandum of Understanding, the Township has an understanding with Dauphin County that it would reconcile the difference between the 2003 and 2004 budget. This is good for the term of the MOU. Solicitor Wyland has calculated the difference and it appears the Township will receive around \$96,000.00 to make up the difference.
- Table games are up and running and it is anticipated we will receive a check this year in the amount of \$58,000.00 if it is pro-rated.
- The money that is available to East Hanover Dauphin from table games is also available to East Hanover Lebanon.
- There was a piece of legislation that was passed regarding permit extensions. This extends permits issued that would expire between December 31, 2008 and July 2, 2013, to July 2, 2013 and would affect a lot of permits municipalities' issue.
- Solicitor Wyland noted we are still going through the legislation. Any permit, approval, authorization, agreement that was issued after December 31, 2008 having to do with the land development process, will receive an automatic extension of time, subject to some different exceptions until July 2, 2013. The intention was to give a pause to development projects that are approved, underway, etc. to tide over those involved through the economic situation we are in now. Anyone who thinks they are affected by this can request the Township to analyze their situation and confirm whether or not they are subject to the extension. It was opposed by organizations that represent municipalities, but the legislation was approved.
- Mr. Epstein felt this could be an unfunded mandate since there will be engineering fees that might have to be paid if people believe the extension affects them.
- The Local Tax Enabling Act – there is legislation proposed that will remove the whole weighted vote. That has not been passed at this time.
- House Bill 1500 – State Police fee. This bill has reappeared. It would assess municipalities a fee if they rely on the State Police.
- There is a presentation coming up at the August 3rd meeting. Met-Ed will do a presentation on the cost of electricity when the rate caps come off 1/1/2011. The PUC will do a presentation on reliability and service in our area.
- There may be a presentation by SAIC. Mr. Epstein met with them and they think they might be able to beat Met-Ed and the PA League of Cities on a price for electricity.
- Mr. Rish noted the revenues from the State Police legislation would go to the Motor License Fund and asked if that would go towards roads. Mr. Epstein noted it would. At the Governor's Press Conference he said he would entertain a new gas tax. Mr. Epstein felt either they are going to raise taxes through the State Police bill which would target rural areas, or a gasoline tax which would be a much more even tax. What we have been trying to advocate for is if they levy an assessment for the State Police that there are certain exemptions, depending on

the population of the municipalities. Right now the legislation exemption is for populations of 5,000 or less. East Hanover is 5,400 and we would advocate for 7,500 or 10,000. Mr. Rish felt it was odd that they would charge money for Police protection, but then use the money for roads.

- Mr. Ulrich noted Mr. Epstein commented the money was not available for the entire Allentown Blvd. project (Rt. 22) but just for the intersection at Rt. 743/Rt. 22. If the funding is available for the intersection, would it be improved to the degree as shown on the PennDOT plans or it is some hybrid that would have to be modified at a later date. Mr. Epstein felt PennDOT has an idea of what it wants to do with the intersection. The assumption is the Rt. 22 corridor will not happen at this time. The Board of Supervisors and the Township engineer will have to reconcile with PennDOT and the County Planning Commission as to what will happen at the intersection. Mr. Epstein felt that since funding is available for the intersection, they understand that it is a priority.

UNFINISHED BUSINESS

POLICY FOR ADDRESSING SEWER CONCERNS –ENGLEWOOD & PARTRIDGE HILLS

Mrs. Casey noted the Board was provided with a draft policy on Monday. The policy indicates that concerns or complaints have to be in writing and sent to the Board of Supervisors via a letter, or e-mail to the Supervisors e-mail at ehsupervisors@comcast.net, or dropped off at the municipal building. Township staff will review the concern/complaint and forward to the appropriate person. For engineering concerns, LTL Consultants; financial, Stein Consulting; legal, Hawke, McKeon & Sniscak; and any that do not fit into the above categories will be forwarded to the Water and Sewer Committee for review.

- Mr. Marshall asked if the Board of Supervisors will be copied on all concerns. Mrs. Casey noted they will be copied. Discussion continued.
- **Mr. Marshall made a motion to adopt the policy for accepting concerns and complaints for the Englewood and Partridge Hills sewer project. Mr. Nelligan seconded the motion.** A resident asked if the Board is not going to address any concerns unless they are in writing. Chairman Espenshade noted if a resident calls a Supervisor, he won't be able to address the concern without discussing it with the other Supervisors. This way no concerns will be dropped. Everyone will have a copy of the concern and a reply can be given. **The motion was approved 5 in favor, 0 opposed.**

NEW BUSINESS

ADVERTISE OF THE ACT 537 PLAN

Chairman Espenshade noted retroactive authorization for the advertisement of the Act 537 Plan needs to be done for the July 18th advertisement and the July 25th advertisement.

- **Mr. Marshall made a motion to advertise for the 537 Plan on July 18th and July 25th. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.**

USE OF SPECIAL FIRE POLICE FOR WEST HANOVER

Chairman Espenshade noted West Hanover Township’s Park and Rec has requested the use of the Special Fire Police at their 225th Anniversary Celebration to be held on August 28th from 8:00 AM until 4:00 PM.

- **Mr. Nelligan made a motion to authorize the East Hanover Special Fire Police to support the festival to be held on August 28th in West Hanover Township, provided they are available and willing to participate. Mr. Shutt seconded the motion. The motion was approved 5 in favor, 0 opposed.**

2010 GRANTS – ANDY STEIN

Mr. Stein noted the Board has been provided with a potential list of projects to be submitted for the 2010 Grants. He asked for guidance as to what projects he should prepare the grants for. Some of the road and bridge projects were originally priced with the first grant cycle and didn’t want to incur engineering costs to make sure the costs are still good without the Boards approval.

Bridge over the Manada Creek on Jonestown Rd.	\$1,557,000.00
Bridge over Bow Creek on Jonestown Rd.	\$ 590,000.00
Fire Company – New Fire House	\$ 300,000.00
Municipal Equipment – Skid & front end loaders	\$ 200,000.00
New Public Works Building – Design and Permit	\$ 100,000.00
WWTP Solids Drying study & sewer tele-inspection	\$ 50,000.00
Various Road and Bridge Projects	\$ 500,00.00

These projects are not named at this time since they need to be reviewed.

- Mr. Marshall asked if Mr. Stein met with the Fire Co. Mr. Stein noted he has and at the last meeting he was under the impression that they were fine with the Township funding them at \$300,000.00 per year for the next 2 years.
- Mr. Rish asked about the list of the various road and bridge projects. Mr. Stein noted these were submitted with the first year grants and can provide a copy of them to Mr. Rish. Mr. Rish also asked for the information on the municipal equipment. Mr. Stein noted Mr. Longreen had checked the costs under the COSTARS agreement. He will provide the specs and costs to Mr. Rish. Mr. Stein noted since the grant cycle takes a year, the numbers could be slightly off. With the grant for the dump truck during the first year grant cycle, the purchase price came in around \$16,000.00 under what was asked for.
- Mr. Rish noted in discussions with the Fire Co., they had presented us with a 10 year plan of replacement of trucks and equipment. He asked if Mr. Stein had any discussions regarding that. Mr. Stein noted it was an issue that would need to be addressed but there was no request from the Fire Co. at this time for those trucks. There has been ongoing discussion with the Township regarding the replacement of the trucks.
- Mr. Nelligan noted the Fire Co. has not come to the Township for a grant for equipment. Their sole interest is in the building.

- Mr. Rish noted he would like to see the information he requested before voting on the 2010 grant requests.
- By consensus of the Board, Mr. Stein has approval to speak with the Township engineer regarding the updating of the costs for the projects.

REALLOCATION OF GRANTS

Mr. Stein noted the reallocation of grants dollars falls into 2 categories. They are grants that have been completed and closed out and if they came under budget, we will ask those funds to be reallocated to other projects that are on the list. That is the reason we submitted all the road and bridge projects the first year so that funds could be reallocated. The only project at this time that has been under is the truck. Mr. Stein felt we should wait until the other projects are closed out to deal with a lump sum for other projects. The 2nd types of reallocation are those grants that have been materially changed. The 1st grant is the bridge on Jonestown Rd. over the Manada Creek. When that grant was originally submitted, it was thought that a major repair was needed. Since that time, the States engineer, HRG has downgraded the bridge and the best option was a total replacement. The total cost to replace the bridge is in excess of \$2.5 million dollars. The original grant for approximately \$1.1 million, \$58,000.00 was spent for design and survey of the bridge. There is still \$1million remaining. Discussions have been held and there should not be a problem reallocating this grant for the replacement of the bridge. This is why the 2010 grant for the bridge is only \$1.5 million dollars. Of the dollars that were spent, some will be lost dollars since LTL was instructed to look into the repair of the bridge and not a replacement. Some of that work will also be able to be used for the replacement. The other grant to be considered for reallocation is the traffic and sign grant for \$100,000.00. After the grant was submitted, Mr. Longreen found a piece of equipment where if purchased, the Township could manufacture its own signs. For the same amount of money, we can get the equipment and a lot more signs. He asked for Board approval to set up a meeting to ask for the reallocation of the 2 grants.

- **Mr. Marshall made a motion to allow Andy Stein to sit down with the County to reallocate the bridge and sign grants, instead of repairing the bridge, replace it and instead of replacing the signs, to purchase the equipment to manufacture signs and replace them. Mr. Shutt seconded the motion. The motion was approved 5 in favor, 0 opposed**

CRIST ESPENSHADE – VAN

Mr. Espenshade noted the grant for the repairs of the school house was not awarded to the Township. He also commented the Township received a \$700.00 rebate from Hoffman Ford for the van the Township purchased for the seniors. The rebate was received because a handicap step was put on the van.

- Mr. Nelligan noted a young man in the Township will be working towards his Eagle Scout in the near future. The individual noted he would interested on working on projects at the School House as his Eagle Scout project.

OTHER BUSINESS FROM THE BOARD

There was no other business from the Board.

BUSINESS FROM THE PUBLIC

Randy Eckert was attending the meeting as a representative of the Shellsville VFW. He noted the VFW is planning on making improvements to its volleyball court at the picnic grounds. The improvement will require a minor land disturbance permit. Since the VFW is an established non-profit organization in the community, it is asking the Board to consider waiving the permit costs and the escrow requirements

- Mr. Ulrich noted he has spoken with Mr. Eckert regarding the project. The VFW is trying to use some fill from the Fire Cos. new site to bring the volleyball court up about 2 feet. This does trigger a minor land disturbance permit, but all they need to do is put the proper E&S controls in so the soil is kept on the site. There would probably only be 2 inspections required. They are only improving what is already there.
- **Mr. Marshall made a motion to waive the permit and escrow fees. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.**

Dave Kliss of Pheasant Rd. noted he had some questions and concerns he needed clarified. He commented he was informed in a meeting last year that the distance from the sewer line back to a home to be considered for hookup was 150 feet. He asked if that has changed.

- Chairman Espenshade noted the distance has not changed, but the location of the sewer line has. At the time Mr. Kliss was told he would not have to hookup, there was no proposed sewer line on Pheasant Rd. At this time there is.
- Mr. Kliss asked how it was measured. Solicitor Wyland noted it is anywhere along the sewer line to the principal dwelling on the parcel. If it is within 150 feet, you must hookup.
- Mr. Kliss asked if it was 150 feet and 1 inch you would not have to hookup. Solicitor Wyland noted that is correct unless the line was moved closer. Mr. Kliss asked where it was measured from. Solicitor Wyland noted it was from the edge of the sewer pipe. The Township can extend the sewer line closer if it wants to.
- Mr. Kliss noted he read the Act 537 Plan and it talks about door to door surveys, letters sent, and water samples that were taken. None of those things happened on his section of Pheasant Rd. nor with some of the people he talked to on Bunny Ln.
- Solicitor Wyland noted the process of the Act 537 Plan is to get a representative sampling of the Township. The Special Meeting that was held on the plan explained the issues and the process. Mr. Kliss noted he could not be at the meeting since he had to work.
- Mr. Marshall noted Partridge Hills and Englewood were not part of the Act 537 Plan. They were part of the 3M Component. Chairman Espenshade commented the sampling was part of the 537 Plan and not the 3M Component. Partridge Hills and Englewood are included in the 3M Component and not the 537 Plan.
- Mr. Kliss noted he does not live in Partridge Hills but on Pheasant Rd. Chairman Espenshade noted Pheasant Rd. is in the district/area. Partridge Hills and Englewood were not part of the sampling for the 537 Plan since those areas are in the 3M Component.

- Mr. Kliss noted no one in Partridge Hills and Englewood were part of the sampling but the Township is targeting them.
- Chairman Espenshade noted the Township is not targeting anyone. Mr. Kliss commented DEP is not asking for those residents on Pheasant Rd. to be hooked up. Chairman Espenshade noted Pheasant Rd. is part of Partridge Hills. It is in that sewer district area and DEP is asking the area be hooked up.
- Mr. Kliss discussed the statistics from the 537 Plan. Solicitor Wyland noted at the Special Meeting, Mr. Hannum from LTL discussed in detail as to the statistics and it is based on DEP requirements. Discussion continued.
- Mr. Stein noted as part of the requirements for the 537 Plan, there is a process for public comment. These questions/concerns would have to be put into writing and as part of the final plan submitted to DEP, the questions/concerns and the Township's response will be submitted to DEP.
- Mr. Kliss noted there have been a number of lawsuits from citizens against municipalities for excessively high connection fees to sewer systems as compared to previously connected homeowners. He discussed those lawsuits and noted the letter he received indicated he would have to pay \$10,000.00 to connect.
- Chairman Espenshade noted the only fees that were discussed were the connection fee of \$3,500.00 to \$4,200.00 to connect. The resident will be required to lay the line from their resident to the tap and the payment of it. The only fee the Township is requiring is the tapping fee and a \$75.00 inspection fee. Discussion continued.

Forrest Graeff from Pheasant Rd. asked if the comments for the 537 Plan will be a different document from the comments on the new policy for the concerns and comments for Englewood and Partridge Hills.

- Mr. Marshall noted the comments would be separate.
- Mr. Graeff noted the Pheasant Rd. extension of the current project scheduled for 2011 has not been on his radar screen. To find out 3 weeks ago that he may have to hookup has caught him and the other people on Pheasant Rd. by surprise. Partridge Hills has known for a long time that their systems needed to be rectified; however, what came with that was to either live in the area, get out, or start saving money. The residents on Pheasant Rd. did not have the time to make those decisions. He will place his concerns in the public forum so they will be recorded.
- Mr. Marshall noted the reason some of the homes on Pheasant Rd. are being addressed is that there is a pump station going into the area. The Township is looking at tying on other areas outside of Partridge Hills. The previous plan was to use a lot of grinder pumps and they don't work well. A centralized pump station works better. The pump station will be south of the properties and that is why the extension of the line was proposed. This is something that was not originally in the plan. When the first sewer plant was planned, there was supposed to be a pump station at the proposed current location, but it was not built since the location of the plant was changed and the existing plant was not

built until a few years ago. Partridge Hills was not hooked onto the original plant but has to be hooked on now.

- Mr. Graeff noted he is on the Sand Beach end of Pheasant Rd. and this is a concern for him since he is not ready financially for this. Mr. Marshall noted his property might not happen at the same time as Partridge Hills and Englewood. Mr. Graeff commented you don't get that from the documentation.
- Chairman Espenshade noted the Component 3M plan showed there were some issues in Mr. Graeff's area. There could be a possibility to do it with Partridge Hills, which would bring the cost down. If not done now, the cost could be more. We don't know at this time if the 537 Plan will be approved before the project starts at Partridge Hills.
- Mr. Marshall noted Mr. Graeff would be looking at approximately 2 years from now or until approval is received from DEP to put Pheasant Rd. into the project.
- Discussion continued.
- Mr. Graeff asked what the process would be to inform the residents. Chairman Espenshade noted the Township sends letters to those residents in the areas that are affected but the Township can't do anything until DEP reviews the 537 Plan and gives its approval. Public comment does have to be in writing so DEP can review it.

Matt Corbey of 1801 Silverleaf Ln. at the Preserve of Bow Creek noted he just recently moved into the community. He spoke with Dave Smith regarding setbacks on his property that changed in 2003. Apparently Keystone Custom Homes was approved with their lot plans to have a certain setback distance from property lines. Originally it was 25 feet, now it is 40 feet. His lot is .3 acres. The new ordinance now requires an acre lot and a 40 foot setback. He noted he is going to be going before the Zoning Hearing Board since he wants to build a deck and he can't meet the setbacks. He will be requesting a variance for the setbacks. His concern is that no one in the development was aware of the new setbacks. Keystone provided buyers with a plot plan and indicated that was the box they would have if they wanted to build anything on their property. The deck he wants to build on the rear of his property does not meet the new setbacks. The concern is that there is lack of information from Keystone. The residents want to know if it is fair to expect small lots to conform to the standards of an acre or more lot.

- Mr. Corbey presented a plot plan of his property and described it. The deed has changed hands from Keystone to him and he now has to conform to the new ordinances. Keystone was approved to build within the old ordinances and he has less room to add on with the new ordinances. He asked if it was brought to the Board's attention of the restrictions.
- Mr. Smith noted Mr. Corbey is the 3rd property that has been in this situation. There have been 2 properties that have gone before the Zoning Hearing Board to get variances. Another individual has requested the information. At the last Zoning Hearing, the Zoning Hearing Board (ZHB) asked if the ZHB attorney could speak with the Township's solicitor to discuss the issue if the builder could notify the purchasers of the properties that once they purchase the property, they now fall under the 2003 ordinance. There are other lots that are considerably

larger than Mr. Corbey's lot where decks have been placed and have met the new ordinance.

- Mr. Corbey asked if the Board can look into a change to the ordinance to change the setbacks for the individuals that live in the Preserve.
- Mr. Ulrich noted changes could be made to the ordinance.
- Mr. Smith commented the property is currently zoned Residential Medium Density. When the plan was approved it was zoned a Conservation district which allowed them to do the density, a cluster development, with open space.
- Discussion continued.
- Solicitor Wyland noted you can amend the zoning ordinance if you have a lot of people in Mr. Corbey's position in the area he lives in and the type of plan this property was developed under. The way it is set up now, you have to go for individual relief before the Zoning Hearing Board.
- Mr. Shutt noted this individual's home was just built and he is now suffering with a problem with the new ordinances. The builder of the property should be informing the individuals of the issues.
- Mr. Epstein felt it should be the responsibility of the developer to disclose what is going on. He did not feel it is the responsibility of the local government to get involved with settlement discussions.
- Discussion continued.
- Solicitor Wyland commented that zoning laws are slowly implemented. Once a plan is submitted and approved under ordinances, you can't change the laws until the plan is done or changes owners.
- Mr. Marshall noted Bow Creek was approved in stages. When the phases were approved, would they have to apply to the new zoning ordinances. Mr. Ulrich commented it was not when the plan was approved, but when the preliminary plan was submitted. Mrs. Casey noted the plan was submitted before 2002. Discussion continued. It was noted that many properties are in non-conformance with the Township ordinances as they exist today.
- Supervisor Rish left at 8:24 PM.
- It was noted that the Township could request that Keystone make the future homeowners aware of their requirements to conform to the new ordinances.
- Discussion continued.
- Chairman Espenshade asked if Mr. Corbey talked with the homeowners association before he bought his property. Mr. Corbey noted he did not. Chairman Espenshade commented that if it was a possibility to mention it to the home owners association that it could alleviate future problems.
- Mr. Corbey noted potential owners of properties are provided with the Homeowners Association rules and regulations prior to settlement, but not the zoning ordinances.
- Discussion continued on the zoning and the requirements of the zoning for a residential medium density zone and the requirements for that zone for sewer and water.
- Mr. Smith noted the ZHB attorney will be contacting the Township Solicitor regarding this issue.

- Mr. Shutt felt the Board needs to address this issue.
- Mr. Marshall suggested that Mr. Smith and Solicitor Wyland discuss the issue with the ZHB solicitor and come up with a proposal that would cover a medium density development with public sewer and no public water with some changes in setbacks.
- By consensus of the Board a solution will be looked into for the issue.

Mr. Shutt made a motion to adjourn the meeting. The meeting was adjourned at 8:41 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