

**EAST HANOVER TOWNSHIP BOARD OF SUPERVISORS MEETING
8848 Jonestown Road, Grantville, PA 17028
August 17, 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.

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

APPROVAL OF THE MEETING MINUTES FROM AUGUST 3, 2010

Mr. Marshall made a motion to approve the minutes as written. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.

TREASURER'S REPORT

Expenditures:

General Fund	\$ 89,991.94
Operations and Maintenance	\$ 9,546.32
Gaming Fund	\$ 18,413.19
Park and Rec	\$ 3,369.97
Total	\$121,321.42

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

Receipts

General Fund	\$ 12,090.98
WWTP	\$ 65,138.72
Street Light	\$ 164.41
Park and Rec	\$ 217.50

Available Funds

General Fund	\$ 777,074.65
Operations & Maintenance	\$ 282,270.25
Street Light	\$ 7,972.65
State Fund	\$ 441,447.95
Gaming Fund	\$ 830,606.30
Public Sewer Fund	\$ 3,386.14

Park and Rec Fund	\$ 39,132.92
TOTAL	<u>\$2,381,890.86</u>

CORRESPONDENCE

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

REPORTS

PUBLIC WORKS – CHARLES LONGREEN

- No report.

CODES AND ZONING – DAVID SMITH

- Mr. Smith noted the Board was presented with the UCC, SEO and Zoning reports on August 3rd. They are available at the municipal building for review.

ENGINEERS REPORT – NORMAN ULRICH

- The construction activity at The Preserve at Bow Creek is continuing. They are completing the additional sanitary sewer and have started the storm sewer work.
- The progress on the Thompson plan and Mama's Pizza is being reviewed.

WATER AND SEWER COMMITTEE – DAVE MARSHALL

- Mr. Marshall noted on August 5th the committee met and there were members of the public that attended.
- The Aquifer Study was discussed and at the next Water and Sewer Committee meeting there will be a presentation from LTL. He encouraged the Supervisors to attend the meeting since this grant is wrapping up.
- Two possible grants for sewer and water were discussed. The first one was to do a baseline data study of the collection system we currently have to determine its condition. The second was to do a study to see at what point we need to look at doing sludge removal and treating it ourselves vs. paying for the removal and treatment. That grant would not exceed \$50,000.00. The second grant is what the committee is recommending at this time.
- The Act 537 Plan and Partridge Hills and Englewood sewage design were discussed and questions from the public were answered.
- **Mr. Marshall made a motion to allow Chris Hannum and Andy Stein to prepare a grant for the sludge treatment at the sewer plant. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.**
- Mr. Marshall noted if residents have questions about the Englewood and Partridge Hills project or the Act 537 Plan and they don't want to put them in writing, they should attend the Water and Sewer Committee meetings since the professionals are there at those meetings. The meetings are held on the first Thursday of each month at the Municipal Building beginning at 7:00 PM

EFMR MONITORING GROUP – ERIC EPSTEIN

- A report has been provided to the Board. It is available for review at the Municipal Building.

UNFINISHED BUSINESS

HERSHEY TRUST/HALBLEIB ANNEXATION PLAN

- Greg Rogalski of Pennoni Associates was present to represent the plan. The plan is a simple land swap plan. It takes a portion of land owned by the Hershey Trust Company and gives it to Kevin Halbleib to straighten up some boundary lines. There is no construction proposed. The Planning Commission has recommended the plan for approval and Mr. Ulrich's comments have been received and are being addressed. A corrected plan will be submitted.
- Mr. Ulrich noted the Planning Commission approved the plan conditioned upon completing the items in LTL's July 20, 2010 letter. A revised plan has been submitted but not yet reviewed since LTL is waiting for the Board's approval.
- **Mr. Rish made a motion to grant the waiver requests for Section 402.5.8 Wetland Study and Section 614.1, survey monuments for the plan. Mr. Marshall seconded the motion. The motion was approved 5 in favor, 0 opposed.**
- **Mr. Rish made a motion to approve the plan conditioned on the applicant conforming to the issues address in the July 20, 2010 letter from LTL and the payment of outstanding fees. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.**

POWER SAVER UNIT – WASTEWATER TREATMENT PLAN

- Mr. Espenshade noted Mr. Schumacher from Met-Ed provided a response to the Boards previous question regarding the benefit of the unit to the Township.
- Mr. Nelligan noted he reviewed the response and felt that Mr. Schumacher may be correct but was not sure. He had a discussion with Mr. Marshall after Mr. Marshall reviewed the demand rate at the plant, and at this time, there could potentially be some savings, but the question would be how long it would take to repay the cost of the equipment. He suggested we watch the rates over the next year and discuss it in the future.
- Mr. Marshall noted he reviewed the electric bill and the Township is being charged for 59 demand points at the sewer plant at the rate of a little over \$3.00 per demand point. If the rate was higher, the unit would repay itself rather quickly. He felt it would have a savings on the demand, but the repayment would be slow. With the deregulation of the electric, he does not know if there will be a change in the demand charges. He felt we should wait to see what the changes are next year.
- Mr. Stein noted we are in the first year of Act 129 which is where the power companies are supposed to be reducing their demand usage. Depending on how Met-Ed does over the next year, there might be a program where they would fund it for you.

2010 GAMING GRANTS – ANDY STEIN

- Mr. Stein noted the Board has a draft of what will be submitted for the 2010 grants. There are additions that need to be made.
- Mr. Stein indicated that the support letter for South Central EMS needs to be addressed. When he and Solicitor Wyland met with representatives of the County, they indicated they are trying to limit the number of County sponsored grants and are asking different organizations to get one of the eligible Townships to sponsor grants. This would change the South Central grant from a support document to a sponsorship. Last year we sponsored a grant that did not count against the Townships MOU monies. A letter has been drafted for the South Central EMS grant that indicates we would sponsor its grant, but the monies would not go against the Township's monies. If the Board approves the letter, then Mr. Stein will meet with the County to see if the South Central grant needs to be submitted with the Township's grant package.
- Mr. Rish noted the letter indicates the Township is going to sponsor the grant, but it would not be counted against the Township's monies. Mr. Stein explained that only contiguous Townships could put in for certain pots of money. At this point in time, the County's preference is they don't sponsor grants since it would come out its monies. The Township sponsoring the grant would enable the money to come out of local share portion of gaming monies. The County has asked us to make an accommodation and by making the accommodation, they won't charge it against our MOU.
- Mr. Nelligan questioned the difference between support and sponsorship in this instance. Mr. Stein noted they are one in the same in this case. The only way you can get into the local share monies is to be sponsored by one of the eligible Townships. In the past we have written letters of support, in this case we are technically sponsoring the grant but it is not coming out of our share of the MOU monies.
- Solicitor Wyland noted the County administers 2 sources of money. The one is for the County itself. If there is a project that wants monies from the County's source, the County looks to the Township and asks if it is ok and that is when we send a letter of support. The other source of money is for the contiguous municipalities. In that bucket is around \$9 million dollars and about \$3.1 million has been set aside for East Hanover Township. Anyone who wants to get money from that bucket needs to get a Township sponsor. South Central is saying they want the money from the municipalities bucket, but not from the Township's \$3.1 million share. South Central is not eligible to apply for the money out of the municipalities bucket so we are the official sponsor for that request. It does not come out of our \$3.1 million..
- Mr. Rish noted last year the Township sponsored the Food Pantry grant which did not come out of the Township's monies. He asked if there were others. Mr. Stein noted the Township also did a onetime sponsorship for a project for East Hanover Lebanon County. We also sponsored the Fire Co. and also wrote a letter of support for an additional grant for the Fire Co. to get monies out of the County's portion of the funds.

- **Mr. Nelligan noted he would abstain from voting on the letter for South Central.**
- Mr. Marshall asked what the grant was for. Mr. Nelligan noted it was for replacement of an ambulance.
- **Mr. Marshall made a motion to write a letter of sponsorship providing the funds do not come out of the Township's pool of money, for South Central EMS. Mr. Shutt seconded the motion.** Keith Oellig noted with the renovations at the Conewago Elementary School, a traffic study indicated a red light would be needed at the intersection of the School and Rt. 743. He wondered if the Township could support or sponsor a grant for the light. It was noted the deadline for next year would be the end of June. **The motion was approved 4 in favor, Chairman Espenshade, Mr. Marshall, Mr. Rish and Mr. Shutt; 0 opposed; 1 abstention, Mr. Nelligan.**
- On the last page is a list of the prioritized grants. If the present order is alright, we will leave it as it is. Mr. Longreen noted he would the last 2 grants flipped and put the paving before the equipment.
- Mr. Stein noted the County has indicated the Township can submit a single grant package this year as opposed to separate grants by category. The County has also de-emphasized the amount of support letters. It now wants the number of letters required to meet the statutory requirements. Five support letters will be enough.
- Wayne Isett gave the Board a copy of the additional Fire Co. grant. He will also provide a support letter for the Township.

SHIRK SUBDIVISION – GRANT OF AN EXTENSION OF TIME

- Chairman Espenshade noted a letter has been received from Mr. Shirk for a grant of an extension of time.
- Discussion was held on the extension of time and the time frames.
- **Mr. Rish made a motion to accept the grant of a 30 day extension on the Edwin Shirk subdivision. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.**

NEW BUSINESS

RESOLUTION 2010-09 – AMENDED COMPONENT 3M

- Chairman Espenshade noted the resolution deals with the change to the pump station and the information presented at the June 3rd Special Meeting.
- **Mr. Marshall made a motion to adopt Resolution 2010-09. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.**

BUDGET WORKSHOP – SCHEDULE DATE

- **Mr. Rish made a motion to advertise for a budget workshop on September 9th at 7:00 PM at the Township building. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.**

OTHER BUSINESS FROM THE BOARD

Mr. Rish commented a letter was received from the Historical Society regarding the use of the old Township building for a site to store things.

- Mr. Longreen noted he would be looking at the old building and the shed to see what space would be available.

BUSINESS FROM THE PUBLIC

David Boyd felt communication needs to be discussed. He received an e-mail from Mr. Hannum regarding the e-mail Mr. Boyd had sent to the Board trying to clarify the 150 feet from the house for hookup to the sewer. The e-mail he received confused him since it indicated Mr. Boyd's comments were received and a response will be provided as part of the final phase of the plan. He was under the impression after the August 3rd meeting that Mr. Hannum would address the issue to Mr. Boyd in writing and that did not happen.

- Chairman Espenshade noted an exact time was not given for a response back to Mr. Boyd and asked if the response needed was in reference to the 150 feet for hookup. Mr. Boyd noted he got the answer from the paper.
- Chairman Espenshade commented the Township's Ordinance mirrors the State's statute. The question is what the interpretation of the statute is. What he told Ms. Miller when she asked him the question, and she did not include the rest of the conversation, was previously we had the issue with the first phase of the sewer system. He told her he wanted to contact some of the previous Supervisors because he knew that issue came up before. He would like to keep it whatever it was at that time. He didn't know if that answered Mr. Boyd's question or if he wanted Mr. Hannum to write him a letter.
- Mr. Boyd felt it was a matter of getting adequate communications in response to a request. The terminology was a general question and not a 537 Plan question. It was assumed his e-mail was in regards to a 537 Plan question and it was not. There was nothing in the minutes relative to the conversation held at that meeting. Mr. Hannum is still under the assumption that his e-mail related to the 537 Plan. He wanted clarification and felt all the comments should be in the meeting minutes.

Dave Kliss had questions about the terminology of a right-of-way. He asked what the Township's definition is of a right-of-way.

- Solicitor Wyland noted in the law it is a generic phrase and is often used interchangeably with the idea of an easement. It has to do with the right of passage, but is also used in a different context when you are talking about the width of a roadway or a railway. Discussion continued.
- Mr. Kliss asked if on his property is an easement or right-of-way. This is in regards to the Township's right-of-way on his property regarding the road. He asked if the right-of-way on Pheasant Rd. is 33 feet. Mr. Longreen noted it would be a 33 feet right-of-way.
- Mr. Kliss asked who owns the right-of-way. Mr. Longreen noted it is the Township's right-of-way if the Township so desires to use it for its benefit.

Discussion was held on a fee simple transfer. Solicitor Wyland noted some properties are deeded to center line of the road but subject to the Township right-of-way.

- Mr. Kliss noted he has been at the recorder of deeds and looked at the property deed when it was an empty lot and the only thing he saw was the ultimate right-of-way and there is no definition of the right-of-way and who owns the property. Discussion continued on the right-of-way and utilities and ownership of the right-of-way.
- Mr. Kliss noted his discussion revolves around the signs he was cited for and it talks about signs in the right-of-way. If the Township owns the right-of-way, then it is municipal property. Solicitor Wyland noted that is not necessarily true. It can be land you own but is subject to an easement or right-of-way and the legal right of another person to use it. Discussion continued.
- Mr. Longreen noted under the 2nd Class Township Code, a right-of-way, whether it was recorded or not, is 33 foot on the public roadways. It is the Township's to use for roadwork, etc. Discussion continued.

Mr. Rish felt the questions regarding the sewer should be answered more quickly. Mr. Marshall noted that is why he suggested people come to the Water and Sewer Committee meetings since those questions can be asked there. Mr. Rish felt people may not be able to go to the meetings and the questions should be answered as soon as possible, regardless of whether they are for Partridge Hills and Englewood or the 537 Plan. Discussion continued on responses to questions. Solicitor Wyland noted he would follow up with Mr. Hannum to get a response to Mr. Boyd's questions.

Mr. Nelligan made a motion to adjourn the meeting. The meeting was adjourned at 8:17 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