

**EAST HANOVER TOWNSHIP BOARD OF SUPERVISORS MEETING  
8848 Jonestown Road, Grantville, PA 17028  
April 6, 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; Charles Longreen, Director of Public Works; Curtis Cassel, Wastewater Treatment Plant Operator; 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 5:30 PM to discuss personnel and legal issues.**

**The decision on the SVSC Conditional Use will begin at 7:30 PM.**

**A Public Hearing will be held for Ordinance 2010-02 – Devonshire Heights Rd. Speed Limit after the decision on the Conditional Use.**

**A Public Hearing will be held for Resolution 2010-07 Liquor License Transfer for Villa Rosa immediately following the hearing for Ordinance 2010-02.**

**APPROVAL OF THE MEETING MINUTES FROM MARCH 16, 2010**

**Mr. Marshall made a motion to approve the minutes as submitted. Mr. Nelligan seconded the motion.** Mr. Nelligan recognized Mrs. Casey for the job she did on the minutes. **The motion was approved 5 in favor; 0 opposed.**

**TREASURER'S REPORT**

Expenditures:

General Fund	\$ 75,070.02
Operations and Maintenance	\$ 40,540.55
Street Light	\$ 374.06
Park and Rec	<u>\$ 1,137.80</u>
Total	\$117,122.43

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

## Receipts

General Fund	\$ 35,893.38
WWTP	\$ 16,104.60
State Fund	\$ 12,480.00
Street Light	\$ 1,090.17
Park and Rec	\$ 590.00

## Available Funds

General Fund	\$ 672,311.53
Operations & Maintenance	\$ 223,508.45
Street Light	\$ 5,099.23
State Fund	\$ 478,488.60
Public Sewer Fund	\$ 3,485.64
Park and Rec Fund	<u>\$ 81,428.61</u>
TOTAL	<u>\$1,818,825.53</u>

**CORRESPONDENCE**

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

**REPORTS****PARK AND RECREATION – STEVE ESPENSHADE**

- The Bunny Breakfast on March 27<sup>th</sup> served 173 people. It went well.
- Sports Complex Rules and Regulations – this was put into the Supervisors in boxes for review and is something that would be handed out to all teams that request to use the fields when they get their keys.
- Money was budgeted to repair the backstop and some of the chain link fence at the Sports Complex baseball field. A proposal was received from Marion Fence in the amount of \$3,965.00. Marion was used in the past and we were pleased with their work. Mr. Espenshade asked for approval of the proposal. Mr. Rish asked if they got quotes from anyone else. Mr. Espenshade noted they did not. Marion performed the installation of the fence last year. That was put out to bid. Mr. Marshall felt since it went out to bid last year and Marion had the best price, he was ok with using them. Discussion continued.
- **Mr. Marshall made a motion to allow Marion Fence to do the fencing needs for Park and Rec in the amount of \$3,965.00. Mr. Shutt seconded the motion.** Mr. Rish noted he would prefer to see quotes from at least 3 places before a decision is made. **The motion was approved 4 in favor, Chairman Espenshade, Mr. Marshall, Mr. Nelligan and Mr. Shutt; 1 opposed, Mr. Rish.** Discussion was held on what dollar amount required proposals. It was noted \$4,000.00 and over required 3 proposals.
- Mr. Espenshade noted it was also budgeted to redo the large soccer field in the Sports Complex. Recommendations were received as to what needs to be done and a proposal was received. The field is in bad shape. The proposal was put into the Supervisors in boxes. It is broken down into 3 phases. It was noted the

Board did not have a chance to review the proposal since it was just put into their inboxes the evening before the meeting. Mr. Marshall noted he would like to table action until the next meeting. This will be on the agenda for the next meeting.

- Mr. Espenshade noted the public works department ran a conduit for a water line from the proposed well site to the existing building. It was back filled but not re-seeded. The Park and Rec Board would like to have the contractor that will be doing the soccer field, re-seed that area. This would be a separate proposal.
- Mr. Espenshade commented 3 requests have been received to use the baseball fields. These are the same 3 teams that have used the field in the past. Chairman Espenshade will sign the agreements.

### **PUBLIC WORKS DEPARTMENT – CHARLES LONGREEN**

Mr. Longreen presented his report for the month of March. It is available at the Municipal Building for review.

- The paperwork is ready for the Federal Surplus update which needs to be signed by Chairman Espenshade. This needs to be renewed every 3 years.
- Mr. Longreen requested permission to purchase an electric griddle for the kitchen. It is 36 inches long and 26 inches wide. The cost is around \$1,255.00. There may be an additional cost for shipping. The microwave in the kitchen needs replaced. The cost would be \$163.78. The total for the 2 items is \$1,418.78. There is around \$40,000.00 in the budget for kitchen renovations.
- Chairman Espenshade asked if the griddle would be permanently mounted. Mr. Longreen noted it would not be but weighs around 300 lbs. and would not be easy to move. It could be hard wired.
- **Mr. Nelligan made a motion to authorize the Public Works Director to purchase the electric griddle and replace the microwave with a new one at the approximate cost of \$1,418.78. Mr. Shutt seconded the motion. The motion was approved 5 in favor, 0 opposed.**
- Mr. Longreen noted West Hanover has Camp Kiawans Rd. closed from April 5<sup>th</sup> to April 26<sup>th</sup>.

### **GRANTVILLE VOLUNTEER FIRE COMPANY – WAYNE ISETT**

- A Spaghetti Dinner was held in March. The Fire Co. cleared over \$1,200.00
- The Fire Co. supported the VFW at its Easter Egg Hunt.
- April 24<sup>th</sup> will the 4<sup>th</sup> Annual Chinese Raffle.
- May 1<sup>st</sup> a chicken BBQ will be held for the elementary school's May Day.
- There are several chicken BBQ's scheduled for the summer. On May 29<sup>th</sup> there will be a chicken and pork rib BBQ.
- The Harley Davidson motorcycle raffle is continuing.
- Everything is booked for the Carnival.

### **PUBLIC SAFETY ADVISORY COUNCIL – JOHN NELLIGAN**

- The Council met on March 22<sup>nd</sup>. Sgt. William Bowen was in attendance who is the designated officer in charge for the Hollywood Casino for the State Police. He provided a report on how it is going at the Casino.

- The Council has agreed that it would be to the Township's benefit to have an incident management plan in place for emergency situations that would develop at the Casino. This would be above and beyond the normal routine issues. Casino management is in agreement to work with Fire, PSP, EMS, and the Public Safety Council to achieve that goal.

#### **EMERGENCY MANAGEMENT – JOHN NELLIGAN**

Mr. Nelligan noted there was no report.

#### **WASTEWATER TREATMENT PLANT – CURTIS CASSEL**

Mr. Cassel presented his report for the month of March. It is available at the Municipal Building for review.

- Mr. Cassel noted we budgeted for spare pumps for Crawford Rd. and Rt. 22. What was budgeted for is close to the proposals. Mr. Cassel did not have a copy of the proposal for the Board.
- **Mr. Marshall made a motion to purchase the 2 pumps and have Mr. Cassel provide the actual numbers to the Board. Mr. Shutt seconded the motion. The motion was approved 5 in favor, 0 opposed.**

#### **ENGINEERS REPORT – NORMAN ULRICH**

- Mr. Ulrich provided his report to the Board. It is available at the Municipal Building for review.
- Penn National Table Games – the project is moving forward and we anticipate a revised submission shortly.
- Thompson Subdivision – Lot 2 is moving forward and this would fix 3 out of the 4 lots.

#### **7:30 PM - CONTINUATION OF THE CONDITIONAL USE FOR SVSC – BOW CREEK MALL**

Solicitor Wyland noted there are 3 things on the agenda scheduled for 7:30 PM. This is the time and the place noticed for a decision on SVSC Conditional Use application for the Bow Creek Mall; a public hearing for Ordinance 2010-02, the Devonshire Heights Rd. speed limit; and the 3<sup>rd</sup> is a public hearing for Resolution 2010-07, a Liquor License transfer for Villa Rosa.

At the last meeting the Bow Creek Mall, SVSC Conditional Use application had a public hearing and an extensive record was developed and transcribed by Mrs. Casey. The record was closed for public comment but held open for the limited purpose for the Board to receive the decision on 2 applications that were in front of the Township's Zoning Hearing Board, which met on March 31<sup>st</sup> and voted in favor of the 2 pending applications, one was for a Special Exception for the Bow Creek Mall project for a fast food restaurant. Under the ordinances, if you have a fast food use it has to have a Special Exception and it was granted by the Zoning Hearing Board. The second was for a Variance. The Zoning Hearing Board granted the Variance having to do with the water supply. Normally a public water supply is required for a shopping center, in this case there is no public water anywhere in the Township and the Variance was granted

allowing for a non-public source for the property. The decision on the SVSC Conditional Use application is now ready for the Board. Chairman Espenshade noted the Board has received the decision of the Zoning Hearing Board and action is now in order.

- **Mr. Nelligan noted following the guidelines established by the Zoning Hearing Board and its decision to provide for a Special Exception and a Variance for public water he made a motion that the Conditional Use application for SVSC LLP – Bow Creek Mall be approved. Mr. Marshall seconded the motion. The motion was approved 5 in favor, 0 opposed.**

#### **7:37 PM – ORDINANCE 2010-02 DEVONSHIRE HEIGHTS RD. SPEED LIMIT**

Solicitor Wyland noted Ordinance 2010-02 would change the speed limit to 35 MPH on Township Rd. T430, which is Devonshire Heights Rd., from SR2015 Sandbeach Rd. 1.7 miles to the West Hanover Township line. This is the time and place advertised for a public hearing on the ordinance. Solicitor Wyland opened the record for public comment.

- There was no public comment.
- The record was closed at 7:39 PM for comment.
- Mr. Marshall asked if they are paying for the signs. It was noted that was the understanding.
- **Mr. Rish made a motion to adopt Ordinance 2010-02. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.**

#### **7:42 PM – PUBLIC HEARING FOR RESOLUTION 2010-07 TRANSFER OF LIQUOR LICENSE.**

Solicitor Wyland noted it was the time and place advertised for the public hearing on Resolution 2010-07 an application for a liquor license transfer for Villa Rosa. The Township has seen a similar application within the past year. The Liquor Code allows for a transfer of a liquor license from one municipality to another. This is a restaurant liquor license. When this happens, the first stop for the applicant before it goes to the Liquor Control Board is at the Township to get permission for the transfer of the license into the Township. If the Township allows the transfer, then the applicant can go on to the Liquor Control Board (LCB) and the LCB makes the final decision. If the Township were to decline the application for the importation of the license into the Township, the process would stop and the applicant would not be able to make an application to the LCB.

- Solicitor Wyland opened the record for public comments on the Villa Rosa license transfer.
- Jeffrey Arnold, attorney for the applicant, noted his client is asking for the request of the acceptance of the transfer of a liquor license from the Hummelstown Borough to Villa Rosa which is at 9916 Allentown Blvd. It will be held in the limited liability company name which is the same people who have been operating Villa Rosa for the past 3 years. There will not be any changes to their operations or structure. The license is to purely enhance the dining experience of their customers. There have been numerous requests since they have been in business to have wine with their meals. The liquor license became available, and they have an agreement to purchase the license provided they can transfer it

to their facility. They have no plans to make changes to their facility with take out beer. It is purely to benefit their customers dining experience.

- Mr. Rish asked if it covered beer, wine and liquor. Mr. Arnold noted it did and is a regular retail restaurant liquor license.
- Eric Epstein, EFMR Monitoring, asked if the Supervisors approve the applicants request, and it goes to the LCB, is the Township usually the hurdle. He also asked what percentages of transfers approved by a municipality are denied by the LCB. Solicitor Wyland did not know what the denial percentage was. There are general tests of fitness, etc. He would guess the municipality is the biggest hurdle in a transfer.
- Mr. Epstein asked what recourse does a municipality have once they approve a license transfer should the applicant not be able to follow through on their commitments. Solicitor Wyland noted granting the request is the only control a municipality has. Once a license is granted by the LCB, the LCB has sole and complete control over the licensee who keeps it and all the conditions and enforcement.
- Mr. Epstein asked if the applicant has conducted a traffic count. What is the traffic flow and is the intersection failing. Has there been an incident account regarding traffic accidents and what is the historical data.
- Mr. Arnold noted there have not been any studies done. There were some questions regarding egress and ingress which were addressed with the owners.
- Solicitor Wyland noted the approval process in the Liquor Code does not have any specific standards that the Township has to meet. It is discretionary with the Township.
- Chairman Espenshade commented once the license is approved and comes into the municipality, it is here and we have no control if the owner would like to sell it to someone else in the municipality. Solicitor Wyland noted once it is in the Township, it can be transferred within the Township for a period of 5 years.
- Mr. Arnold noted it has to remain in the Township for 5 years. You can't sell it outside the Township during that time period.
- Chairman Espenshade noted his question is once it is here; they are free to do with whatever they wish with the license within the Township. Solicitor Wyland noted they are subject to LCB approval but not Township approval.
- Chairman Espenshade noted once it is allowed in the Township, it is here and the Township is done with it.
- Mr. Marshall asked at the end of the 5 years, if it is transferred within the Township, does it have to come before the Board again. Solicitor Wyland noted after 5 years, the owners of the license are free to sell and transfer it out of the Township. The 5 year period is it remains in the Township.
- Mr. Arnold commented the 5 years is that the Township has to accept the transfer since its quotas have already been met. The LCB would not let the applicant import the license into the municipality and then ship it somewhere else. The Township would know it would be there for 5 years.
- Eric Epstein asked if it could be transferred to another establishment in the Township that the Supervisors may have previously denied. Would the Supervisors have the ability to intercede if they wanted to transfer this license to

an entity the Supervisors objected to? Solicitor Wyland noted if the Cali's wanted to transfer the license within the Township to another business, and the Township objected, the Cali's would not have to get the Township's approval, but they would have to make application to the LCB. The Township could, if it wanted to, intervene with the LCB's decision. It is the LCB's decision, not the Township.

- Mr. Epstein noted hypothetically, there could be an opportunity for someone who was denied a license to get a license from an existing applicant, even though we may have denied an application in the past. Solicitor Wyland commented Mr. Epstein was correct.
- There was no further public comment.
- Solicitor Wyland closed the record for public comment.
- **Mr. Rish made a motion to adopt Resolution 2010-07 granting approval of the transfer of the liquor license. Mr. Marshall seconded the motion. The motion was not approved 2 in favor, Mr. Marshall and Mr. Rish; 3 opposed, Chairman Espenshade, Mr. Nelligan and Mr. Shutt.**
- **Mr. Nelligan made a motion to adopt Resolution 2010-07 denying the transfer. Mr. Shutt seconded the motion. The motion was approved 3 in favor, Chairman Espenshade, Mr. Nelligan and Mr. Shutt; 2 opposed, Mr. Marshall and Mr. Rish.**
- Solicitor Wyland noted 2 resolutions were prepared, both numbered 2010-07, one for acceptance, one for denial. The Board will sign the one for denial.

#### **EFMR MONITORING GROUP – ERIC EPSTEIN**

- Mr. Epstein did not have a report at this time.

#### **DAUPHIN COUNTY TAX COLLECTION COMMITTEE – DEB CASEY**

Mrs. Casey reported the last meeting was held on March 17<sup>th</sup>. The draft by-laws were discussed. One vote per entity was discussed. A motion was made to adopt an amendment to the by-laws sent to the committee the afternoon of the meeting, which gave one vote per entity for everything but the tax collector, which would be a weighted vote. The motion was immediately seconded and a vote was taken. The motion was approved and was done by a weighted vote. The weighted vote will be used to appoint a tax collector. A revised draft of the by-laws has been sent to the committee for review. The next meeting is April 14<sup>th</sup> and the by-laws will be adopted since they have to be submitted to DCED by April 15<sup>th</sup>.

- Mr. Epstein asked if they picked a solicitor. Mrs. Casey noted Guy Beneventano was chosen as solicitor. RFP's were put out for the solicitor and the vote was done by a weighted voted.
- Mr. Epstein asked for an explanation of a weighted vote. Mrs. Casey noted the weighted vote means an entity that has a larger population and tax revenue gets a higher percentage of the vote. There were a lot of entities that fought to get rid of the weighted vote.

## **WATER AND SEWER COMMITTEE – DAVE MARSHALL**

- Mr. Marshall reported the Committee met on April 1<sup>st</sup>. Discussion was held on finishing up the 537 Plan. Within in the next 30 days, the Board should have a copy of the proposed 537 Plan to go to DEP for its review. There were questions from LTL of the committee as to the direction we need to take on certain options. Directions were given to LTL for the purpose of the draft. The rest of the meeting was spent on reviewing the other 5 County grants we have regarding the percentage of completion and how the budget is working out. This information was provided to the Board.

## **UNFINISHED BUSINESS**

### **HIGHWAY OCCUPANCY PERMIT – RT. 743 – PROPOSED SEWER PROJECT**

Solicitor Wyland noted in District 8, PennDOT has a list of standard conditions which is incorporated into the permit. He has reviewed the conditions and discussed them with LTL. It has been determined that these are standard conditions and the permit is ready for approval.

- **Mr. Marshall made a motion to sign the Highway Occupancy Permit for Rt. 743 for the sewer construction. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.**

## **NEW BUSINESS**

### **2010 GRANT AGREEMENTS**

Solicitor Wyland noted he has reviewed the agreement.

- **Mr. Nelligan made a motion to enter into the Dauphin County Local Share Municipal Grant Agreement No. 2010-22. Mr. Shutt seconded the motion. The motion was approved 5 in favor, 0 opposed.**

### **PENN NATIONAL GAMING – GRANT OF AN EXTENSION OF TIME – LAND DEVELOPMENT OF PLAN**

- **Mr. Rish made a motion to accept the grant of an extension of time from Penn National until May 17, 2010. Mr. Shutt seconded the motion. The motion was approved 5 in favor, 0 opposed.**

### **BUILDING AND ZONING PERMIT FEES**

Chairman Espenshade noted there was some misunderstanding as to the fees and the resolution will correct the misunderstanding.

- Mrs. Casey noted it was Resolution 2010-08
- Chairman Espenshade noted the fee schedule will bring it into the cost of what Light-Heigel charges.
- Mr. Rish noted the resolution doesn't mention that it is just for commercial. Mrs. Casey noted the resolution mentions the "attached fee schedules". It is setting all the fees.
- Chairman Espenshade noted the only issue was the Commercial Fee Schedule, but the resolution covers all the fees.

- **Mr. Marshall made a motion to adopt Resolution 2010-08. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.**

### **APPRAISERS AUTHORIZATION**

Solicitor Wyland noted as part of the sewer project, it was necessary to engage the services of an appraiser. The cost estimate is \$9,000.00. There was prior authorization for \$5,000.00. This is not an additional \$9,000.00 being requested, but an additional \$4,000.00.

- **Mr. Rish made a motion to authorization the expenditure of \$9,000.00 for the appraisals for the sewer project. Mr. Shutt seconded the motion. The motion was approved 5 in favor, 0 opposed.**

### **DEED CONSOLIDATION**

Solicitor Wyland noted the special counsel for real estate that has been working with the Township has prepared a deed to consolidate the parcels of the Township's Park. It appears to be in order and is ready for approval and execution by the Board.

- Chairman Espenshade noted the land the Township owns at the Park are different properties. If we adhere to the ordinances, we have property lines running through the Park property the Township is trying to do projects on. Setbacks would have to be met. The Board decided to consolidate the whole area into one deed so there are no property lines within the property.
- **Mr. Rish made a motion to authorize the signing of the deed and the recording. Mr. Marshall seconded the motion. The motion was approved 5 in favor, 0 opposed.**

### **OLD SCHOOL HOUSE – CRIST ESPENSHADE**

Mr. Espenshade noted there is a grant available for restoration and preservation of historic school houses. He does not know if they will be able to qualify, but the Old School House is in desperate need of repair. Township employees have been trying to do some of the work but there is a lot more work that needs to be done. The grant needs to be submitted by April 30<sup>th</sup>. It is the Lowes Charitable and Educational Foundation grant and is good for up to \$50,000.00. There are a lot of questions to be answered. Mr. Espenshade asked for the use of Andy Stein to help to write the grant.

- Mr. Espenshade noted if the Township wants to keep the school house standing, it will need considerable work. A grant would help with keeping the school house a historical school.
- Chairman Espenshade asked if Mr. Stein would be willing to work with the group. Mr. Stein noted he would. Grants tend to be issued on having as much information as possible. Some of that research could get timely on his end.
- Discussion continued on the condition of the building, the history of the school house, and the questions that would need to be answered.
- Mr. Stein noted he would cap his time out at \$750.00.
- Discussion continued.
- **Mr. Marshall made a motion to authorize Andy Stein to work on the Lowes Grant for the One Room School House for a price not to exceed \$750.00.**

**Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.**

**OTHER BUSINESS FROM THE BOARD**

Solicitor Wyland noted that as a follow-up on the consolidation issue of the Park lands, the signing and recording of the plans was waiting for the recording of the deed. After the deed is signed and recorded, it would be appropriate to authorize the signing and recording of the land development plan for the Park project.

- **Mr. Rish made a motion to authorize the recording of the subdivision plan after the deed consolidation is recorded. Mr. Shutt seconded the motion. The motion was approved 5 in favor, 0 opposed.**

Mr. Marshall noted Mr. Longreen provided prices of the pumps for wastewater treatment system. The one price is \$10,700.00 and the other is \$9,155.00.

**BUSINESS FROM THE PUBLIC**

Saul Schmolitz, Fire Chief provided updates to the Board on what the Fire Company is doing.

- On April 11<sup>th</sup> the Fire Co. will be at HACC using the burn building for training.
- April 17<sup>th</sup> there is a full one day training at TMI which is several different courses. One is the HAZMAT updates which are required by law.
- June 2<sup>nd</sup> will be a full tanker drill to see what the Fire Co. can provide water wise. This will be documented and provided for the ISO reporting system. This may provide breaks for residents on insurance.

**Chairman Espenshade noted there will be an Executive Session held after the meeting on a personnel issue.**

**Mr. Nelligan made a motion to adjourn the meeting. The meeting was adjourned at 8:22 PM.**

Respectfully submitted,

Deborah A. Casey

cc: Keith Espenshade	Charles Longreen
John Nelligan	Planning Commission
Dave Marshall	Light-Heigel & Associates
Thomas Shutt	Posted
George Rish	Zoning Hearing Board
Hawke, McKeon & Sniscak	LTL Consultants
Curt Cassel	Eric Epstein