

**EAST HANOVER TOWNSHIP BOARD OF SUPERVISORS MEETING
8848 Jonestown Road, Grantville, PA 17028
January 18, 2011**

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; Norm 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.

A Public Hearing will be held at 7:30 PM for ordinance 2011-02, establishing a no parking zone along Bow Creek Rd. A Public Hearing for Ordinance 2011-03, Establishing a Speed Limit of 40 MPH along Bow Creek Rd. will be held immediately following the first public hearing.

**APPROVAL OF THE REORGANIZATIONAL MEETING MINUTES FROM
JANUARY 3, 2011**

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

APPROVAL OF REGULAR BOARD MEETING MINUTES FROM JANUARY 3, 2011

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

CONSTELLATION ENERGY – MATTHEW SHORTALL

Eric Epstein introduced Matthew Shortall from Constellation Energy. He will present Constellation's offer for electric.

- Mr. Shortall noted Constellation Energy is an alternate provider for electric. It is a generator of power in Pennsylvania and across the country, and is the number one choice for commercial, industrial and municipal accounts with over 40,000 customers. In Pennsylvania, Constellation is endorsed by the PA Cities of Leagues and Municipalities. Over 150 municipalities are currently being served by Constellation and more are coming on board. The rates Mr. Epstein presented previously have slightly changed. Energy is a traded commodity.
- If East Hanover selected Constellation as its energy provider, it would take over the generation portion of the bill. Met-Ed will still be responsible for the delivery and service issues. If a line goes down or the power goes out, you would still

contact Met-Ed. Constellation would be the one delivering the power to Met-Ed, not to individual locations.

- Constellation works with each individual customer. You can lock in one rate per kilowatt hour regardless of the time of day. Constellations rates would provide a reduction of rates for the Township. The decrease for a 1 year contract would be around an 8% decrease over Met-Ed's rates, 7% for a 2 year contract, and a 3% for a 3 year contract. The further you go out the higher rates. Mr. Shortall provided the Board with a rate sheet and explained it. At the end of the agreement, the Township could choose to renew or go to another provider. There are no fees to sign up with Constellation or no monthly charge. At the end of the agreement, if the Township chooses not to renew, there are no charges.
- Mr. Epstein asked what would happen if the municipality consumes more than it was projected to use. Mr. Shortall commented with Constellation, if you use more or less than historically used, there are no penalties.
- Mr. Rish noted we have no idea what Met-Ed's rates are going to be in the future. Mr. Shortall commented that is correct and Met-Ed has yet to get its provider of last resort rate approved through the State.
- Mr. Epstein discussed what PPL did with its long term purchase of energy and is locked into a higher price. Met-Ed has decided to buy its energy closer to market.
- Mr. Nelligan asked how close Constellation is to its maximum capability of production. Mr. Shortall noted Constellation is actively investing in more generating capabilities and has access to the wholesale markets. We are always producing at 100% output to either sell on the wholesale market or to its customers.
- Chairman Espenshade asked if Constellation generates all its power or generates and buys. Mr. Shortall noted they are generating and buying.
- Mr. Epstein noted once the Township would lock into a price that is its price. If Constellation has to pay a different price, that cost is on them. Mr. Marshall had concerns about what would happen if Constellation would close up. Mr. Shortall noted they are very well capitalized and have positioned themselves to be very strong when the market goes up. Mr. Epstein noted Constellation is a major corporation.

TREASURER'S REPORT

Expenditures:

General Fund	\$ 55,342.42
Operations and Maintenance	\$ 11,690.29
Gaming Fund	\$ 135,485.27
State Fund	\$ 789.15
Park and Rec	<u>\$ 286.97</u>
Total	\$ 203,594.10

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

Receipts

General Fund	\$ 24,291.52	
WWTP	\$ 34,185.92	
Gaming	\$223,082.05	Grant reimbursements Fire Co. & Twp.
Street Light Fund	\$ 62.70	
Park and Rec	\$ 122.00	

Available Funds

General Fund	\$ 614,737.12
Operations & Maintenance	\$ 189,810.58
Street Light	\$ 6,498.57
State Fund	\$ 396,524.24
Gaming Fund	\$ 384,607.37
Public Sewer Fund	\$ 3,386.58
Park and Rec Fund	\$ 79,951.42
TOTAL	\$1,675,515.88

Mr. Marshall asked that all the delinquent bills for the WWTP be forwarded to the Board and the time delinquent.

CORRESPONDENCE

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

REPORTS

PARK AND RECREATION – JANET ESPENSHADE

No report.

PUBLIC WORKS DEPARTMENT – CHARLES LONGREEN

No report.

GRANTVILLE VOLUNTEER FIRE CO. – WAYNE ISETT

- Mr. Isett thanked the Supervisors for coming out to swear in the officers and Fire Police.
- He presented the approved budget for the Fire Co.
- The Fire Co. is moving along with its consultant and attorney to try to square the situation with the architect. It appears the Fire Co. will have to buy a license. The Consultant is reviewing the drawings to see how far out they are.
- Mr. Isett talked to Mr. Ulrich some ago about the Fire Co. review of new plans submitted to the Township. They would like to have a form that indicates what they need to look at. Mr. Ulrich noted a check list could be put together. He would like to run it by the Planning Commission first to make sure everything is included. Discussion continued on the subject. Mr. Marshall asked who looks at the plans. Mr. Isett noted there are 3 to 4 people who look at it. It was noted the

review has to be done in a timely manner. Mr. Isett commented a date could be put at the bottom of the form as to when it is due back.

WATER AND SEWER COMMITTEE MEETING – DAVE MARSHALL

- Mr. Marshall commented the sewer project is out for bid. There was a pre-bid meeting Mr. Nelligan attended. The bid opening is scheduled for January 25th at 10:00 AM at the municipal building. After the bid opening, the bids will be reviewed by LTL and will then come before the Board of Supervisors to vote on. He is requesting a full list of bidders be presented to the Board of Supervisors and attached to the meeting minutes. If the bid opening would be postponed, he would like it to happen at one of the Board meetings.
- Mr. Marshall noted questions were asked about sewer hookups. We need to know from Marty Sowers, the distance a sewer line can run from a well.
- Mr. Nelligan commented he attended the pre-bid meeting. It went quite well. Comments were brought forth and will be answered.

PUBLIC HEARINGS – 7:33 PM

ORDINANCE 2011-02 – ESTABLISHING A NO PARKING ZONE ON BOW CREEK RD.

Solicitor Wyland noted it is the time and place that has been advertised for a public hearing on Ordinance 2011-02, an Ordinance Establishing a No Parking Zone along a Portion of Bow Creek Road on the east and west sides of Bow Creek Rd. starting at its intersection with Jonestown Rd. going north approximately 2 miles to its intersection of Mountain Rd. Solicitor Wyland opened the floor for public comments.

- Chuck Mundy of 211 Tannenbaum Way noted he would like a couple of points clarified in the ordinance. In Section 1, the 4th line, where it says “any person found parking a vehicle in this no parking zone r”, he felt this was a typo. It was noted it was a typo.
- Mr. Mundy asked for clarification in Section 4 where it says “The Township Supervisors or their designated representative, and the Pennsylvania State Police, shall have the authority to issue parking tickets”. He asked if this meant both parties need to issue the ticket or a Supervisor alone can issue it, or the State Police alone can issue the ticket.
- Solicitor Wyland felt it was fairly interpreted that either one could issue the ticket. It lists those who have authority. The Supervisors on their own could issue a ticket, but he did not feel in practice they would do that.
- Chairman Espenshade felt the word “and” should be “or”. Solicitor Wyland noted if you would have a municipal police department, then it would be the designated representative and also the PA State Police. Mr. Rish felt it should be “or”.
- Chairman Espenshade noted the intent is any of the 3 parties could do the ticketing.
- Mr. Ulrich noted when he sees the “or” it means the Township Supervisors, or its designated representative; the Zoning Officer, or the Director of Public Works or the State Police also have the authority.
- Mr. Mundy noted it did not matter to him; he just wanted clarification if it takes 2 parties to issue the ticket. Chairman Espenshade noted the intent is 1 party.

Solicitor Wyland commented if the Township wants to clarify it with Mr. Rish's suggestion of replacing "and" with "or" they can. Mr. Rish noted after Mr. Ulrich's comments, he is fine with not changing it.

- Mr. Shutt suggested using "and/or".
- Mr. Mundy noted the explanation was fine with him.
- Discussion continued.
- Mr. Mundy commented Section 5, the 2nd sentence reads, "there shall be a separate unlawful parking charge of Ten (\$10.00) Dollars for each subsequent period of one-half hour during which such unlawful parking continues." He asked if you are issued a parking ticket at 12:01PM and the vehicles are moved at 4:00 PM, how do you determine the owner should be assessed \$80.00. Solicitor Wyland noted in practice, it would be arresting officer who would have to prove beyond a reasonable doubt the hours the vehicle was there.
- Mr. Mundy asked how you would determine when it was removed and how much should be charged.
- Mr. Marshall noted on Rt. 22, if the State Police tickets a vehicle, they will stop back some time later and put a different color ticket on if it is not removed.
- Mr. Mundy commented if a vehicle has a ticket at noon and you don't remove it until the next day that is a \$480.00 parking fine. Mr. Marshall noted that is correct, but the law enforcement officer writing the ticket would have to prove that it has been there that long. Solicitor Wyland commented if an officer puts a ticket on a vehicle and comes back 6 hours later and the ticket is still on it, then he will ticket it a second time. Mr. Mundy commented if a vehicle is ticketed and the owner removes it, you have no idea when it was picked up. Solicitor Wyland did not feel the object was to fine each person the maximum possible.
- Chairman Espenshade indicated no one is going to sit there and wait until the car is picked up. The intent is to not have the vehicle there. The ordinance gives the Township some kind of teeth to not have the car there. Discussion continued.
- Mr. Mundy suggested having a flat fee so you don't have to worry about going back and checking on it. Chairman Espenshade commented with a flat fee, the vehicle could be there for a week. Mr. Mundy noted you could ticket it every day. Mr. Ulrich commented Mr. Mundy said a flat fee; this would give an opportunity to throw another ticket on.
- Discussion continued.
- Mr. Mundy noted in Section 5.2 it says "Any person who parks unlawfully". He asked what circumstance would constitute a lawfully parked vehicle. Solicitor Wyland noted if it was a medical emergency or a vehicles breaks down and the individual contacts the police and indicates a tow truck is on the way, that could be lawfully parked. Mr. Mundy asked if a white flag was on the vehicle, would it be lawfully parked. Chairman Espenshade commented emergency breakdowns had been discussed and a way to write it into the ordinance gets complicated. He felt that would be a lawfully parked vehicle but the Township does not want it there for a long period of time.
- Mr. Mundy supported the no parking zone along the road but did not support Section 5-1. He would rather see a flat fine per day.

- Mr. Marshall noted if you change it to a flat fine per day, a day is 24 hours. Solicitor Wyland commented you would take away the discretion of the officer to make a lesser fine for someone who did not know and moves the car promptly; and then you fine someone the same amount who flaunts it and leaves it there all day knowing it is a violation. It gives some flexibility to the law enforcement officers. Discussion continued. Mr. Marshall noted if a vehicle breaks down and a white flag is attached, it is up to the discretion of the officer writing the ticket. If the vehicle is still there the next day, then they might get a ticket.
- There were no further comments. Solicitor Wyland closed the record at 7:50 PM.
- **Mr. Marshall made a motion to adopt Ordinance 2011-02. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.**

PUBLIC HEARING FOR ORDINANCE 2011-03 – 7:52 PM

Solicitor Wyland noted Ordinance 2011-03 is an Ordinance Establishing a Restricted Speed Zone along a Portion of Bow Creek Rd. starting with the intersection of Jonestown Rd. and going North 2 miles to its intersection at Mountain Rd. at a rate of 40 miles per hour. There is a typo in the ordinance on line 3; it should be “going” and not “ingoining”. The record was opened for public comments.

- There was no public comment. The record was closed at 7:55 PM.
- **Mr. Nelligan made a motion to adopt Ordinance 2011-03. Mr. Shutt seconded the motion. The motion was approved 5 in favor, 0 opposed.**

CODES AND ZONING – DAVID SMITH

- On January 4th the Zoning, UCC and SEO reports for December were presented to the Board.
- Mr. Marshall commented Marty Sowers provided the Board with a determination for the sewer lateral coming from a home and the distance from a well. The distance was 5 feet horizontally from a well and 1 foot below a water line. Mr. Sowers would like to know if the Board is acceptable to the language and put into a public document that would be available through the internet with a building permit application. By consensus of the Board the determination is acceptable.

ENGINEERS REPORT – NORM ULRICH

- The engineers report has been presented to the Board and is available at the Municipal Building for review.
- The Shirk project is moving forward. Revisions will be made and the plan will go back to the Planning Commission for review.
- Solicitor Wyland noted he worked with LTL and a lawsuit has been filed against Triple Diamond for its non-compliance of issues with the Township.

ERIC EPSTEIN

- Rt. 22/Rt. 743 – Mr. Epstein will be attending the HATS meeting on February 25, 2011. He is still waiting for a date from PSATS on the Special Breakout Session with PennDOT’s District 8.
- Mr. Epstein talked about Verizon and having representatives attend a Board meeting to discuss the issues. Chairman Espenshade asked if there were further

complaints. Mrs. Casey noted there have been none. Discussion continued. It was felt the issue was remedied at this time. Mr. Epstein noted it is his understanding, at this time; FIOS is not going to be deployed in the Township. Chairman Espenshade felt the Township should monitor any complaints and then decide if Verizon should be brought in.

- Mr. Epstein commented he spoke with Mrs. Casey regarding the electronics recycling. Information is on the Township's website regarding CFL's and electronics recycling.
- Mr. Epstein's recommendation to the Board on electric rates is to consider Constellations offer for one year. It would be a savings for the Township. A proposal can be provided before the next meeting. There is no penalty for an increase in usage. It was noted the offer sheet will be provided. Mr. Rish asked if it would be for 1 year or 2 years. Mr. Epstein noted the proposal would be for 1, 2, 3 or 4 years. He will get the offer sheet to decide at the next meeting.

ANDY STEIN – SEWER PROJECT FUNDING

It was noted Mr. Stein was not present at the meeting. Documentation was provided to the Board.

- Mr. Marshall noted Mr. Stein has some banks that are willing to provide funding for the sewer project. He seems to think funding can be had within 4 weeks. This will be presented at the next meeting.

UNFINISHED BUSINESS

AWARD OF THE BID FOR THE BRIDGE OVER MANADA ON JONESTOWN RD.

Mr. Ulrich noted the contracts were reviewed and the apparent low bidder notification was issued to the low contractor. The contractor was notified of all the information it needed to provide to LTL for review. LTL has been working to get the easement agreements signed. Those agreements have been completed with the help of the Solicitor.

- A pre-construction meeting will be held on January 19th at the Municipal Building. The notice to proceed, if the Board approves, will be effective tomorrow.
- The Jonestown Rd. closure is expected to be within the next 2 weeks. Emergency Personnel, school districts, etc. have been contact via certified letter with return receipt. The anticipated date of re-opening of the road is mid-November.
- Mr. Ulrich noted Clearwater Construction was awarded the contract for the project. Documentation needed has been provided, reviewed and found acceptable.
- **Mr. Rish made a motion to award the bid for the bridge over the Manada on Jonestown Rd. to Clearwater Construction, Inc. in the amount of \$1,282,999.10. Mr. Nelligan seconded the motion. The motion was approved 5 in favor 0 opposed.**
- **Mr. Rish made a motion to issue the notice to proceed to Clearwater Construction, Inc. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.**
- Mr. Ulrich noted an e-mail will be sent to the Board regarding the process.

PUBLICATION FOR ADVERTISEMENT OF MANAGER POSITION

- Mr. Nelligan questioned the scope of advertisement. Mr. Epstein noted he compiled a list of publications. If the Board wishes to explore others, they could direct him to do so.
- Mr. Marshall did not feel comfortable advertising the position in the newspapers and felt better results would be had through business journals, PSATS, etc. Right now there is a good market for government employees. It was noted the Business Journals and other professional publications would be preferred. Mr. Epstein noted he would get the rates for the publications.
- Mr. Nelligan noted he would like to see the target publications in Pennsylvania since the Township would like to see individuals with PA experience. Discussion continued. It was noted a filter process would be needed.

FLOOD PLAIN MANAGEMENT ORDINANCE – DAVID SMITH

- Mr. Smith noted they have connected with the County Planning Commission and the Conservation District representatives and are working to put East Hanover's information in the Conservation's District's model, as requested. Once that is done, it will be provided to the County and Board for its review. Once comments are received, the process will be put in place to make any changes to the ordinance. This will be 180 days from the date of the final mapping.

NEW BUSINESS

BERNER ESCROW RELEASE

Mr. Ulrich noted the individual has completed some of the work and as a result, an escrow release of \$6,750.00 is recommended for release. The balance of the escrow will be \$4,750.00 which will cover the Township's costs.

- **Mr. Nelligan made a motion to authorize an escrow release of \$6,750.00 from the Berner escrow account. Mr. Marshall seconded the motion. The motion was approved 5 in favor, 0 opposed.**

HUMANE SOCIETY AGREEMENT

Mrs. Casey noted she spoke with Amy Kanus regarding the agreement. What the Township would have to do is to create a form, educate our residents, and anyone who would want to take an animal to the Humane Society would have to have the Township form to drop an animal off. She felt the agreement was confusing.

- Mr. Shutt asked what they do with the animals they can't find homes for.
- Chairman Espenshade asked if they will no longer be taking cats. Mrs. Casey thought it was feral cats they won't take. Discussion continued and was held on the spaying and neutering and the return of the animal to its original location. Mr. Rish noted that was in the letter but did not see it in the contract.
- Mr. Epstein noted he could approach some individuals to get clarification. The tough part is it has to be authorized by the Township for the Humane Society to accept the animal. The Township may want to explore negotiating a fee with the Humane Society. He asked what happens if we don't sign. It was noted then we won't have service.

- Solicitor Wyland noted you would have the ability to go to the Humane Society to take an animal and pay for it.
- It was noted Solicitor Wyland will look into the agreement. Discussion continued.
- Chairman Espenshade commented this will be tabled until the next meeting.
- Chuck Mundy noted the Humane Society is a no kill facility. The Board previously had concerns about how do you know the animal is from East Hanover Township. He felt those concerns are addressed by the Humane Society from what he read in the paper. The paper indicated the animals have to be authorize by the Municipality or the State Police.
- Chairman Espenshade noted we do not know if we have to make up the form or if it will come from the Humane Society. The procedure and details need to be worked out. Mr. Mundy noted there are organizations that deal with feral cats and after the questions are answered, he hopes the Board supports the Humane Society. Chairman Espenshade felt we need some sort of service but we do need to work out the details so everyone knows what they need to do.

GRANT OF AN EXTENSION OF TIME – GESFORD SUBDIVISION PLAN

- **Mr. Nelligan made a motion to accept the grant of an extension of time for the Gesford Subdivision which puts the expiration to March 22, 2011. Mr. Rish seconded the motion. The motion was approved 5 in favor, 0 opposed.**

GRANT OF AN EXTENSION OF TIME – VIA ANNEXATION PLAN

- **Mr. Marshall made a motion to accept the Via grant of an extension of time for 60 days which puts the expiration to April 21, 2011. Mr. Nelligan seconded the motion. The motion was approved 5 in favor, 0 opposed.**

1237 S. MEADOW LANE – SEWER PLANNING MODULE – RESOLUTION 2011-04

- Mr. Smith commented Matt Willard of Light-Heigel went to the site to inspect a test pit and it was unsuitable. There were no other areas available.
- Josh Weaber of Steckbeck Engineering was present to represent the property owners, Scott and Patricia Reichenbach. This is for a low flow treatment system since the existing system is failing and there are no other locations. This was the only alternative they could come up with. It will act similar to a sand mound but instead of discharging the gray water back into the ground, it collects it into a tank, chlorinates, and discharges into a stream. If the Board approves the planning module, then they will move on with the subsequent permitting.
- Mr. Ulrich commented LTL's letter is basically saying they have reviewed the information and believe this is the only alternative. He noted discussion was held on whether or not the Planning Commission needed to review the module. He spoke with Ms. Beaudet and she did not feel PC approval was needed and it would only slow the process down.
- Solicitor Wyland noted he had some questions regarding the alternatives analysis since small flow treatment facilities are something Township's should discourage since there is a small possibility the Township might have to take it over. He replaced the applicant's maintenance agreement with the one the

Township uses since it is a little more protective. The applicant accepted the agreement and signed.

- **Mr. Marshall made a motion to approve Resolution 2011-04. Mr. Shutt seconded the motion.** Marie Beudet asked if the system isn't taken care of, the Township is ultimately responsible. It was noted the Township would be. She asked if any fines associated with it would go to the Township. Solicitor Wyland noted the primary responsibility is the homeowner and they will have to post security with the Township to ensure that it is working. The security is reduced after a certain period of time. Mr. Smith asked if they thought about looking at a black light system. Mr. Weaber noted they have not gotten that far yet. **The motion was approved 5 in favor, 0 opposed.**

OTHER BUSINESS FROM THE BOARD

Mr. Shutt noted he got a complaint from a resident about a speed bump on Bow Creek. He is woken up a couple times a night when tractor trailers go over the bump. Mr. Marshall noted the "speed bump" is the patch over the pipeline.

- Chairman Espenshade noted he spoke with Mr. Longreen and they had some left over patch they put there since it was sinking. In the spring they are going to cut the road and fix it properly.

BUSINESS FROM THE PUBLIC

Marie Beudet commented she read a couple articles in The Sun about the sewer project. Although there are first amendment rights, people need to get the facts. Some of the facts are we got a \$1.8 million dollar H2O grant that will help offset a lot of the costs. Other Township's do zones and the zones pay different amounts. East Hanover chose not to do that and act like a community so everyone's would be lower. As far as the rates going up, it was known a long time ago that the rates were not high enough to cover costs.

Mr. Nelligan made a motion to adjourn the meeting. The meeting was adjourned at 8:58 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