

**WEST HANOVER TOWNSHIP BOARD OF SUPERVISORS  
7171 ALLENTOWN BOULEVARD, HARRISBURG, PA 17112  
MONDAY, FEBRUARY 2, 2009**

**CALL TO ORDER**

Mr. Hartman called the meeting to order with the Pledge of Allegiance. Mr. Hartman announced there had been an Executive Session at 6:00 PM prior to the meeting to discuss legal and personnel issues.

**ROLL CALL**

Larry Hartman, Chairman,  
Linda Turns, Secretary/Treasurer  
Deb Curcillo, Supervisor

Adam Klein, Vice Chairman  
Rick Mullen, Supervisor

**PUBLIC COMMENT**

Chris Scott, 253 Berkstone Drive. Mr. Scott commended the Township for their ongoing work with the tree ordinance. Mr. Scott complimented the township on their terrific job on the roads during the last weather event.

Robert Bell, 8009 Rothford Lane. Mr. Bell asked to comment on the rezoning request which appears on the agenda. Chairman Hartman requested Mr. Bell hold his comments until later in the evening when the matter is discussed.

**PRESENTATIONS, STAFF/BOARD REPORTS**

Park and Recreation Annual Report, Dixie Fesig. Ms. Fesig summarized the annual report for 2008, which was included in the Board packets. Ms. Fesig called the Boards attention to the Summary of 2008 Expenses vs Revenue. The total Parks and Recreation budget was \$334,440.00, total actual expenses were \$266,232.52. After subtracting the revenue of \$96,960.10 the total cost to township taxpayers was \$169, 272.42. This money was used to fund the 22 events/activities provided by Parks and Recreation and to maintain the 6 township parks. A refund check for \$4,879.00 was just received, due to cancellation of a bus trip, and will be added to the revenue amount.

***Motion: Ms. Turns moved, seconded by Mrs. Curcillo, to meet with Ms. Fesig at the workshop meeting scheduled for Monday, February 9, 2009. Motion passed unanimously.***

**APPROVAL OF MINUTES**

Regular Meeting – January 20, 2009. ***Mr. Klein moved, seconded by Ms. Turns, to approve the minutes of the January 20, 2009 regular meeting. Motion passed unanimously.***

**TREASURER'S REPORT**

Ms. Turns reported the following fund balances:

General Fund Balance as of January 30, 2009	\$551,526.00
Total Liquid Fuels Balance as of January 30, 2009	\$213,286.03
Total Capital Reserve Fund Balance as of January 30, 2009	\$1,727,192.53

Ms. Turns reported the following deposit activity:

Deposit activity since January 20, 2009	\$18,332.73
Monthly Earned Income Tax Deposit, February 1, 2009	\$42,564.67

Ms. Turns reported the gross payroll of January 30, 2009, totaled \$32,278.29. ***Mr. Mullen moved, seconded by Mrs. Curcillo, to approve the payroll of January 30, 2009 in the amount of \$32,278.29. Motion passed unanimously.*** Ms. Turns reported there were no vouchers prepaid to meet due dates. Ms. Turns reported a new total for the vouchers to be approved was \$78,659.78 ***Mr. Mullen moved, seconded by Mrs. Curcillo, to approve the vouchers in the amount of \$78,659.78. Motion passed unanimously.***

Financial Statement, December 2008. No discussion.

Resolution 2009-33 Appointment of Assistant Secretary/Treasurer. ***Ms. Turns moved, seconded by Mr. Mullen, to appoint Patricia Smith as Assistant Secretary/Treasurer. Motion passed unanimously.***

## NEW BUSINESS

Consent Items. ***Ms. Turns moved, seconded by Mr. Mullen, to approve the Conference Attendance Authorization for Harold Arndt to attend the PSATS International Residential Code Building Essentials seminar in Enola on April 7-8 at a cost of \$195.00 and for Mr. Leonard to attend the PSATS Seminar “Plan Regionally, Implement Locally” in Enola on February 10<sup>th</sup> at no cost. Motion passed unanimously.***

Resolution 2009-32 H2O Program Compliance. Ms. England reported the Township is undertaking a large stormwater management project in various locations including replacing storm culverts and the Township is applying to a new H2O program for a grant which will pay 2/3rds of the cost with the remaining 1/3<sup>rd</sup> being financed through PENNVEST by a low cost loan. Chairman Hartman added the projects include installation of reinforced concrete box culverts at Manor Drive, Sterling Road, Fairville Avenue and installation of aluminum box culvert at Kiwanis Road. ***Ms. Turns moved, seconded by Mr. Mullen, to approve Resolution 2009-32 H2O Program Compliance. Motion passed unanimously.***

Resolution 2009-31, H2O Grant Application. ***Ms. Turns moved, seconded by Mr. Klein to approve the H2O Grant Application. Motion passed unanimously.***

Resolution 2009-30, PENNVEST Financing Application. Chairman Hartman explained to members of the public that the Township is applying for this low interest loan to finance the part of the culvert projects that the grant does not cover. ***Mr. Mullen moved, seconded by Ms. Turns to approve the PENNVEST Financing Application. Motion passed unanimously.***

Motion – Bid 2008-08 Public Works MS4 Change Order. Mr. Hartman reported the change order is for the amount of \$5,120.00. ***Ms. Turns moved, seconded by Mr. Mullen to approve the MS4 Change Order in the amount of \$5,120.00. Motion passed unanimously.***

Authorization to Advertise Bid 2009-02 Skyline Commons Concession Stand. Ms. Turns asked what the distance was from this proposed concession stand to the existing pavilion. Mr. Brulo

stated about 30' to 40' from the existing pavilion. This area was chosen because it is convenient to all the facilities. Chairman Hartman asked who would be operating the concession stand? Ms. England stated it would be operated by staff volunteers not hired out. After some brief comments it was agreed to continue the discussion later in the evening.

**PUBLIC HEARING/MEETINGS: None.**

Chairman Hartman asked Solicitor Yost if it is true that the Township has to accommodate every use in some zoning district within the Township. Chairman Hartman read a statement given to him by the Zoning Administrator regarding this issue as follows. "Court decisions frown upon excluding any legitimate land uses if the use is excluded the burden of proof shifts to the municipalities." Chairman Hartman asked Mr. Yost if it is correct that the Township has to allow halfway houses and work release centers somewhere in the Township. Mr. Yost agreed with Mr. Leonard.

Ordinance 2008-18, Work Release Centers. Mr. Yost opened the public hearing at 7:15 PM. The hearing was closed at 8:52 PM. See attached transcript.

Chairman Hartman asked if this ordinance were denied, could the facility be located on Rt. 39 where it was previously proposed? Mr. Yost stated it may be possible but did not want to discuss legal issues during a public meeting. Chairman Hartman noted that a member of the audience stated there were no other halfway house type facilities located in the township. Actually there is facility for troubled youth located in the old Fishing Creek Valley Elementary School Building and neighbors in that area were concerned in the beginning, but there have been no issues. Chairman Hartman cited concerns regarding the lack of a township police department.

*Ms. Turns moved, seconded by Mr. Klein, to table the decision on Ordinance 2008-18 in order for Mr. Yost to answer some legal questions.* Chairman Hartman noted he would rather make a decision now due to concerns about a halfway house/work release facility going in a residential area. *Motion passed 4-1 with Mr. Hartman voting nay.*

Ms. Turns agreed this issue has to be handled quickly and suggested discussion with Mr. Yost and schedule a vote for the next regular meeting on February 17<sup>th</sup>. Mr. Leonard reminded the Board that the ordinance as presented tonight has already gone through Dauphin County Planning Commission review and if any changes are made the ordinance will have to be reviewed by the County again and another hearing scheduled.

Mr. Klein stated he also wants to move the matter along quickly and added this will serve as official notice to everyone present at the meeting tonight that the issue will appear on the February 17 2009 Board agenda.

**PLANNING COMMISSION REPORTS AND PLANS**

#08.005 F/LD Harper Drive Hotel (Action by 2/10/09). Mr. Leonard, Zoning Officer, introduced the plan and noted it was before the Board on December 15, 2008 and tabled due to the number of outstanding review comments. Mr. Leonard noted the Zoning comments have all been addressed. Mr. Leonard reminded the Board that if the plan is not approved tonight a time extension will be required. Mr. Brulo reviewed his comments which were administrative in nature. Mr. Klein asked if the changes in the stormwater system from the preliminary plan results in substantial changes to the plan. Mr. Brulo stated this plan takes the water and

discharges it further downstream to the creek, the preliminary plan shows stormwater going directly to the creek. There was further discussion regarding the minor differences to the stormwater plan from the preliminary and final. Ms. Turns asked if the conditions of the preliminary plan have been met. Mr. Leonard reported that on February 4, 2008 the Board of Supervisors approved the preliminary plan with the following waivers and contingencies; waivers to Parkland dedication and FILO, Stormwater no harm option and Groundwater recharge. Contingencies were subject to an agreement with the developer for contribution of \$15,800 towards the improvements associated with Exit 77 project, approval of an E&S Control Plan by DCCD, Incorporating staff and Township Engineer's comments and other items as determined necessary by Township Ordinances. Staff and engineer have reviewed the preliminary plan and all requirements have been met. Chairman Hartman asked Mr. Leonard if there has been a substantial change between the preliminary and final plans. Mr. Leonard stated both he and Mr. Brulo have discussed this issue and it is believed there are no substantial changes between the two plans.

***Mrs. Curcillo moved, seconded by Ms. Turns, that the Board of Supervisors waive the following sections of the West Hanover Township Subdivision and Land Development and Stormwater Ordinances for the Final Land Development Plan for Harper Drive Hotel, 253 Harper Drive; Township ID #08.005, Tax Parcel # 68-024-081:***

- 1. Section 173-37B(3) – Parkland Dedication and Fee-in-lieu of***
  - 2. Section 168-8.C(2)(b)(7) – Stormwater No-harm option***
  - 3. Section 168-16 – Groundwater recharge***
- Motion passed unanimously.***

***Mrs. Curcillo moved, seconded by Ms. Turns, that the Board of Supervisors approve the Final Land Development Plan for Harper Drive Hotel, 253 Harper Drive; Township ID #08.005, Tax Parcels # 68-024-081, contingent upon:***

- 1. Section 173-33H Construction of the sewer system according to WHT Water & Sewer Authority approvals.***
  - 2 Article V Establishing all improvements agreements and guarantees***
  - 3. Section 173-15C(18) Approval of NPDES and Water Encroachment permits from PADEP***
  - 4. Section 173.13.C(19) Incorporating staff and Township Engineer's comments.***
  - 5. Subject to review of all agreements by the Township Solicitor***
  - 6. Section 173-15C(19) Other items as determined necessary by Township Ordinances.***
- Motion passed 4-1 with Mr. Klein voting nay.***

Rezoning Request – WMS Keystone LLC/owner, Robert & Patricia Fowler/applicant. Hershey Road, tax parcels #68-035-071, 069, 070 & 072. From NC/R3 to NC. Set public hearing date. Mr. Leonard reported the developer WMS Keystone, submitted a handwritten letter, dated tonight, asking that this item be tabled for tonight and asked for a workshop meeting to discuss the proposal.

Robert Bell, 8009 Rothford Lane. Mr. Bell noted he did not appreciate the discourtesy of the developer by leaving the meeting. Mr. Bell expressed his concerns about the change this development would make in his lifestyle. Mr. Bell feels this is a very ambitious development of 392 units on 69 acres. Mr. Bell cited the traffic concerns on Route 39, impacts to wetlands, lighting issues, and elimination of wooded areas.

Raymond McClain, Jr., 7939 Rider Lane. Mr. McClain has lived in this area since 1969. Mr. McClain expressed his concerns with additional traffic issues and lighting. Mr. McClain stated you can hardly pull out of Rider Lane now, due to excessive traffic on Rt. 39. This development will make it even worse.

Melvin Glenn, 336 Windcrest Road. Mr. Glenn stated he has been a resident of the township for over 30 years and agrees with Mr. McClain regarding the traffic problems on Route 39. Mr. Glenn added that during the past two years a lot of time has been spent updating the Comprehensive Plan and asked that the Township follow the plan and show some concern for the existing residents.

Chairman Hartman restated that this request will be discussed further at a future workshop meeting. Once the public hearing date is set, it will be advertised twice in the Patriot News and certified letters will be mailed to all abutting property owners.

#### **NEW BUSINESS con't.**

Motion – Authorization to Advertise Bid 2009-02, Skyline Commons Concession Stand *Ms. Turns moved, seconded by Mr. Mullen to table the authorization to advertise bid 2009-02 until the February 9, 2009 workshop meeting. Motion passed unanimously.*

#### **CORRESPONDENCE**

1. **FROM:** Dauphin County Commissioners

**TO:** Board of Supervisors

**RE:** Gaming Advisory Committee Recommendation for Grants

Chairman Hartman announced the Township has received notice that the Gaming Advisory Committee has approved recommendations for grant funding for submission to the Dauphin County Board of Commissioners. The two proposals being recommended are for a new fire engine (\$400,000) and a new fire station (\$329,000). A final decision is expected no later than March 1, 2009.

**OTHER BUSINESS THAT MAY COME BEFORE THE BOARD: None.**

**SUPERVISORS COMMENTS: None.**

**ADJOURNMENT: 9:30 PM**