

**WEST HANOVER TOWNSHIP BOARD OF SUPERVISORS  
7171 ALLENTOWN BOULEVARD, HARRISBURG, PA 17112  
MONDAY, FEBRUARY 6, 2012**

**CALL TO ORDER – 7:00 p.m.**

Mr. Klein called the meeting to order at 7:00 PM followed the Pledge of Allegiance and the invocation.

**ROLL CALL**

Harold Harman, Supervisor  
Jay Megonnell, Vice Chairman  
Gloria Zimmerman, Supervisor

Adam Klein, Chairman  
Don Steinmeier, Secretary-Treasurer

**APPROVAL OF MINUTES**

Regular meeting – January 17, 2012- *Mrs. Zimmerman stated that her presentation to the fire company on behalf of the 225<sup>th</sup> Celebration Committee was missing from the minutes. It was subsequently discovered that one page was not printed in the packet. Mrs. Zimmerman moved, seconded by Mr. Megonnell to approve the regular meeting minutes of January 17, 2012 as corrected. Motion passed unanimously.*

Workshop meeting – January 30, 2012- *Mrs. Zimmerman moved, seconded by Mr. Steinmeier to approve the workshop meeting minutes of January 30, 2012. Motion passed unanimously.*

**CORRESPONDENCE**

Mr. Klein briefly reviewed the correspondence items and informed the public that all correspondence is available for review. The following items were brought up for discussion:

**FROM:** PSATS **RE:** Legal Defense Partnership- Mr. Steinmeier reviewed for the Board and public how the State Supreme Court reversed supervisor’s imprisonment for contempt of DEP order.

**FROM:** Brian McFeaters, SEO **RE:** Noll Subdivision Status – Mrs. Zimmerman asked if the Township sent a response to Mr. McFeaters. Ms. England said no because she spoke personally to Mr. McFeaters. Mr. Megonnell spoke to Mr. McFeaters as well.

**FROM:** Center For Rural Pennsylvania **RE:** Rural Perspectives newsletter- Mrs. Zimmerman asked Ms. England to forward a copy of page 32, “Transportation Issues for Military Veterans” to Claire Zeiters of the Senior Van program and page 34, “Keystone Historic Preservation project and “Construction Grants Available” to Diane Gutshall of the Historic Society.

**PUBLIC COMMENT**

Bill Gordan, 1256 Piketown Road- Mr. Gordan has had a water problem which the Township fixed a few years ago by digging a ditch. He is requesting that the Township make the ditch deeper to prevent the water from flowing on his property. Mr. Harman said the public works department will take care of the problem on Tuesday morning.

Mark Chiles, 228 Brookridge Court- Mr. Chiles presented documentation to the Board last week regarding the history of the issues at the Townes at Hershey Road to bring the new Board members up the speed. He said if the Board has any questions to please contact him.

## **PUBLIC HEARING/MEETINGS**

#2012.01 Conditional Use Hearing – Creekvale- Mr. Klein informed the residents the hearing has been rescheduled for March 5, 2012.

## **PRESENTATIONS, STAFF/BOARD REPORTS: None**

## **TREASURER'S REPORT**

Mr. Steinmeier reported the following fund balances:

A. Fund Balances (Fund balances are presented for reference only.)

General Fund Balance as of February 3, 2012	\$1,459,152.02
Total Liquid Fuels Balance as of February 3, 2012	\$312,507.61
Total Capital Reserve Fund Balance as of February 3, 2012	\$1,619,711.85

B. Deposit Activity since January 17, 2012 \$115,211.10

Mr. Steinmeier reported the gross payroll of January 27, 2012 totaled \$30,202.25. ***Mr. Megonnell moved, seconded by Mrs. Zimmerman to approve the payroll of January 27, 2012 in the amount of \$30,202.25. Mr. Harman abstained, motion passed unanimously.*** Mr. Steinmeier reported the vouchers prepaid to meet due dates was \$27,482.41. ***Mrs. Zimmerman moved, seconded by Mr. Steinmeier to approve the vouchers prepaid to meet due dates in the amount of \$27,482.41. Motion passed unanimously.*** Mr. Steinmeier reported the total for the vouchers to be approved is \$91,317.78. ***Mrs. Zimmerman moved, seconded by Mr. Megonnell to approve the vouchers in the amount of \$91,317.78. Motion passed unanimously.***

## **PLANNING COMMISSION REPORTS AND PLANS**

11.008 P/LD/SB Manada Hill Apartments (Action by 3/23/12)- Mr. Leonard provided a brief overview of the plan for the Board. The applicant wishes to subdivide 53.694 acres off the Capital Bible Church property, leaving the church on the residual 11.773 acres. The new lot would then be developed as 200 apartment units (160 2-bedroom units, 40 1-bedroom units). The property has access to both public water and public sewer. Access to the church will be via an easement along the current driveway, which will also provide access to the apartment development. No improvement is proposed for the current driveway, nor is a traffic light proposed at Hershey Road. The Township Planning Commission as well as the Dauphin County Planning Commission have reviewed this plan and recommended approval with waivers and contingencies. Mr. Leonard stated that there is a conflict between the national fire code and the zoning ordinance, which has existed for a number of years. Bill McCahan, EMA Coordinator, brought up PSAB's concerns with the plan. The concerns include: The proposed turning template; emergency access to the apartment building; ghost parking; numbering of the buildings; and access to fire hydrants in the development. There was general discussion regarding ghost parking. Jim Snyder, engineer for the developer, addressed the Board regarding the parking spaces in the development. Mrs. Zimmerman asked if there is a need for an

agreement between the Township and the developer regarding ghost parking. Mr. Snyder explained that there is no need for an agreement due to the Ordinance that is in place which the developer will follow. Mr. Leonard reviewed the Dauphin County Planning Commission report for the Board. Mr. Klein stated his concerns include: the large number of residents in a small area and the fire company access to the development and buildings. Mr. Snyder stated that emergency access is not a problem due to the detailed turning templates that he has provided. It was a consensus between the Board and Mr. Snyder that public safety of the residents is the major concern. Solicitor Yost suggested that the fire code issues be looked into in greater detail. The Board agreed that there are a number of issues that they would like to review in detail.

***Mrs. Zimmerman moved, seconded by Mr. Steinmeier to table Manada Hill Apartments Preliminary Subdivision and Land Development Plan. Motion passed unanimously.***

#11.011 F/SB Rose H Kessler/Erica & Fred Groff (Action by 2/14/12)- Mr. Leonard provided a brief overview of the plan for the Board. The applicant owns a 26.445 acre parcel along Hershey Road that extends into South Hanover Township. About 18.597 acres are in West Hanover Township, with a 3.000 acre parcel proposed to be subdivided on the corner of Red Top Road and Hershey Road. The property is in the designated growth area of the Township, with available public water, but not public sewer. Access to the proposed new lot could be from either Red Top Road or Hershey Road, both being state roads. There would be no FILO requirement at this time if the intent of Lot 2 is for non-residential use only. FILO would be a consideration at the time of Lot 1 land development. The applicant has requested waived from the Subdivision and Land Development Ordinance. The Township Planning Commission as well as the Dauphin County Planning Commission have reviewed this plan and recommended approval with waivers and contingencies.

***Mrs. Zimmerman moved, seconded by Mr. Steinmeier to waive the following sections of the West Hanover Township Subdivision and Land Development Ordinance for the Final Subdivision Plan for Kessler/Groff Plan; Hershey Road, Township ID #11.011; Tax Parcel # 68-039-043:***

- 1. Section 173-11.A – Preliminary Plan requirements***
- 2. Section 173-11.B(2)(a) – Original Property description***
- 3. Section 173-11.B(2)(bb) – Two foot contours***

***Motion passed unanimously.***

***Mrs. Zimmerman moved, seconded by Mr. Steinmeier to approve the Final Subdivision Plan for Kessler/Groff Plan; Hershey Road, Township ID #11.011; Tax Parcel # 68-039-043, contingent upon (based on):***

- 1. 173-15.C(2) - Sewage Planning Module approval by PADEP***
- 2. 173-15.C(17) – Provide covenants for lots 1 and 2 for E&S controls and Stormwater management***
- 3. 173-15.C(19) - Addressing outstanding staff and Engineer comments***
- 4. 173-15.C(19) – Other outstanding items as required by Township Ordinance***

***Motion passed unanimously.***

#11.012 F/LD Triple K Fleet Service (Action by 3/13/12)- Mr. Leonard provided a brief overview of the plan for the Board. This parcel is the former Gables truck stop property. It consists of 9.123 acres, and has a convenience store with gas pumps, a truck scale, and truck refueling pumps located onsite. The owner has rented out the convenience store, and plans to build a 29,700 sq ft garage in the rear, and a 3,000 sq ft prep building at the scale location. Primary entrance will be from Linglestown Road, while primary exit will be on Fairville Avenue, depending on direction of travel. The property is zoned Interchange (I), and has access to public water and sewer. There is a permanent covenant prohibiting the use of groundwater across the middle of the property. The current stormwater pond will be upgraded and redesigned to include an infiltration area prior to the pond. Two variance requests have been granted for sidewalk extensions to the north along Fairville Avenue, and for fence height within a front yard, also along Fairville Avenue. The applicant has requested the following waiver: 173-11.A – Submission of a Preliminary Plan. The Township Planning Commission reviewed this plan and recommended approval with one waiver and contingencies. The Township Zoning Hearing Board granted two variance requests, one for a sidewalk extension (195-126), and one for a security fence height (195-95.D(1)). Mr. Leonard briefly reviewed Mr. Brulo’s memo regarding the project. Mr. Leonard informed that Board that they should discuss a potential agreement with the developer for a contribution towards the Exit 77 improvements. Tim Mellott, project engineer, addressed the Board regarding the potential agreement for a contribution towards the Exit 77 improvements. He provided background of the project to the Board. Mr. Mellott asked the Board if a \$5,000 contribution would be acceptable. There was general discussion among the Board regarding this contribution to the Township.

*Mr. Steinmeier moved, seconded by Mrs. Zimmerman to waive a \$5,000 donation to the Township from Triple K Fleet Service for Exit 77 improvements. Motion passed 4-1, with Mr. Klein voting nay.*

*Mrs. Zimmerman moved, seconded by Mr. Steinmeier to waive the following sections of the West Hanover Township Subdivision and Land Development Ordinance for the Final Land Development Plan for Triple K Fleet Services; 7800 Linglestown Road, Tax Parcel # 68-020-009, Township ID# 11.012:*

*1. Section 173-11.A – Preliminary Plan requirements*

*Motion passed unanimously.*

*Mrs. Zimmerman moved, seconded by Mr. Steinmeier to approve the Final Land Development Plan for Triple K Fleet Services; 7800 Linglestown Road, Tax Parcel # 68-020-009, Township ID# 11.012, contingent upon (based on):*

- 1. 173-15.C(2) - Sewage Planning Module approval by PADEP*
- 2. 173-15.C(1) – Approval of E&S Control Plan and Stormwater Management Plan by DCCD and PADEP*
- 3. 173-15.C(19) - Addressing outstanding staff and Engineer comments*
- 4. 173-15.C(19) – Other outstanding items as required by Township Ordinance*

*Motion passed unanimously.*

***Mrs. Zimmerman moved, seconded by Mr. Steinmeier to accept the offer of dedication of street right-of-way along Fairville Avenue as presented in the Final Land Development Plan for Triple K Fleet Services; 7800 Linglestown Road, Tax Parcel # 68-020-009, Township ID# 11.012, contingent on the Township Solicitor's review of documents.***

***Motion passed unanimously.***

Mr. Leonard brought to the attention of the Board that when the plan for the Margaret E. Marks Estate was being recorded, the Recorder of Deeds realized that the Lot #1 developer's agreement was missing. This plan was approved by the Board on December 5, 2011. Mr. Leonard presented the developer's agreement for Lot #1 to the Board for approval.

***Mr. Megonnell moved, seconded by Mr. Harman to approve the developer's agreement for Lot #1 for Margaret E. Marks Estate. Motion passed unanimously.***

## **OLD BUSINESS**

Motion – Cleveland Brothers Maintenance Guarantee Waiver Request. (Tabled 01/17/12)

Mr. Brulo addressed the Board regarding the maintenance guarantee waiver request. There was general discussion among the Board regarding the request and project.

***Mrs. Zimmerman moved, seconded by Mr. Megonnell to authorize waiving the 18 month Maintenance Guarantee period and required financial security in the amount of \$14,603.25 for the Cleveland Brothers project. Motion passed unanimously.***

Motion – Water & Sewer Authority Permit Fee Waiver Request. (Tabled 01/17, 01/30/12)

Mr. Steinmeier asked that the waiver request be voted on due to the fact that the Board has decided to not hire a third-party agency.

***Mr. Steinmeier moved, seconded by Mr. Megonnell to approve the Water & Sewer Authority Permit Fee Waiver Request for the Water Sewer Treatment Plant upgrade. Motion passed unanimously.***

## **NEW BUSINESS**

Motion – Scope of Work for Sarhelm Guiderail – The repair work on Sarhelm Road as a result of Tropical Storm Lee has been completed. The contractor replaced the entire culvert under the roadway in addition to the endwall at Beaver Creek. The scouring along the eastern side of the creek close to Sarhelm Road was also repaired. This area of Sarhelm Road now appears to warrant guiderails and the Township has received several calls from residents requesting guiderails. A guiderail in this area was not included in the projects submitted to FEMA as a result of the flooding because a guiderail did not exist previously. The project was also not included in the 2012 Township budget because the hazard did not exist at the time of budget preparation.

***Mr. Harman moved, seconded by Mrs. Zimmerman to authorize the Scope of Work for the Sarhelm Rd. guiderail project in the amount of \$2,400.00 from the Capital Reserve fund. Motion passed unanimously.***

Motion – Scope of Work for Three Paving Project (Manor, Knight, Mun. Bldg parking lots) The Public Works department can no longer complete base repair or paving work on Township roads due to having only six crew members plus the Roadmaster. This work must be bid to a private contractor. In developing the 2012 budget the Board provided for these bids by allocating funds for both the engineering and the construction of several paving projects: Manor Drive, Knight Road, and Municipal Building parking lots. The Township Engineer recommends combining these three projects into one bid in order to achieve economies of scale to reduce costs. Mrs. Zimmerman asked for clarification on Mr. Brulo’s “assumptions” listed in the proposed scope of work. Mr. Brulo said that HRG is assuming that there will be no right of way requirements. If a reclamation process needs to be selected for any part of the project, a geotechnical sub-consultant will be required to perform the payment design at an additional fee of approximately \$1,500.00-\$2,000.00.

***Mrs. Zimmerman moved, seconded by Mr. Megonnell to authorize the Scope of Work for the Three Paving Project (Manor, Knight, Municipal Bldg. Parking lots) in the total amount of \$47,500 allocated from the Capital Reserve fund. Motion passed unanimously.***

Motion - Rec Center Phase 1, Task 3 report- Task 3 Environmental Site Assessment (ESA) report has been received by the Township along with recommendations. The most important finding is a 1,000 gallon underground heating oil storage tank. No information is known about its age, construction, or integrity, therefore the recommendation is to remove it and test the surrounding soil for contamination. They also recommend the tank be replaced with an above ground tank connected to the existing piping. The cost for removal and replacement is approximately \$6,000.00. Soil sample testing should not exceed \$1,000.00 unless results show contamination which would require additional testing. Unlike the results found for Tasks 1 and 2, the Township Engineer recommends the Township proceed with the removal and replacement of the oil tank now rather than include this item in any renovation of the building.

***Mrs. Zimmerman moved, seconded by Mr. Megonnell to accept the report and authorize staff to arrange for the removal of the underground oil tank at 628 Walnut Ave. and installation of an above-ground tank connected to the existing piping. Motion passed unanimously.***

Motion – Pennsylvania American Water Company Waiver Request, Stofko/Getty project - Pennsylvania American Water Company has notified the Township that they plan to begin construction of relocating the water main on North Fairville Avenue in March. Due to the nature of the project PAWC is requesting the waiver of the permit fees assessed by the Township for the project. These fees include the road cut/street opening permit fee of approximately \$90.00. The Improvement Guarantee and the Maintenance Guarantee, totaling approximately \$2,750.00, are security the Township would receive for the actual paving work only. If the Board chooses to have the Township contractor perform this paving there would be no security due from PAWC. The security for the paving would be included the performance bond from the Township contractor Flyway Excavating and there would be a 1 year correction period. PAWC is also requesting the Township accept responsibility for the paving of the PAWC road cut area. The bid from Flyway Excavating includes quantities for paving the area of road cut for the drainage facilities. Township Engineer Al Brulo has provided an estimate of the costs of the paving of the PAWC road cut area based on these bid costs totaling approximately \$1,200.00. Solicitor Yost brought up the concern of

what if the PAWC contractor does a poor job, then the Township will pave over poor constructed work. Mr. Brulo stated that the Township will inspect the construction of the water line during the road cut. Ms. England said that PAWC has a master maintenance bond with the Township.

***Mr. Megonnell moved, seconded by Mr. Steinmeier to approve the PAWC request to waive the Township fees for the road cut for the relocation of the water main at the Stofko/Getty drainage project site and to add the paving of the PAWC road cut area in the Township contract with Flyway Excavating. Motion passed unanimously.***

Resolution 2012-31, Appointment of Alternate Sewage Enforcement Officer –The Township has been advised by Pennsylvania Department of Environmental Protection (DEP) that the Supervisors must appoint an alternate Sewage Enforcement Officer (SEO) as well as a primary SEO, Brian McFeaters. Mr. McFeaters has advised that his alternate is Michael J. Brown and has stated that in the event the alternate SEO is engaged, he will abide by the SEO fee schedule.

***Mr. Megonnell moved, seconded by Mr. Harman to adopt Resolution 2012-31, appointment of the alternate Sewage Enforcement Officer. Motion passed unanimously.***

Motion – Resignation from Park & Recreation Board

***Mr. Steinmeier moved, seconded by Mrs. Zimmerman to accept the resignation of Mike Geppert, from the Park & Recreation Board. Motion passed unanimously.***

Motion – Removal of Park & Rec Board member- Mrs. Fesig, Park & Recreation Coordinator addressed the Board regarding the absences of Board members at meetings. According to the bylaws members who have 3 or more absences can be removed. Mr. Klein asked if the member had been contacted, Ms. England confirmed that he has been contacted and he is not able to serve on the Board.

***Mr. Megonnell moved, seconded by Mrs. Zimmerman to authorize the removal of Joe Baker from the Park & Recreation Board. Motion passed unanimously.***

Resolution 2012-26, Appointment of Park & Rec Board members- Mrs. Fesig, Park & Recreation Coordinator explained that Mr. Geppert submitted his resignation at the request of the Park & Recreation board due to his absence at meetings. She provided the Board information regarding the lack of a quorum that occurred at the January 18<sup>th</sup> meeting. There was general discussion regarding the applicants and recommendations for the vacant seats.

***Mr. Megonnell moved, seconded by Mrs. Zimmerman to adopt Resolution 2012-26 appointment of Thomas Stewart, Debbie Hetrick, and Rebecca Schwartz as Park & Recreation Board members. Motion passed unanimously.***

Motion – Revised Park Use Agreement, Baseball/Softball Association- Based on discussions at the workshop on January 30, 2012, the following changes have been made:

1. Page 3, Section 7.A. “Organized events are not authorized until after March 15, 2012.”

2. Page 7, Section 9.B.13: “Water will be turned on March 15, 2012, weather permitting. If weather prohibits water service the Township will, at their expense, provide a porta-john at Houck Memorial Park and Houck Manor Park for 1 month until April 16, 2012.”

Mr. Steinmeier brought up to the Board that perhaps next year the park reservation fee should be lowered from \$2,500.00 to \$1,500.00. He is not happy with the fee of \$2,500.00; he thinks the fee reduction would allow the Association to use the funds for maintenance of the fields. Mrs. Zimmerman suggested that if the reservation fee is reduced, then the Association should reduce the enrollment fee so more children can participate in the program. She also suggested that next year if they request porta-johns that the Association pay the fee.

*Mrs. Zimmerman moved, seconded by Mr. Steinmeier to approve and authorize the execution of the revised Park Use Agreement with the West Hanover Township Baseball/Softball Association for calendar year 2012. Motion passed 4-0-1, with Mr. Klein abstaining.*

#### **OTHER BUSINESS THAT MAY COME BEFORE THE BOARD:**

Mrs. Zimmerman reminded the Board members about the meeting held at the Dauphin County Conservation District office being held on February 15<sup>th</sup>. Mr. Megonnell, Mr. Steinmeier, and Mrs. Zimmerman will attend.

#### **PUBLIC COMMENT:**

Neil Shatto, 1452 Mumma Road- Mr. Shatto thanked the Board on behalf of the fire company for the fire station. He thanked the Public Works department for the sign installation and placement of large boulders at the fire station in an attempt to keep tractor trailers from trying to turn around in the fire station driveway. He brought up the odor problem at the fire station; Ms. England stated the contractor was coming to the station to look into the problem. A contractor will be out this week to look at the problem with the floors. Mrs. Zimmerman suggested that there be a written agreement between the Township and the contractors regarding outstanding issues to be resolved.

Bob Jones, 7887 Skyline Drive- Mr. Jones asked for clarification of the work that will be done on Manor Drive. Mr. Harman explained that Manor Drive would be paved between Hershey Road and Route 22. He suggested that the oil tank at the Recreation Center be replaced with a propane tank to save money. Mr. Jones asked for clarification of the high cost of water for the fire station. It was explained the service charge is for the fire suppression system. He suggested that the fire company look into putting in a water tower. He thanked the Board for waiving the permit fees for the water treatment plant upgrade.

Steve Millard, 7400 Wells Drive- Mr. Millard thanked the Board for waiving the permit fees for the water treatment plant upgrade. He brought up the fee schedule and the cost that would have been involved for the WSA permits. Mr. Millard asked what would be done with the money saved by using a Township employee. Mr. Steinmeier stated that the Township would not make a profit on permit fees. Mr. Millard read a section 706 from the Second Class Township Code to the Board regarding use of special funds. Mr. Klein explained the fee schedule to Mr. Millard.

**SUPERVISORS COMMENTS:**

Mr. Steinmeier has received numerous complaints from residents regarding tractor trailers traveling along Dove Drive and Daniel Drive from Rt. 22. He suggested a workshop to discuss how to resolve the problem. PPL had to replace a streetlight as a result of the damage.

**ADJOURNMENT: 9:20 pm**