

**WEST HANOVER TOWNSHIP BOARD OF SUPERVISORS
7171 ALLENTOWN BOULEVARD, HARRISBURG, PA 17112
MONDAY, MARCH, 19, 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. Mr. Klein announced an executive session was held this evening to discuss personnel and legal issues.

ROLL CALL

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

Adam Klein, Chairman
Don Steinmeier, Secretary-Treasurer

APPROVAL OF MINUTES

Regular meeting – March 5, 2012- *Mr. Megonnell moved, seconded by Mr. Steinmeier to approve the regular meeting minutes of March 5, 2012. Motion passed unanimously.*

Joint Workshop meeting- March 12, 2012- *Mr. Megonnell moved, seconded by Mr. Harman to approve the joint workshop meeting minutes of March 12, 2012. Motion passed unanimously.*

Workshop meeting – March 12, 2012- *Mr. Megonnell moved, seconded by Mr. Steinmeier to approve the workshop meeting minutes of March 12, 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: PA DEP RE: DEP Permits- Ms. England explained that first letter is for the final permits that were originally obtained as emergency permits from Tropical Storm Lee. The second letter is for the culvert projects at Devonshire Heights and the Recreation center.

FROM: Harrisburg Area Transportation Study RE: Meeting notice Mr. Steinmeier stated that he will attend the April 13th meeting. He will request that a three way stop sign be placed at the intersection of Green Hill road and Oak Grove road. Solicitor Yost suggested that he bring up the intersection at Devonshire Heights and Douglas road. Mr. Steinmeier stated he brought that up at the December meeting but will bring it up again at the April meeting.

FROM: Penn State Extension RE: Woodland Owners Association Annual Conference- Mr. Megonnell stated that he will attend the conference.

PUBLIC COMMENT:

Beth Carricato, 699 Knight Road- Mrs. Carricato brought up that littering in the township is getting out of control. She said Harper Drive and the truck stop area is terrible. She asked if the Board can contact the commercial businesses to ask them to clean up trash near their businesses. She asked if the codes officer can speak to the contractor at the La Quinta as there is a lot of construction debris/trash in that area. She asked if there will be any deliberation at a public meeting regarding the conditional use request for Creekvale. Mr. Klein stated the board will address that later in the meeting this evening. She suggested that the Board walk the Creekvale location to be able to see the proposal first hand. She brought up that some the proposed townhome decks on the plan are intruding into the set back area.

Linda Turns, 8000 Rabbit Lane- Ms. Turns asked if the Board set a time frame for the owner of the property at the corner of Rt. 39 and Fairville to begin clean up of the facility. She said that no work has been done to the property and that the area looks shabby. She asked if any Board members are available to attend the park and recreation meeting on March 21st. She said that there are three new recreation board members and it would be helpful if Board members can provide direction to the new members. Mr. Megonnell stated he may be able to attend the meeting.

PUBLIC HEARING/MEETINGS: None

PRESENTATIONS, STAFF/BOARD REPORTS:

Patti Estheimer, EAC- Mrs. Estheimer brought up the article in the spring newsletter about neighborhoods or families getting together to take the “litter challenge” to help clean up township. She updated the Board on the start up of a recycling program with the baseball association. The EAC will meet with Waste Management on March 20th to get ideas on alternatives on recycling containers that can be placed in the township parks.

Elizabeth England, Township Manager-Ms. England provided an update regarding the parking lot paving project. Mr. Harman met with HRG to begin mapping out the parking lot. It was determined that a reclamation step should be added to the bid since the majority of the parking lot failed.

Mr. Megonnell moved, seconded by Mr. Steinmeier to table the planning of the paving of the parking lot until the April 2nd workshop. Motion passed unanimously.

Ms. England stated that if the project is tabled it won't make the bid for this year.

Mr. Megonnell stated that there are public roads in the Township are in worse shape in the parking lot. He thinks that parking lot can be paved.

Mr. Megonnell brought up the monthly report from the state police. He said that the theft rate from January 2012 to February 2012 has quadrupled. He reminded residents to lock everything up.

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 March 16, 2012	\$1,369,549.30
Total Liquid Fuels Balance as of March 16, 2012	\$312,512.57
Total Capital Reserve Fund Balance as of March 16, 2012	\$1,620,353.54

B. Deposit Activity since March 6, 2012

\$10,196.32

Mr. Steinmeier reported the gross payroll of March 9, 2012 totaled \$29,443.72. ***Mr. Megonnell moved, seconded by Mrs. Zimmerman to approve the payroll of March 9, 2012 in the amount of \$29,443.72. Mr. Harman abstained, motion passed unanimously.*** Mr. Steinmeier reported the vouchers prepaid to meet due dates was zero. Steinmeier reported the total for the vouchers to be approved is \$68,833.53. ***Mr. Megonnell moved, seconded by Mrs. Zimmerman to approve the vouchers in the amount of \$68,833.53. Motion passed unanimously.***

PLANNING COMMISSION REPORTS AND PLANS

#11.008 P/LD/SB Manada Hill Apartments (Action by 3/23/12) - Tabled 2/6/2012 - Jim Snyder, engineer for the developer, believes that the plan is ready for action. He explained that he met with Mr. Leonard regarding two changes to the proposed plan which would allow the plan to meet the 26 foot cart way width. Mr. Klein expressed his concern with the plan not meeting the 26 foot cart way width requirement. Brian Kobularcik, representative from developer (Metropolitan Management Group), explained the proposed changes to the plan which would allow the 26 foot cart way width to be met. The first plan change would be to change the size of the compact car parking space and the second plan change would be to reduce the sidewalk from 5 feet to 4 feet. There was general discussion among the Board regarding the proposed changes to the plan in order to meet the 26 foot cart way width. Solicitor Yost stated that he didn't think reducing the compact car parking space was a good idea. Mr. McCahan, spoke on behalf of the PSAB, and favors the shortening of the sidewalk. Mrs. Zimmerman asked for clarification of Capital Drive. Mr. Snyder explained that Capital Drive is a private access road, which will be served by a cross access easement across the property that will benefit both the church and the apartments. There is no proposal to have Capital Drive be a public street. Mrs. Zimmerman asked if the buildings will be numbered and the road will be named. Mr. Snyder confirmed the buildings will be numbered and the road named.

Mrs. Zimmerman moved, seconded by Mr. Megonnell to waive the following sections of the West Hanover Township Subdivision and Land Development Ordinance for the Preliminary Subdivision and Land Development Plan for Manada Hill Apartments; 100 Hershey Road, Township ID #11.008; Tax Parcel # 68-024-170:

- 1. Section 173-13.A – Plan sheet size***
- 2. Section 173-13.B(3) – Driveway profile scale***
- 3. Section 173-37 – Parkland dedication***

Motion passed 4-1, with Mr. Harman voting nay.

Mrs. Zimmerman moved, seconded by Mr. Steinmeier to approve the Preliminary Subdivision and Land Development Plan for Manada Hill Apartments; 100 Hershey Road, Township ID #11.008; Tax Parcel # 68-024-170, contingent upon (based on):

- 1. 173-13.C(2) – Submission of sewage planning module.*
- 2. 173-13.B(27) – Submission of all agreements and easements for Township review.*
- 3. 173-13.B(35) - Addressing outstanding staff and Township Engineer comments.*
- 4. 173-13.B(35) – Other outstanding items as required by Ordinance.*
- 5. 173-13.B(35) – Enter into discussions with Board of Supervisors for fair-share contribution due to added traffic.*
- 6. Modification of the plan to increase the cart way by one foot reducing the size of the sidewalk from 5 feet to 4 feet to make the cart way 26 feet.*
- 7. Acceptance of the developer’s offer to contribute \$40,000 at \$4,000/building permit at the time of issue. This is a contribution to the Exit 77 project.*

Motion passed unanimously.

The developer is required to forward the planning module to the DEP. A resolution will be placed on the April 2nd meeting agenda for Board consideration.

#12.001, F/SB Noll subdivision (Action by 4/24/12)- Lois Graham, representative from Act One Consultants, provided a brief overview of the proposed subdivision for the Board. The applicant wishes to subdivide a 42.82 acre parcel into 1 new building lot, 1 residual lot with the existing houses on it, and 1 large boundary adjustment adjoining 30.27 acres to existing lot #3. Mrs. Zimmerman brought up the appraisal value of the land; there was general discussion among the Board. Mrs. Zimmerman thinks that the legal appraisal of \$4,000/acre is fair. The EAC had no outstanding issues with the request of the subdivision.

Mrs. Zimmerman moved, seconded by Mr. Megonnell to accept the exemption of following sections of the West Hanover Township Subdivision and Land Development Ordinance for the Noll Estate Final Subdivision Plan; 6949 Sleepy Hollow Road, Township ID #12.001; Tax Parcel # 68-006-001:

- 1. Section 173-37.B(2) – Paying FILO instead of parkland dedication*
- 2. Accept the appraised value of \$4,000/acre*

Motion passed unanimously.

Mrs. Zimmerman moved, seconded by Mr. Steinmeier to waive the following sections of the West Hanover Township Subdivision and Land Development Ordinance for the Noll Estate Final Subdivision Plan; 6949 Sleepy Hollow Road, Township ID #12.001; Tax Parcel # 68-006-001:

- 1. Section 173-11.A – Preliminary Plan requirements*
- 2. Section 173-11.B(2)(bb) – Existing contours at two foot intervals*
- 3. Section 173-11.B(2)(t) – Location of man-made features*
- 4. Section 173-11.B(3)(h) – Wetlands report*

Motion passed unanimously.

Mrs. Zimmerman moved, seconded by Mr. Steinmeier to approve the Noll Estate Final Subdivision Plan; 6949 Sleepy Hollow Road, Township ID #12.001; Tax Parcel # 68-006-001, contingent upon (based on):

- 1. 173-15.C(2) - Sewage Planning Module approval by PADEP*
- 2. 173-37.G – Paying the fee-in-lieu-of parkland dedication*
- 3. 195-82.E(2) – Approval of the Conservation Easement agreements and stormwater covenant by the Solicitor*
- 4. 173.15.C(19) - Addressing outstanding staff and Engineer comments*
- 5. 173-15.C(19) – Other outstanding items as required by Township Ordinance*

Motion passed unanimously.

#2012.02 F/SB Devonshire Heights Road – Discussion of road improvements- Joel McNaughton, representative of the McNaughton Company, addressed the Board regarding the proposed road improvement contribution. The developer wishes to subdivide a 31.50 acre parcel into 4 building lots of approximately 7 acres each. The developer is agreeable to providing additional right of way dedication in addition to the standard right of way dedication. Mr. Steinmeier brought up the estimate for road widening improvements to Devonshire Heights Road and Knight Road from the township engineer in the amount of \$84,200. Mr. McNaughton was not aware this information, it was their understanding that the township would accept additional right of way dedication. The developer took the additional steps to add the additional right of way to the plan that was submitted today to meet the April 2nd deadline. There was general discussion regarding a monetary contribution in lieu of right of way dedication. Mrs. Carricato, who lives at 699 Knight Road, provided her comments regarding the proposed right of way dedication. Mrs. Zimmerman suggested a contribution of \$22,000. Mr. McNaughton stated that figure was in excess of what number they had in mind. It was the consensus of the Board that they would prefer a contribution than dedication of land. This item will be on the April 2nd meeting agenda.

OLD BUSINESS:

#2012.01 Conditional Use Hearing – Creekvale. Final decision deadline April 18, 2012.

The Board received an extension letter from Williams Holding Group, LLC for the preliminary land development plan for Creekvale until May 25, 2012.

Mr. Klein moved, seconded by Mr. Megonnell to accept the extension letter from Williams Holding Group, LLC for the preliminary land development plan for Creekvale until May 25, 2012. Motion passed unanimously.

Mr. Klein moved, seconded by Mr. Megonnell to table the conditional use hearing decision for Creekvale until April 16, 2012. Motion passed unanimously.

Resolution 2012-32, Appointment of Planning Commission member

Mr. Megonnell moved, seconded by Mr. Harman to approve Resolution 2012-32, appointing Joseph Snyder to seat #2 for the balance of a four year term on the Planning Commission ending December 31, 2014. Motion passed unanimously.

Motion – Scope of Work, Public Works Salt Storage & Site Improvements

Mr. Harman moved, seconded by Mr. Megonnell to table the Scope of Work, Public Works Salt Storage & Site Improvements indefinitely. Motion passed unanimously.

NEW BUSINESS

Motion Consent Items: Section 607. (4): None

Motion - Well Isolation Distance Waiver- Mr. Klein provided a brief review of the issue at 1652 Maplewood Road regarding a sewage malfunction. The homeowner has a malfunctioning system that cannot be repaired which is between 20 and 52 feet from his well. He has engaged a system design consultant, who recommends an at-grade absorption area in a new area of their lot approximately 70 feet from their well. This isolation distance does not meet the 100 foot standard as required in the PA Code, Chapter 73, however it does substantially improve the distance over the existing system. An indemnification agreement would need to be put into place along with the waiver from the township. Township SEO, Brian McFeaters, addressed the Board regarding the issue. Solicitor Yost suggested that language be added to the indemnification agreement regarding the 100 foot well isolation distance.

Mrs. Zimmerman moved, seconded by Mr. Steinmeier to waive the 100 foot well isolation distance for Robert Nesbitt in order to abandon a malfunctioning septic system and install a new at-grade absorption system on his property at 1652 Maplewood Road, authorize execution of an indemnification agreement, and direct the SEO to issue the appropriate permits. Motion passed unanimously.

Motion – Disposal of Township Property- The Park & Recreation department has replaced picnic tables at all the parks and has four surplus picnic tables that can be disposed of. The Second Class Township Code, Section 1504, Personal Property, states that items with an estimated market value of less than \$1,000 may be sold as long as the board of supervisors adopts a resolution that sets a procedure for the sale of items. Ms. England presented the proposed Resolution for the Board to review. Mrs. Zimmerman suggested that the township donate the picnic tables to the fire company. Neil Shatto, trustee of the fire company, said the fire company could use two picnic tables.

Mrs. Zimmerman moved, seconded by Mr. Megonnell to donate two picnic tables to the fire company. Motion passed unanimously.

Mrs. Zimmerman moved, seconded by Mr. Megonnell to adopt Resolution 2012-35, establishing a procedure for the sale or disposal of excess personal property. Motion passed unanimously.

Motion – Exoneration of Tax Penalties- Classic Communities Corporation is requesting exoneration of penalties for delinquent tax payments. The tax bill on three parcels was paid in April, 2011, the check was never cashed, and the Tax Collector has never returned phone calls to Classic Communities Corporation. They are requesting the Township waive the penalty amount of \$21.98.

Mrs. Zimmerman moved, seconded by Mr. Megonnell to exonerate the municipal tax penalty in the total amount of \$12.08 for the late payment of the 2011 property taxes for properties at: Hillcrest Ave, tax parcel 68-033-051, penalty of \$2.76; Sunset Dr., tax parcel 68-033-004, penalty of \$4.20; and 7799 Allentown Blvd, tax parcel 68-033-003, penalty of \$5.12. Motion passed 4-1, with Mr. Steinmeier voting nay.

Motion – Authorize Advertisement, Ordinance 2012-03, Tow Away Zone- The Board approved Ordinance 2011-13 adding the section of Bradford Blvd. between Jonestown Road and Buckley Drive to the list of No Parking areas. There has been widespread abuse of the area with cars parked directly under the No Parking signs. The PSAB has recommended to the Board to establish a “Tow-Away Zone”. At the March 12, 2012, workshop with the PSAB the Board requested work begin immediately on establishing a Tow-Away zone.

Mr. Megonnell moved, seconded by Mrs. Zimmerman to approve the advertisement of Ordinance 2012-03, Tow-Away Zone, and schedule adoption for April 16, 2012. Motion passed unanimously.

Resolution 2012-36, Road Closing, Hillcrest Ave.

Mr. Megonnell moved, seconded by Mrs. Zimmerman to approve Resolution 2012-36, the temporary closing of a portion of Hillcrest Avenue on Saturday, April, 7, 2012. Motion passed unanimously.

Motion – Approve Scope of Work, Sign Retroreflectivity Project- Mr. Klein provided a brief review of the sign retroreflectivity project. The Board discussed that the project regulations may be repealed, however at this time the regulations remain. The compliance date for implementing and using an assessment method has been proposed to be extended two years. The compliance dates for replacement of signs is also proposed to be eliminated however the FHWA specifies that there will not be changes to any minimum standards The Board discussed the options for the project in order for the township to be compliant. Ms. England gave a brief overview of the scope of work proposed by HRG. Mr. Klein asked that Ms. England contact Senator Toomey’s office to regarding any information regarding a possible change to the regulations.

Mr. Klein moved, seconded by Mr. Megonnell to table the scope of work for the sign retroreflectivity project until April 2, 2012. Motion passed unanimously.

OTHER BUSINESS THAT MAY COME BEFORE THE BOARD:

Mr. Klein stated that Bob Leonard, Zoning Officer, has submitted his resignation effective May 31, 2012.

Mr. Steinmeier moved, seconded by Mrs. Zimmerman to accept the resignation of Bob Leonard, Zoning Officer, effective May 31, 2012. Motion passed unanimously.

Mrs. Zimmerman informed the Board that Pavone's restaurant has closed and donated pictures of the Township to the Historical Society. She would like permission to display the pictures in the township building. It was the consensus of the Board to display the pictures.

PUBLIC COMMENT:

Beth Carricato, 699 Knight Road- Mrs. Carricato commented on the issue regarding the proposed right of way dedication from the McNaughton company. She commented that it doesn't benefit the township to accept the land.

Bill McCahan, 7230 Jonestown Road –Mr. McCahan thanked the Board on behalf of the fire service community for enforcing the fire codes in regards to the Manada Hill apartments proposed plan.

SUPERVISORS COMMENTS:

Mr. Steinmeier reminded everyone that Senator Piccola will hold a town meeting at the township building on March 31st at 9:00am.

Mr. Megonnell stated the PSAB meetings will now be held at the fire station on Jonestown Road.

ADJOURNMENT: 8:45 pm