

**WEST HANOVER TOWNSHIP BOARD OF SUPERVISORS
7171 ALLENTOWN BOULEVARD, HARRISBURG, PA 17112
MONDAY, AUGUST 18, 2014**

CALL TO ORDER

Chairman Klein called the meeting to order at 7:00 PM followed the Pledge of Allegiance and the invocation. He stated there was an Executive Session held this evening to discuss legal, personnel, and land use items.

ROLL CALL

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

Adam Klein, Chairman
Don Steinmeier, Secretary-Treasurer

APPROVAL OF MINUTES

Regular meeting –August 4, 2014- Mrs. Zimmerman pointed out a correction to the motion approving the payment of vouchers from the Fire Tax. *Mrs. Zimmerman moved, seconded by Mr. Steinmeier to approve the regular meeting minutes of August 4, 2014 as amended with the correction. Motion passed unanimously.*

CORRESPONDENCE

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

FROM: Harrisburg Area Transportation Study RE: Meeting Schedule- Mr. Steinmeier stated that he will attend the September 12th HATS meeting. He asked if the Board had any requests/questions they would like him to address at the meeting. Mrs. Zimmerman requested an update on proposed projects in the Township.

PUBLIC COMMENT: None

PRESENTATIONS, STAFF/BOARD REPORTS

Fire Company

Kyle Miller, Fire Company President provided the following information to the Board:

- The fire police have been very busy, they logged 80 volunteer hours in the past 4 weeks.
- There are three new live-in firemen at Station #1, they are all attending HACC and are certified from other fire companies in Pennsylvania.
- The budget process has begun; it will be presented to the Board at the September 15th meeting for their review and comments.
- Upcoming events include: Hero's for Warriors Benefit Ride, August 23rd and Fall Festival & Haunted Hayride on October 17th/18th and October 24th/25th.

- Recent expenses included: \$7,225.22 for Engine 3 repairs/ Chapter 19 testing and \$2,185.55 for tire repairs for Rescue Unit 36-1.

Mrs. Zimmerman thanked the Fire Company and Fire Police for their participation in Community Day. She recognized Tyler Kerstetter for assisting in fighting wilderness fires out west.

Mr. Steinmeier asked for clarification on what piece of apparatus had the tire repairs. Mr. Miller explained the incident and repairs that were completed. There was brief discussion on the recent repairs to Engine 36-1 and Rescue 36-1.

Mr. Megonnell asked when the next meeting will be held; Mr. Miller confirmed it will be on September 2nd. Mr. Megonnell asked that any pertinent information be forwarded to Mrs. Zimmerman and him since they will not be able to attend.

Tim Shatto, Fire Chief reported the following information:

- The month of July the Fire Company responded the 36 emergency alarms, hosted 6 in house training sessions, participated in 2 training sessions outside their jurisdiction, and had no fire fighter injuries.
- Mr. Shatto, Mr. Kerstetter, and Mr. Miller will be traveling to Wisconsin on Monday to Pierce Manufacturing for the print review approval for the Heavy Rescue Truck. Change orders that require a cost increase will be presented to Mrs. Zimmerman, Mr. Megonnell, and Mr. Rosario for review and approval. Chairman Klein signed the authorization form for all change orders. Mr. Shatto explained that some change orders will be to change paint color, placement of equipment, style of lettering, etc., these types of change orders will not incur any increase in cost of the project. He hopes to have a list of monetary change orders by Tuesday for Mrs. Zimmerman, Mr. Megonnell, and Mr. Rosario to review.
- Mr. Shatto presented the Board with an outline of the Heavy Rescue Project Cost Analysis report regarding the PEMA 2% loan. Mr. Steinmeier asked when the PEMA loan will be approved; Mr. Shatto stated they hope to receive information by October.

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 August 15, 2014	\$1,356,222.85
Liquid Fuels Balance as of August 15, 2014	\$407,748.48
Capital Reserve Fund Balance as of August 15, 2014	\$1,354,590.11

B. Deposit Activity since August 4, 2014 \$67,327.70

Mr. Steinmeier reported the gross payroll of August 8, 2014 totaled \$28,737.58. ***Mr. Megonnell moved, seconded by Mr. Steinmeier to approve the payroll of August 8, 2014 in the amount of \$28,737.58. Motion passed 4-0 with Mr. Harman abstaining.***

Mr. Steinmeier reported the vouchers prepaid to meet due dates was \$1,109.44. ***Mr. Megonnell moved, seconded by Mr. Harman to approve the vouchers prepaid to meet due dates in the amount of \$1,109.44. Motion passed unanimously.***

Mr. Steinmeier reported the total for the vouchers to be approved is \$97,337.06. ***Mr. Megonnell moved, seconded by Mr. Harman to approve the vouchers in the amount of \$97,337.06. Motion passed unanimously.***

Mr. Steinmeier reported the total for the vouchers to be approved and paid from Fire Tax is \$13,030.58. ***Mr. Megonnell moved, seconded by Mrs. Zimmerman to approve the vouchers to be paid by Fire Tax in the amount of \$13,030.58. Motion passed unanimously.***

PLANNING COMMISSION REPORTS AND PLANS

#11.007, PLD, Creekvale, Time Extension – Mr. Rosario explained the purpose of the time extension.

Mrs. Zimmerman moved, seconded by Mr. Steinmeier to accept the time extension for #11.007, Preliminary Land Development Plan for Creekvale until September 30, 2014. Motion passed unanimously.

OLD BUSINESS

Motion-Final Closeout Documents, 2013 Township Paving Project-Tabled on June 16, 2014- Mr. Harman stated that the work has been completed to his satisfaction. The funds due to the contractor will be released.

NEW BUSINESS

Motion – Consent Items: Section 607.(4): Improvement Guarantee Reduction #1, Whitetail Run; Improvement Guarantee Reduction #2, Arondale; Improvement Guarantee Reduction #2 (Final), Triple K Fleet Service; Maintenance Guarantee, Triple K Fleet Service

Mrs. Zimmerman moved, seconded by Mr. Megonnell to approve Improvement Guarantee Reduction #1 for Whitetail Run by \$127,956.00 from the current amount of \$191,485.80 leaving a balance of \$63,529.80. Motion passed unanimously.

Mrs. Zimmerman moved, seconded by Mr. Steinmeier to approve Improvement Guarantee Reduction #2 for Arondale by \$82,896.00 from the current amount \$239,395.00 leaving a balance of \$156,499.00. Motion passed unanimously.

Mr. Steinmeier moved, seconded by Mr. Harman to approve Improvement Guarantee Reduction #2 (Final) for Triple K Fleet Service by \$22,379.00 from the amount of \$22,379.00 leaving a balance of \$0.00. Motion passed unanimously.

Mrs. Zimmerman moved, seconded by Mr. Megonnell to approve posting an 18 month maintenance guarantee in the amount of \$12,227.25 for Triple K Fleet Service. Motion passed unanimously.

Motion – Set “Trick or Treat” Night

Chairman Klein moved, seconded by Mr. Megonnell to set “Trick or Treat” Night for October 30, 2014 from 6:00pm to 8:00pm. Motion passed unanimously.

Motion-Pay Application #1, Farhat Excavating, LLC-Rabbit/Manor Culvert project-HRG, Inc. has reviewed the pay application and the Township Road Master has conducted field observations. Recommendation is for payment of \$42, 814.80.

Mr. Harman moved, seconded by Mr. Steinmeier to approve Pay Application #1 in the amount of \$42,814.80 to Farhat Excavating, LLC for the Rabbit Lane/Manor Drive culvert project. Motion passed unanimously.

Discussion-Brookview Phase III, Release of Drainage Easement- Tim Mellott from Mellott Engineering addressed the Board on behalf of Brookview Phase III. The Board rejected the request to eliminate the drainage easements for Lots 113-119 in Brookview Phase III at the August 4, 2014 meeting. Mr. Mellott stated that the developer is requesting to eliminate the drainage easements from the final plan for Lots 114,115,116 and 117 in Brookview Phase III. He commented that you can establish or extinguish easements on final plans. Mrs. Zimmerman asked if the easements were on the preliminary plan; Mr. Mellott stated they were not on the preliminary plan. There was discussion that the easements have no functions and that the mistake was made on the final plan. Solicitor Davidson stated that if the easements were shown on the final plan that the Board will need to file an amended plan to be approved and recorded and agreements will need to be drawn up between the owners and the Township. Mrs. Zimmerman asked if the developer spoke with the residents; Mr. Mellott stated they did. She suggested that an agreement should be drawn up that the resident's will not hold the Township responsible if there is a water problem. Mr. Steinmeier suggested that if the plan wanted to be amended this request should be sent to the Township Planning Commission for their review and recommendation to the Board. There was discussion that the agreements between the residents and the Township would specify that the Township has no responsibility for damages or replacement of fences should work need to be done on the property by the Township. There was discussion regarding the interpretation of the Ordinance that states "Nothing shall be planted or placed within the easement which would adversely affect the function of the easement, or conflict with any conditions associated with such easement." It was the consensus of the Board to send this request to the Planning Commission for review.

OTHER BUSINESS THAT MAY COME BEFORE THE BOARD

Mrs. Zimmerman suggested that the Township Ordinances need to be reviewed; she stated that they are open to interpretation.

Bill McCahan, Chairman PSAB- Mr. McCahan addressed the Board regarding a memo that he sent them regarding annual fire safety inspections. He brought up the addition to Code 103 which prohibits against tampering with non-residential fire alarms. He stated that the Fire Marshall has informed him that there is a hotel in the Township that has tampered with their fire alarm system, which is a very serious fire safety issue. Inspections for fire alarms, fire suppressions, and fire hydrants are to be conducted annually by a third party firm and then forwarded to the Township. Chief Shatto briefly explained the problems that the Fire Company encounters as a result of the tampering of the fire alarms. The PSAB is looking for the most effective way to enforce violators and suggests that the Township Codes Officer be able to inspect and fine violators. Chairman Klein commented that we need to find out what are the state's laws so we are compliant with their regulations.

Chairman Klein moved, seconded by Mr. Harman to have the Planning Commission review Township Ordinances regarding fire safety enforcement. Motion passed unanimously.

Mr. Rosario informed the Board that the landscaping issues at Arondale and Country Manor have been resolved.

Mr. Rosario contacted Sargent Nickey regarding the speeding problems on Mumma Road.

Mr. Rosario informed the Board of the Eminent Domain proceeding involving property of HPT TA Properties Trust regarding the Exit 77 project. Solicitor Yost is recommending that Nikolaus & Hohenadel represent the Township. The charge for professional services will be \$205.00 per hour.

Chairman Klein moved, seconded by Mr. Megonnell to appoint Nikolaus & Hohenadel as special counsel to represent the Township in the Eminent Domain proceeding involving property of HPT TA Properties Trust. Motion passed unanimously.

Mr. Rosario provided a brief financial update to the Board. He proposed that \$22,000.00 be allocated from the Operating Reserve fund to pay for the third party consultant and part time employee for the Codes department as well as the purchase of two new computers for the office.

Mrs. Zimmerman moved, seconded by Mr. Steinmeier to authorize allocating \$22,000.00 from the Operating Reserve fund to the General Fund. Motion passed unanimously.

Mr. Rosario presented a six month review of the following:

- Projects presented to the Zoning Hearing Board
- Rezoning map revisions
- Ordinance changes
- Planning Commission plans
- Permits issued

PUBLIC COMMENT

Dwight and Janet Simmons, 7920 Rider Lane- Mr. and Mrs. Simmons requested that the Board change the Ordinance allowing the number of pets allowed on a property. They stated that their neighbor has an excessive number of cats and that the smell is terrible. Mrs. Zimmerman said that she believes the current Ordinance states that anyone with over five dogs must have a kennel license. She asked Mr. Rosario to review the Ordinance. Chairman Klein stated that it sounds like a public health issue and that they should contact the Department of Health or Animal Control Board. Mrs. Zimmerman asked Mr. Rosario to contact the Animal Control Board to have them investigate the problem. Mr. Simmons also informed the Board that some of his neighbors are burning fires with flames that are six to eight feet tall; he contacted the State Police to resolve the problem. Mrs. Zimmerman said that the Township has a fire marshal and that all fires require a burn permit.

Tim Shatto, 1468 Mumma Road- Mr. Shatto asked why we are paying an attorney for the Eminent Domain proceeding involving property of HPT TA Properties Trust. Chairman Klein explained the Township was required to get the right of way for this project. Mr. Shatto questioned why the Township was responsible when it is a state road. Chairman Klein explained that in order to have the Exit 77 project moved up on the project list the Township had to contribute funds as well as get the right of ways. There was discussion that the land had to be acquired first and settlement of funds sometimes takes many years.

Mr. Rosario stated there is a project that will require a zoning map change. Chairman Klein asked that the information be forwarded to Dauphin County for their review and recommendations prior to asking the Board to review the request.

SUPERVISORS COMMENTS

Mrs. Zimmerman commended Mrs. Fesig for doing an outstanding job in organizing the Community Festival. She also thanked all the volunteers and Mr. Rosario for their participation.

Chairman Klein thanked everyone that helped make the Community Festival a great event.

Mr. Megonnell congratulated Mr. Harman for winning 3rd place in the chili cook off.

Mr. Steinmeier brought up the following items:

- The paving project is complete and the roads look good, he thanked Mr. Harman for helping to resolve drainage issues.
- Mailboxes were damaged on Manor Drive and Fairville Avenue; the State Police were contacted to investigate.
- The Township is paying school tax on the property near the Sewer Authority; he is going to check to see if the Township can be tax exempt.

Solicitor Davidson stated that if the land is used for public purposes you can apply to the County to be tax exempt however vacant land not being used for public purposes can't be tax exempt.

Mr. Steinmeier commented that he is upset with the new Stormwater management regulations. He stated that residents who own small parcels of land need to meet different requirements than residents or developers that own large parcels of land. He said that it is very costly for residents with small parcels of land to construct buildings on their property. Mr. Rosario stated that Dauphin County wrote the Ordinance and submitted it to DEP. He said any property over 1,000 square feet must meet Stormwater requirements. Mr. Steinmeier commented that there is discrimination for the small land owner.

Mr. Megonnell said there are no "No Hunting" signs along Fairville Avenue near Fairville Park. He asked Mr. Harman to have signs put up.

ADJOURNMENT: 8:35 PM