

EAST HANOVER TOWNSHIP BOARD OF SUPERVISORS MEETING
8848 Jonestown Road, Grantville, PA 17028
March 7, 2017

The regular meeting of the East Hanover Township Board of Supervisors was called to order with the pledge to the Flag by Vice Chairman Rish at 7:01 P.M. Present were Supervisors Glenn Moyer, Rob Hess, and Rick Smith. Chairman Yingling was absent.

Lee Stinnett, Solicitor; Paul Cornell, Manager; Jackie Wilbern, Assistant Manager; Charles Longreen, Director of Public Works; 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. The Public Guidelines of Decorum require all individuals wishing to make public comment do so at the microphone and state their name and address.

There was an Executive Session held before the meeting to discuss a personnel and litigation issue.

APPROVAL OF THE MINUTES FROM THE MEETING OF February 21, 2017

- **Mr. Hess made a motion to approve the minutes from the February 21, 2017, Board of Supervisors Meeting. Mr. Moyer seconded the motion. The motion was approved 4 in favor, 0 opposed.**

TREASURER'S REPORT

Revenue - \$317,347.11

General	\$ 19,236.15
Street Light	\$ 500.09
Fire Co.	\$ 4,889.61
Park & Rec	\$ 1,008.00
State Fund	\$ 291,713.26

Expenditures - \$ 1,110,354.25

General Fund	\$ 135,967.58
Street Light Fund	\$ 533.81
Park & Rec	\$ 5,035.98
Sate Fund	\$ 253.28
Public Works Loan	\$ 513,826.32
Gaming Fund	\$ 454,737.28

- **Mr. Hess made a motion to pay the bills as presented. Mr. Smith seconded the motion. The motion was approved 4 in favor, 0 opposed.**

Available Funds - \$6,733,874.00

CORRESPONDENCE

The correspondence is listed as a handout and may be reviewed during regular office hours.

PENNSYLVANIA STATE POLICE COMMUNITY OUTREACH

No report.

GRANTVILLE FIRE COMPANY – CHIEF THEAL

Chief Theal reported there were a total of 16 calls in February; 10 were in district, 4 were out of district, 2 were out of the County. He was requested to provide numbers on the accidents on the S turns on Sand Beach Rd. He provided the Board with a report

FORT INDIANTOWN GAP – DAVID B. WEISNIGHT

Mr. Weisnight reported as of March 7th over 46,000 personnel have trained on the base. For the next 2 weeks there will be over 4,400 Troops on post. There will be demolition training on March 18th. On March 21st there will be live fire. There will be nightly flights since Fort Indiantown Gap is the 2nd busiest heliport. We have a partnership with the USO and back in September, 2016, we opened a branch of the Liberty USO that services Pennsylvania and New Jersey in the old recreation center. There have been over 12,000 service people that have come through the USO and utilized it. This is totally a volunteer organization. They do need help and they are soliciting for volunteers. This includes bringing food over, manning the front desk, etc. The Post Protection Plan has been partially executed and it is the intent that we will include the communities as we move forward with the plan. It is the intent that if you come on post, that you will need to show an approved DOD ID to drive through the gate. If you don't have an approved ID, you will have to go to a visitor center to get a pass to go on base. Vice Chairman Rish asked if a Pennsylvania Drivers License is not allowed. Mr. Weisnight felt it might be a valid ID to get a guest pass.

UNFINISHED BUSINESS

No unfinished business.

NEW BUSINESS

FLEET REPAIR COMMENTS

Paula Light was present to represent Fleet Repairs Solutions. The reason we are here tonight is that we have been in discussions with the Township's Solicitor regarding a letter that was received from the Township. An appeal was taken to the Zoning Hearing Board to resolve it in that forum. It is the family's and her preference to attempt to work the matters out that are still outstanding with the Township than to go through a formal legal proceeding involving some of the circumstances that were pointed out by Mrs. Wilbern and the letter from the Township. She did not know if the Board had the chance to have a briefing from the Solicitor on the sequence of the events and discussion on how you might want to proceed. Solicitor Stinnett noted we have had discussions and felt we would like to see a Conditional Use Application submitted and a

joint continuance of the Zoning Hearing Board hearings until such time that is approved. Once that is approved it would rescind the enforcement action which would obviate the need for the Zoning Hearing Board. That is the route we are hoping to proceed in. This is something that could be worked out and which is acceptable to you and the Township, and brought back to the Board. Attorney Light noted she did give that option to the client that the Township might want to proceed that way. There are some circumstances that would suggest that the Conditional Use Hearing is not required. One of the circumstances being that this property has been used since 2008 for the same purpose that is being used for today. Before that time it was being used for some fairly substantial industrial uses that involved some repairs to vehicles and that sort of thing so it has had a long history of the uses the Melots are using the property for today. It could be considered by the Township as a non-conforming use that has been continued for years, and one of the circumstances that would support that approach is the fact that there have been permits issued for the property, and most recently, in the spring of 2015, a building permit that was issued for the new building on the property and its purposes would be for trailer repair that doesn't involve any engine work, just for empty boxes that come into the building for service. The point is her client purchased the property unaware that there was any need for further permissions from the Township to use the property for the purposes it was being used for. They did not think to come in to ask if they are zoning compliant, no one advised them that it was needed. We are meeting the Township's concern relating to the new building and the Land Development aspect to the project. We were able to get our engineering company to file a final plan, which happened in February and that is under review. Mrs. Wilbern noted the plan did not go before the Planning Commission since it was an incomplete submission and was not received by the Plan due date. It will be on the Planning Commission agenda for March. Attorney Light noted there are 2 options, one to proceed with the Conditional Use Hearing, but the other is to consider that it is a non-conforming use that no one has questioned, and there have been permits that have been issued related to the use that could be considered that the company would have a vested right in the permit and the right to use the structure that was approved for that permit in accordance with the plans that were filed. In that circumstance, she felt that legally we would not need to go to a Conditional Use format, we could settle the case with the Zoning Hearing Board participation and the Township and the Melot family and go on from there. In that settlement agreement the Board would have the right and the ability to set out certain conditions that you might feel are important in the use of the property for the purposes which it is being used for now. That would be their preferred route not to have to go to a Public Hearing when she thinks everyone in the settlement process would probably reach agreement on what needs to be done, what already has been done that the Township may not know about in terms of just responding to the concerns that were raised in the Township's letter. Mr. Smith asked that Attorney Light expound on their reluctance to go to a Public Hearing. Attorney Light noted it was the time. The new building is almost finished and we don't have an occupancy permit yet so the quicker we can get the process completed, the quicker the business can use the facility they just built and paid for. From our perspective, if we reach an agreement with the Township, no one else has been complaining about the use for all these years. She did not know what would be gained by having the hearing. Mr. Smith commented he

did not feel we are trying to be overly burdensome, and as a relatively new Supervisor he doesn't want to rely on the fact that things didn't happen in the past that should have happened so he would encourage us to continue down the path of getting the appropriate Conditional Use variance. Solicitor Stinnett commented Attorney Light indicated the property has been used in the same manner since 2008; East Hanover has zoning that goes back to the 1970's. Do we know if it was a non-conforming use through 1970 when zoning was enacted in the Township? That is one of the problems of non-conforming uses here in the Township. In the past, most people have not looked far enough back to determine if the non-conformity lasted throughout the period. It also raises the issue as to whether or not a Special Exception would be needed. If you are trying to avoid the Zoning Hearing Board, that might not be the avenue. On the vested rights argument, we would have to look back to make sure everything was right on the application, there might have been some inconsistencies on the building permit application in terms of what the intended use of the property was. This is part of the reason he is recommending the Conditional Use process, and also for the due process for any citizens. Attorney Light noted if we go the Conditional Use route, one of the things we would really appreciate the Board doing in conjunction with that decision would recommend to your Code's officer that a temporary permit be issued so we can start doing all the work that we have been doing outside, inside. It would only last until we had the zoning completed, and then they would be able to issue a final occupancy permit. They could do all the code inspections; the Codes officer suggested we make that request to the Board. Mrs. Wilbern noted when she last spoke with Mr. Melot, he explained to her that even with the CO for the new building you would still need to do work outside. She asked if that had changed. Attorney Light noted one of the aspects of the zoning ordinance, the provision that Mrs. Wilbern sent to us, the one criteria said that no outside work can occur as part of this industrial use and she is suggesting to the Township that could be interpreted by the Township to mean the material aspect of the business must be in an enclosed structure, but there are some things like changing out windshield wipers, that a homeowner does in their driveway, that these people do on the trucks once they are finished up inside the tractors. The tractors are in their own building, they are compliant with auto service, vehicle service repair work because of what is going on inside the building. What we are talking about is incidental work on the trailers that are stored outside until they need to go in, or when they are finished they are outside and there needs to be some very minor work done on the trailers to finish them up, and it will free up space in the building. The business is that they take damaged trucks and trailers and bring them to the property. If it involves a tractor it goes into the older building for work and then the trailer work was being done outside since they didn't have a building. Now they have a building so the major work can be done inside. There is incidental work that we think this ordinance could be interpreted to mean some of that work could take place outside without taking up space inside. Part of the reason for building this building is their business has grown. They now have 50 employees and serve a fairly large region. They will need to be able to do minor repairs outside. Nothing to do with changing out fluids. Solicitor Stinnett noted if a Conditional Use is being considered, that could be one of the conditions that could be attached to the decision. We could work out a condition that is reasonable that would offer relief while also protecting the intent of the ordinance. That is something that can

be discussed before the hearing and give you some potential suggestions. Attorney Light noted we have a large building right now that holds 6 trailers so there is more demand on this property with this business than with just 6 trailers using an indoor space. The effort was to put these trailers inside, not just for the overall status of the property, but also so their workers can work inside. Vice Chairman Rish commented it sounds like some of the concerns could be addressed by the Conditional Use hearing which seems to be what is required. Attorney Light noted we would go that route if that is what the Township wishes. She asked again for the Board to consider a temporary occupancy permit so they could move into the building. Mr. Hess noted we want to support people who are creating jobs, or doing something to create commerce in the Township, and I think we need to listen to the Solicitor and discuss it before any of us would necessarily comment on that since we don't want to do something inaccurate or something that we shouldn't be doing at a public meeting, I think we should discuss it with the Zoning Officer and Solicitor. From his perspective, he doesn't want to try to penalize anyone who is creating jobs. Vice Chairman Rish noted there is another meeting in 2 weeks so we have to time discuss it before the building is finished. Attorney Light asked since we are going down the Conditional Use route, does the Planning Commission play a role in it. Mrs. Wilbern noted the Planning Commission reviews it first. The application for March's meeting would have been today and she indicated that she would work with them if there was something they could put together quickly. Solicitor Stinnett noted there is one Planning Commission Member present so we know the timeliness of the issue and will try to work with them. Dan Melot noted we have worked with Allentown, Hanover Township, Lehigh Valley and now in Atlanta and each time he approaches a Board, every time he talks to a Supervisor, the one person who is the most difficult to talk to is Codes and Zoning, and he noted it is the opposite here. Mrs. Wilbern has tried to support us over the past few years and has put him in the right direction. He discussed all the new work that is coming into the business and indicated that it is great being able to work here in the Township. Vice Chairman Rish noted we are all in favor of Mr. Melot having a successful business.

REQUEST TO AWARD BIDS FOR 2017 ROAD MATERIALS THROUGH COG

Mr. Cornell noted we have before you the bid opening and the results from the Capital Area Council of Governments. He has reviewed it with Mr. Longreen. There are a couple awards and he asked the Board to award the bid for Aggregate #8, #57, 9.5 mm Wearing ESALS and AS1 to Hempt Brothers and the CRS-2 to Hammaker. Discussion was held on the bids.

- **Mr. Smith made a motion to award the bids for road materials as presented. Mr. Moyer seconded the motion. The motion was approved 4 in favor, 0 opposed.**

PARK AND RECREATION

Mr. Smith noted the Park and Rec Board is interested in moving forward with the feasibility study relative to the existing Township building now that the new Public Works building is open. Mr. Cornell noted there are two phases to this, one is looking at the existing buildings we own and the other is looking at just the Municipal building, and there are 2 phases to that. One is structurally what do we have, what does the building

need right now and the other is what capabilities do we have to convert it and what would the cost be to do that. Some time ago we met with the people from AP Williams to do a walk through. The issue with them was to do a thumbnail of what the cost would be to convert the building to some type of public use in the Public Works garage. Never followed through to get a final number for that, but what I think the Park and Rec Board is looking for is if we were to convert this building to full use and to make the Public Works garage habitable, what cost could we expect, what codes would we have to deal with, HVAC system, etc. He would like to put a formal request before the Board at the next meeting to go out for RFPs for an engineering firm to come and do this work for us. Mr. Hess asked if we need to know about plans for the other buildings and what is happening with them before we look at this building. Mr. Cornell noted the recommendation from the Park and Rec Board is just to look at this building, but at some point we have to evaluate the other buildings as well, cost, upkeep and what we can utilize them for, but what he will initially come to the Board with is this building and what it would cost for ADA regulations, elevator, restrooms, etc. He felt just an initial study, a thumbnail to the Board will give us some idea of where we are going. There will be some cost to do the study. Mr. Hess asked if they will give us a quote for the cost prior to hiring one. Mr. Cornell noted they would. Mr. Longreen asked the Board to remember that we will need a place for the maintenance equipment for the Park. If you eliminate all that garage space down stairs, where are you going to put the mowers, etc? You can also move the electronic recycling van into the garage so the office personnel don't have to run out in the weather.

BUSINESS FROM THE PUBLIC

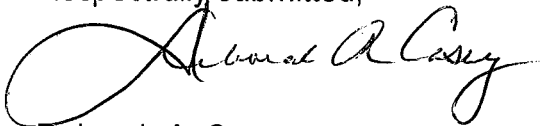
There was no business from the public.

OTHER BUSINESS

Mr. Smith gave recognition for the fine job done with the Building Dedication.

Mr. Smith made a motion to adjourn. The meeting was adjourned at 7:45 PM.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Deborah A. Casey".

Deborah A. Casey
Secretary/Treasurer