

**NEW HANOVER TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
JUNE13, 2011**

The regular monthly meeting of the New Hanover Township Board of Supervisors was held on Monday, June 13, 2011 at the New Hanover Municipal Building, 2943 N. Charlotte Street, Gilbertsville, PA 19525. Present were Supervisors Martin Dyas, Douglas Muller, Ralph Fluharty, Andrew Kelly and David Brown. Also present were Township Manager Edward Wagner, Solicitor Paul Bauer and Administrative Assistant Eileen Pogany. Martin Dyas called the meeting to order at 7:00pm and led in a Salute to the Flag.

ANNOUNCEMENTS – Martin Dyas

Martin Dyas requested that everyone present sign the sign-in form for the official record of attendance and stated that copies of the agenda are available on the counter in the rear of the room as well as are notebooks containing the meeting procedures, prior month's bill lists, and approved minutes from prior meetings. He stated that the Board of Supervisors will give an opportunity for public comment prior to any official action, advised that non-agenda items from the floor will be addressed after all business items are completed and that one person may speak at a time with a five minute time limit at the discretion of the Chair. No one from the floor responded when asked if anyone was taping the meeting.

PRESENTATION

Supervisor Brown presented citations to Officer Keith Youse and four Emergency Medical Personnel for responding to a life and death incident on January 29^{which} resulted in saving the life of a 46 year old man suffering a heart attack.

Sergeant Joseph Tomaselli was recognized for his 28 years of service to the Police Department and was presented with a memorial gift.

ANNOUNCEMENT – Mr. Edward Wagner announced that the July 11th meeting of the Board of Supervisors will take place at the New Hanover Township Historic Schoolhouse which is located at 3189 Reifsynder Road adjacent to the Swamp Creek Park.

UPCOMING TOWNSHIP MEETING

SCHEDULED:

June 15	Sewer Authority Meeting	6:30pm
June 21	Environmental Advisory Board	7:00pm
June 22	Planning Commission	6:30pm
July 11	Next Regular Meeting of the BOS	6:30pm/7:00pm

PRESENTATION OF CURRENT BILLS

Bill List #10 Dated 05/31/11

General Fund 01	\$ 81,224.40
Fire Tax Fund 03	\$ 0.00
Sewer Operating Fund 08	\$ 34,319.93
Sewer Capital Fund 10	\$ 4,605.50
Trans. Impact Fund 13	\$ 0.00
Capital Fund 19	\$ 255,367.77
State Liquid Fuels Fund 35	\$ 2,719.77
Escrow Fund 41	\$ 14,917.58
Recreation Fund 96	<u>\$ 9,583.80</u>
TOTAL	\$ 402,738.75

Ralph Fluharty **moved** to approve Bill List No. 10; Andrew Kelly **seconded** the motion. Martin Dyas questioned the expenditures for Hickory Park and was advised that the budget is on target and that the Township is receiving revenues from pool memberships. Mr. Dyas also stated that he had been asked whether there were shaded areas around the pool; Mr. Wagner advised that tree trimming had taken place and that the fenced area is being enlarged and will provide shaded areas. Mr. Dyas mentioned the expenditure of \$27,000 on a new white Tahoe with an expenditure of \$6,000 of police equipment installation and was advised that the vehicle is a Police Supervisor vehicle and that the Chief McKeon has put together a vehicle replacement plan which extends to 2015. It was noted that the Chief McKeon has been educated regarding storms in the Township and that the public works employees and fire department personnel do a great job monitoring roadways for safety during storm conditions. Mr. Wagner advised that engineering invoices paid to engineers other than the Township engineer were paid to consultants for technical issues. The motion **carried 5-0**.

Bill List #11 Dated 06/13/11

General Fund 01	\$ 41,403.13
Fire Tax Fund 03	\$ 0.00
Sewer Operating Fund 08	\$ 32,924.09
Sewer Capital Fund 10	\$ 7,758.28
Trans. Impact Fund 13	\$ 0.00
Capital Fund 19	\$ 0.00
State Liquid Fuels Fund 35	\$ 1,121.69
Escrow Fund 41	\$ 5,316.75
Recreation Fund 96	<u>\$ 11,494.83</u>
TOTAL	\$100,018.77

Douglas Muller **moved** to approve Bill List No.11 and advance the treasurer the monies for utilities and payroll for coming month. David Brown **seconded** the motion and it **carried 5-0**.

Minutes - Martin Dyas **moved** to approve the meeting minutes of the May 9, 2011 work session and regular meeting. Motion was **seconded** by Andrew Kelly and **carried 5-0**.

SOLICITOR'S REPORT – Garner and Bauer – Mr. Paul Bauer

Gibraltar Rock Court Case – Mr. Bauer reported that there are two court cases and that despite the Township's best effort, the DEP granted a temporary secession of the active mining permit until August 8, 2011. The Township initiated a new appeal to the Environmental Hearing board trying to force the DEP to comply with the law and asserting that the DEP did not follow their own regulations by granting a temporary secession without Gibraltar Rock meeting any of the conditions for granting an extension of the secession of the permit. Mr. Bauer summed the situation up by saying it is a jurisdictional battle and that the Township injunction remains in place until Gibraltar Rock complies with the regulations. Mr. Bauer advised that Senate Bill 898 is not dead and that the Township needs to keep watch; Senator Robert Mensch and Representatives MarcyToepel and Thomas Quigley are attempting to defeat the bill. Celeste Bish of 2504 Finn Road stated that two orders were issued by Judge Albright in September of 2010 and that the orders stand and prohibit Gibraltar Rock from coming onto the property.

MANAGER'S REPORT - Edward Wagner

Hickory Park Grant Applications – Mr. Wagner reported that the grant application for \$200,000 to replace the restrooms and showers at Hickory Park has received a score of 100 out of 110 points and that an award of funding is expected. The grant amount requested would cover the cost of a precast

structure, removal of the existing facility and could be used toward other improvements if funds were not exhausted.

New Hanover Square Road Bridge – bridge repair work has been postponed to begin July 5 and expected to take six to eight weeks. Project is expected to be completed prior to the start of school.

Local Government Commission – is conducting a two year study of how funded and unfunded mandates impact communities.

Middle Creek Road – Box culvert installation is expected to be completed by June 24.

BUSINESS FOR ACTION ON 90 DAY TIME LIMITATION WAIVERS

In response to a question regarding extensions of the time limit, Mr. Bauer explained that a legislative act grants extensions to all developers until 2013 due to the economy and that the Township is being proactive in continuing granting 90-day extension in the event the legislation is overturned. Ralph Fluharty **moved** to grant wavier requests for N.H.T.P.C. No. 709, 714, and 744 as follows:

N.H.T.P.C. #709	Trotter's Gait	54 Units	6/19/11
N.H.T.P.C. #714	James Carroll	3 Lots -Phase II	6/19/11
N.H.T.P.C. #744	Nat'l Penn Bank	Land Development	6/19/11

Andrew Kelly **seconded** the motion and it **carried 5-0**.

NEW BUSINESS

Junk Yard License Renewal – Douglas Muller **moved** to issue junk yard license renewals to:

- William I. Horner, 3071 Fagleysville Road, Gilbertsville, PA 19525
- James Nelson Faust/Faust Auto Repairs, 1895 Swamp Pike, Gilbertsville, PA 19525

Andrew Kelly **seconded** the motion. Robert Kulp of 2233 Little Road commented that the property at the corner of Colflesh and Layfield Roads is an eyesore and appears to be a junk yard; Mr. Kulp was advised that the property owner has submitted a land development plan and is cleaning up the property gradually and will be demolishing the house and building a storage building to house his equipment. The motion **carried 5-0**.

Section 21-602 Removal of Snow and Ice from Sidewalks – Douglas Muller asked how property owners would be charged if the Township were to make arrangements for sidewalk clearing in instances where property owners were negligent. Mr. Wagner stated that he would have information on pricing prior to the August 8 meeting. David Brown **moved** to advertise a public hearing for August 8th for adoption of a policy for snow and ice removal from sidewalks in instances where the property owner is neglectful. Martin Dyas **seconded** the motion and it **carried 5-0**.

Resolution 16-11 – Douglas Muller **moved** to grant a timeline extension for N.H.T.P.C. #748 Country Meadows until July of 2013 subject to the applicant signing Resolution 16-11. Ralph Fluharty **seconded** the motion and it **carried 5-0**.

Resolution 17-11 – Andrew Kelly **moved** to grant a one year extension to N.H.T.P.C. #689 Westwood which expires on July 12, 2011. Mr. Wagner advised that the project is owned by First Savings Bank of Perkasio. David Brown **seconded** the motion and it **carried 5-0**.

Gilbertsville Ambulance – Gary Schmoltze, operations chief, inquired about entering into an agreement with the Township to purchase diesel fuel for the ambulances at the Township building and reimburse the Township. He explained that even though their organization is tax exempt, he believes they could realize a substantial savings if they were to piggy-back purchases with the Township. Public Works Director Jay Smith explained that the township has a 2,000 gallon tank with two pumps, one pump is used for Township vehicles and equipment and the other by the Township's two fire companies who track and reimburse the Township for the fuel they use. Douglas Muller asked if the ambulance company would consider having a tank installed at their facility and suggested that if it were a smaller tank than the Township's tank, it may not be required to meet all the installation standards of a larger tank or the various alarms. Mr. Schmoltze was advised that the Township is interested in working with the ambulance association but will need to work out the details.

OLD BUSINESS

FROM THE FLOOR – Robert Kulp reported that cars are being parked on the Green Acres property at the corner of Little and Layfield Roads and are creating a sightline problem for vehicles attempting to enter onto Layfield Road. He stated that he had attempted to express his concerns to the parties present on the site and was not well received. It was suggested that this is an intermittent problem and that the area in question should be permanently blocked to avoid any vehicles parking there; Chief McKeon stated that he would handle the situation the following day.

Regular meeting adjourned to executive session at 8:12pm with the announcement that a decision on a personnel issue may be announced following the executive session.

EXECUTIVE SESSION – Personnel/Litigation

RECONVENED REGULAR MEETING at 9:00pm

Douglas Muller **moved** to authorize Chief McKeon to hire two part time officers once they have successfully completed their municipal police officer's education test. The application for the test must be reviewed by Solicitor Bauer prior to it being given to the applicants. The motion was **seconded** by Andrew Kelly and **carried 4-0** with Martin Dyas abstaining.

Douglas Brown made a presentation to the Board of Supervisors on the importance of his firm to the Township. He stated that he feels his firm has done a great job over the last seven years and that now is not the time to change engineering firms. He stated that at one time he employed six people in his company but at the present time his company consists of himself and a part-time construction inspector. He conveyed to the Board that if the Township were to switch to a larger engineering firm, the rates would likely double, and in addition, the Township will lose the small firm touch. He thanked the Board for listening to his presentation. Martin Dyas asked Edward Wagner to offer some remarks. Mr. Wagner stated that a Township of 11,000 residents needs an engineering firm that offers various technical services. These services would include AutoCAD, geosciences, geotechnical, land surveying and more and that unfortunately, Mr. Brown's firm is limited to municipal reviews. The Township has increasingly had to rely on its alternate engineer to perform technical engineering tasks. It was Mr. Wagner's recommendation that, in order to provide for a smooth transition, Mr. Brown will complete reviews on ongoing items and that going forward, new items would be handled by a larger engineering firm. A lengthy discussion ensued about the pros and cons of hiring a new firm. In the end, there was

no clear consensus on what to do. Martin Dyas suggested that two board members meet with Mr. Brown and Mr. Wagner to come up with a practical solution. Everyone agreed with this suggestion and a report will be given at the next Board of Supervisors meeting on July 11th.

ADJOURNMENT

The meeting adjourned at 9:45pm.

Edward Wagner, Township Secretary/Manager