

NEW HANOVER TOWNSHIP  
BOARD OF SUPERVISORS  
REGULAR MEETING  
SEPTEMBER 12, 2011

The regular monthly meeting of the New Hanover Township Board of Supervisors was held on Monday, September 12, 2011 at the New Hanover Township Municipal Building, 2943 N. Charlotte Street, Gilbertsville, PA 19525. Present were Supervisors Martin Dyas, Ralph Fluharty, Andrew Kelly, Douglas Muller 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 7:10 PM and led in a Salute to the Flag.

**ANNOUNCEMENTS – Martin Dyas**

Mr. 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. Mr. Dyas advised that a litigation session had been held prior to the meeting and that no actions were taken.

**SWEARING IN CEREMONY** - District Justice Maurice Saylor was present and presided over the swearing-in of Corporal Moyer to the rank of Sergeant. Sergeant Moyer's family attended the ceremony and Sergeant Moyer was congratulated by Chief McKeon, officers of the police department, the Board of Supervisors and others.

**UPCOMING TOWNSHIP MEETING – Eileen Pogany**

September 14	Planning Commission	6:30pm
September 19	Budget Meeting	6:00pm
September 20	Environmental Advisory Board – cancelled	
September 21	Sewer Authority Board	6:30pm
October 05	Recreation Committee Joint Meeting with Environmental Advisory Board	7:00pm
October 10	Next Regular Meeting of the BOS	6:30pm

Mrs. Pogany explained that weather and flooded park conditions lead to the decision to cancel Fall Frolic 2011 which was scheduled for September 17. She stated that efforts will be made to continue adding to the attractions for a bigger, better Frolic in 2012.

Fire Study – Martin Dyas explained that a consolidation of the Township's two fire companies was a recommendation of the fire study which was completed in October 2010. The consolidation would combine the two fire companies under one chief and would not eliminate either company. Certain errors and deficiencies have been documented for Sassamansville Fire Company as a result of audits performed by the Auditor General's office. The study provided recommendations to assist the fire company and Township to assure the deficiencies and errors are not repetitive. When the Township considered entering into an agreement to have the study performed, each fire company chief publically stated that they were in favor of having the study performed by Dr. Jenoway and were willing to share

the cost; the Township was later awarded a grant which covered the cost of the study. Results of the study were received by the Township in March of 2011 but were not addressed at that time due to other pressing issues before the Township. The Board had previously been questioned about what determined the distribution of fire tax money by the Sassamansville Fire Company personnel. The Township is now attempting to implement the suggestions of the study and felt that one Township fire company would best serve the community. A meeting was set up to discuss the recommendations and representatives of each company were provided two proposed resolutions to consider. No votes were taken at that meeting and attendees were advised that the recommendations would be discussed during this Board of Supervisors meeting. Martin Dyas opened the floor for comment.

John Bieleski of 2300 North Charlotte Street stated that he is a lifelong resident of the Township and has been involved in neighboring fire companies and has donated work. He said he tips his hat to Sassamansville because they help people in the community and had dinners to raise money.

Charlotte Purnell of 345 Layfield Road stated that her father and first husband worked hard to make Sassamansville Fire Company successful.

Robert Gross of 1854 Hoffmansville Road stated that he believes the issues raised by the State Auditors office have been resolved and that the issues were 5-6 years old.

Paul Bauer stated that the Auditor General's report includes several years together and that findings dating back to 2006 are still being reported as outstanding and included (1) non-compliance with prior findings (2) non-compliance with audit recommendations (3) inadequate meeting minutes (4) inadequate equipment rooster and records (5) unauthorized expenditures (5) inadequate bond coverage (6) undocumented expenditures. Mr. Bauer stated that the Township has a fiduciary responsibility and obligation to the citizens of the Township to assure tax monies are properly handled.

Bill Pasqueal of 404 Houseman Road asked why the fire company is being punished for what happened years ago. He stated that new equipment has been purchased and an addition to the building has been constructed. He stated that the Fire Company Relief Fund and the Township Fire Tax are 2 different issues and that the Fire Company Relief Fund is subject to audit; Fire Tax money is to be put to best use for the fire company. He added that he thinks the fire company is improving and that the Auditor General's office always finds something in the records to report.

William Miller of 325 Layfield Road stated that he thinks the fire company is the best company around and that they have been in existence since 1949. He thinks they work hard and make it to fires on time and have provided cheap food to the community. He stated that he thought it was sad that it is being discussed before the Board of Supervisors and does not think the fire company should go down.

Russell Purnell of 345 Layfield Road stated that he wants to know if the intent is to abolish one fire company. Martin Dyas stated that the suggestion is to create one fire company and keep two physical locations, both of which would report to one fire chief and have two assistant chiefs; neither fire company would be closed.

Mrs. Hattie Yoder of 518 Swamp Picnic Road stated that Sassamansville Fire Company has everything paid for and New Hanover Fire Company does not. Martin Dyas stated that if the fire company had one chief and two assistant chiefs committees would be formed to determine how the money would be

spent. Mrs. Yoder said she thinks that the money would go into a pot and she thinks New Hanover Fire Company spends too much.

Mr. Stanley Yoder of 518 Swamp Picnic Road was advised by Supervisor Andrew Kelly that the two fire company facilities would remain and that one entity would oversee one fire company with one mission.

Paul Bauer stated that the first recommendation is to consolidate the two fire companies and create one new fire company.

Glenn Hull stated that he spent eight days with the Auditor General Mr. Millman. He stated that a truck had been bought with Fireman's Relief money and had accidentally been paid for from the wrong fund and that a prior president had also accidentally paid for another item out of the wrong fund. He said that Karen Lewis, from Harrisburg office, confirmed that the problem had been resolved. He added that meeting minutes and equipment records had been taken care of and that everything had been documented and corrected; he is waiting for confirmation from Jerry Numan.

Mr. Edward Wagner stated that he has been in contact with the Auditor's General Office regarding the findings of audit reports.

Douglas Muller stated that the Board of Supervisors respects Dr. Jenoway's report and recommendations and that the fire company chiefs were both in favor of having the study performed and the Township had received grant money to perform the study. He stated that the intent is to combine the two fire companies under one umbrella.

Robert Gross stated that he thinks it works well now, so why change it.

Bill Pasqueal of 404 Houseman Road stated that he thinks fire companies like to raise money for their company rather than having fund raisers monies put into a single fund with someone making a decision as to how it will be spent. He doesn't think that people can be pushed together and that Pottstown had a study by Dr. Jenoway and that it was "thrown out". He stated that some of Sassamansville's volunteers are from Douglass Township and asked why Sassamansville Fire Company gets ¼ of the money and New Hanover Fire Company get ¾ of the money. He asked that the Board of Supervisors take their time and not rush.

Paul Bauer commented that the question regarding distribution of funds is what initially prompted the study which both fire chiefs agreed to.

Mr. Brinkman of East Greenville Boro said Dr. Jenoway omitted considerations of pride, tradition, and honor from his study.

Martin Dyas asked for a show of hands from the audience as to how many volunteers would not continue volunteering if the companies were combined and approximately fifteen persons raised their hands.

Debbie Gaugler of 1872 Hoffmansville Road stated that Sassamansville Fire Company is part of the community where she has lived all her life and said that Sassamansville Fire Company manages their money and gets the job done. She said she doesn't want the heart of the community to be lost and that the community takes care of each other. She asked if a new fire chief would be paid and stated that

she believes the community does not want the fire companies to merge and that the Board of Supervisors is pushing the plan through. She asked why the Board of Supervisors wants to direct volunteers if the community doesn't want it.

Arthur Greenman, President of Sassamansville Fire Company stated that he hadn't known anything about the meeting.

Dave Raub, 111 E. Chestnut Street and was concerned that Fire Chief Raymond Strickland had not been notified and that he had been on vacation. He stated that even though they may have been in favor of having the study performed, he is not in favor of the recommendations. He added that three of the four persons who performed office duties during the period of when the study was done are no longer with the fire company. He asked if the Township had any problems with how fire company monies were spent. He stated that Bally, Barto, and Bechtelsville are opposed to the merger. He asked if the quarry proposal has anything to do with the proposed consolidation. He added that the company has 19 volunteers currently with three coming into the company and he believes only three or four would continue to volunteer. Mr. Wagner stated that he had made several attempts to notify Chief Strickland.

William Shoffstall of Hoffmansville Road, Frederick, PA asked how a super chief would be chosen and who might be appointed; he commented that any one person presiding over two fire companies may want to be paid.

Anthony Mashintonio of 1968 Hoffmansville Road stated that if people hadn't attended this meeting, the Board of Supervisors may have approved the consolidation. He stated that the country is built by volunteers with people working together and the community wants to keep it as it is. He stated that he doesn't think paper work puts out fires and said he respects both companies and thinks it should stay as it is currently.

Shawn O'Rourke of 231 Hoffman Road, Barto mentioned the audit deficiencies and asked if the New Hanover Fire Company had deficiencies. Edward Wagner stated that there had been one deficiency in the New Hanover Fire Company report.

Philip Agliano added that the entire membership of New Hanover Fire Company is in favor of the consolidation.

Ray Strickland and Philip Agliano were both provided draft copies of the study in October 2010.

Shawn O'Rourke asked of the 21 recommendations, how many established a level of service. Martin Dyas stated that not all recommendations are financially feasible and that he wants to help Sassamansville eliminate deficiencies; the finding for New Hanover Township Fire Company was not a deficiency.

William Moyer stated that he is proud of the New Hanover Fire Company's improved ISO rating and that it was a challenge for the fire company to achieve. He stated that he is big in tradition but that it is likely that 1/3 of all fire companies could be eliminated without hurting service. He believes it is important to plan for the future.

Shawn O'Rourke said he believes volunteers' pride has been hurt and he wants to make sure the volunteers will continue to be involved as volunteers.

Mary Petrica stated she has no affiliation with either fire company and that it took four years to get Jr. High School West and Jr. High School East to come together; she believes the concept needs to be given time to work out. She also asked about the liquor license and asked whether both fire companies are interested in having a liquor license. Martin Dyas asked if the Sassamansville social hall and engine room are one and was told that Sassamansville's carnival funds goes to the fire company and that the fire company oversees everything.

Glenn Hull stated that New Hanover Fire Company got rid of several trucks and Sassamansville Fire Company purchased two new vehicles.

Stanley Rothenberger of 2360 Little Road asked when Little Road will be fixed.

Bruce Richard of Upper Frederick Township stated that both organizations have dedicated volunteers and can't have one chief. He recommends that it should be up to the fire company and that the Township shouldn't rush into it.

Justin Merry of 2555 Big Road said the Supervisors should do what is best for the Township and that it is not beneficial if Sassamansville walks.

Paul Bauer stated that the fire company should have told the Township if they were going to refuse to merge.

Charlotte Purnell said a lot of discussion has gone on and asked if the Supervisors have made up their minds.

Emanuel O'Toole said he has been with the Boro of Pottstown Fireman League for 12 ½ years and that there was one fireman's relief and one main chief which resulted in constant fighting between 4 stations; Dr. Jenoway's study was thrown out.

William Miller asked why Township residents were not notified since it has been going on for a year.

Martin Dyas asked if any Board member wanted to make a motion to adopt the resolution.

Douglas Muller said he is concerned that there is a fair vote but believes there should be one company and that the two companies should agree on a chief.

Andrew Kelly stated that he is in agreement with Douglas Muller and that one leader is good. Martin Dyas stated that he is not ready to vote and the matter was tabled.

The regular meeting was interrupted for a brief recess at 9:15PM and reconvened at 9:25PM. Martin Dyas excused himself from the meeting and Vice Chairman Douglas Muller presided over the remainder of the meeting.

**PRESENTATION OF CURRENT BILLS**

**Bill List #16 Dated 08/22/11**

General Fund 01	\$ 36,865.91
Fire Tax Fund 03	\$ 75,471.26
Sewer Operating Fund 08	\$ 22,115.10
Sewer Capital Fund 10	\$ 0.00
Trans. Impact Fund 13	\$ 0.00
Capital Fund 19	\$ 0.00
State Liquid Fuels Fund 35	\$ 3,823.30
Escrow Fund 41	\$ 3,047.50
Recreation Fund 96	<u>\$ 3,530.82</u>
<b>TOTAL</b>	<b>\$144,853.89</b>

Ralph Fluharty **moved** to approve bill list #16 and advance the treasurer the monies for utilities and payroll for coming month. Andrew Kelly **seconded** the motion and it **carried 4-0**.

**Bill List #17 Dated 09/12/11**

General Fund 01	\$ 29,325.22
Fire Tax Fund 03	\$ 0.00
Sewer Operating Fund 08	\$ 20,525.58
Sewer Capital Fund 10	\$ 1,036.35
Trans. Impact Fund 13	\$ 0.00
Capital Fund 19	\$ 15,737.45
State Liquid Fuels Fund 35	\$ 16,673.02
Escrow Fund 41	\$ 6,332.50
Recreation Fund 96	<u>\$ 3,408.13</u>
<b>TOTAL</b>	<b>\$ 93,038.25</b>

David Brown **moved** to approve the payment of bills included in bill list #17. Motion was **seconded** by Douglas Muller and **carried 4-0**.

**MINUTES** – Andrew Kelly **moved** to approve the minutes of the August 8, 2011 work session and regular meeting. David Brown **seconded** the motion and it **carried 4-0**.

**SOLICITOR’S REPORT** – Garner and Bauer

*New Hanover Authority vs. Giamo* – Mr. Bauer stated that this item is a real estate issue and will be discussed in executive session.

*Gibraltar Rock I Court Case update* – Mr. Bauer stated that Judge Albright has not rendered a decision on the GR No. 1 appeal. He added that the brief on the GR No. 2 appeal has been made available for the Board of Supervisor’s review.

**MANAGER’S REPORT** - Edward Wagner

*New Hanover Square Road Bridge* – improvement project was completed in time for school bus travel and the detour has been suspended.

*Hickory Park Pool* - pool season went well and financial reports are being prepared.

*New Hanover Airport Property* – Rouse Chamberlin and Wells Fargo are joining efforts in cleanup of the property and disposal of debris.

*Rt. 73 – Speed Limit Reduction* – asking PennDOT to consider reducing the speed limit to 45 MPH from Hickory Park to Smith Road in Douglass Township in order to reduce the number of accidents and be contiguous with Douglass Township’s speed limit.

**BUSINESS FOR DISCUSSION OR ACTION - NONE**

**BUSINESS FOR ACTION ON 90 DAY TIME LIMITATION WAIVERS** - Andrew Kelly **moved** to grant waivers of the 90 day time limit to the following N.H.T.P.C. Nos. 709, 714, and 744.

N.H.T.P.C. #709	Trotter’s Gait	54 units	9/17/11
N.H.T.P.C. #714	James Carroll	3 lots – Phase II	9/17/11
N.H.T.P.C. #744	National Penn Bank	Land Development	9/17/11

David Brown **seconded** the motion and it **carried 4-0**.

**NEW BUSINESS**

Road Dedication - Fairbrook N.H.T.P.C. #695 - Andrew Kelly **moved** to adopt Resolution No. 26-11 accepting dedication of Fairbrook Drive and portions of Leidy Road and Swamp Pike. Ralph Fluharty **seconded** the motion and it **carried 4-0**.

Highway Laborer – Douglas Muller **moved** to advertise for an entry level position in the Public Works Department to fill a vacancy. David Brown **seconded** the motion and it **carried 4-0**.

Ordinance 11-02 amending Chapter 21 Streets and Sidewalks Section 602 - removal of snow and ice from sidewalks. Andrew Kelly **moved** to adopt this ordinance allowing for the Township to hire a contractor for snow and ice removal from sidewalks in cases where the property owner has not cleared a pathway for safe pedestrian travel. The Township has acquired a contractor willing to be on call at a rate of \$65/hour. It was noted that the Township has no intention to inspect for violations and will give a warning prior to engaging its contractor. Bruce Richard commented about driveways being plowed shut after they have been shoveled out by homeowners and was told it is unavoidable during snow clear from the roadways. Motion was **seconded** by David Brown and **carried 4-0**.

Shannon Rose Development – David Brown **moved** to authorize the signing of an assignment and assumption agreement for the Shannon Rose development due to Erb Mascio closing business and Mikelen accepting the assignment and replenishing the escrow funds. Douglas Muller **seconded** the motion and it **carried 4-0**.

Resolution 27-11 – David Brown **moved** to adopt Resolution 27-11 updating and amending the Township’s emergency operation plan. Douglas Muller **seconded** the motion and it **carried 4-0**.

Master Casting Agreement – Andrew Kelly **moved** to enter into a three year agreement with Penndot for any adjustments incorporated into utility facilities. Ralph Fluharty **seconded** the motion and it **carried 4-0**.

New Hanover Township Non-Uniform Pension Plan Minimum Municipal Obligation (MMO) – Ralph Fluharty **moved** to approve a contribution to the New Hanover Township Non-Uniform Pension Fund in the amount of \$162,617 to satisfy the 2012 MMO. Douglas Muller **seconded** the motion and it **carried 4-0**.

New Hanover Township Police Pension Plan Minimum Municipal Obligation (MMO) – Ralph Fluharty **moved** to approve a contribution to the New Hanover Township Police Pension Fund in the amount of \$99,743 to satisfy the 2012 MMO. Andrew Kelly **seconded** the motion and it **carried 4-0**.

## **OLD BUSINESS**

**FROM THE FLOOR** – Public comment on non-agenda items – none.

The Regular Meeting recessed to executive session at 9:43 PM.

## **EXECUTIVE SESSION** – Personnel/Litigation

The regular meeting reconvened at 10:08 PM with Mr. Wagner stating that four proposals had been received for the township's engineering services and that Bursich Associates, Inc., Pennoni Associates, Inc. and Gilmore Associates, Inc. are being considered.

**ADJOURNMENT** – The meeting was declared adjourned at 10:10PM

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Edward Wagner, Township Secretary/Manager