

**NEW HANOVER TOWNSHIP  
BOARD OF SUPERVISORS  
REGULAR MEETING  
NOVEMBER 14, 2011**

The regular monthly meeting of the New Hanover Township Board of Supervisors was held on Monday, November 14, 2011 at the New Hanover Township Municipal Building, 2943 N. Charlotte Street, Gilbertsville, PA 19525. Present were Supervisors Martin Dyas, Ralph Fluharty, Douglas Muller and David Brown. Andrew Kelly was absent. Also present were Township Manager Edward Wagner, Solicitor Paul Bauer and Administrative Assistant Eileen Pogany. Martin Dyas called the meeting to order at 7:00 PM and led in a Salute to the Flag.

**ANNOUNCEMENTS – Martin Dyas**

Mr. Dyas thanked everyone for attending the meeting and requested that everyone present sign the sign-in form for the official record of attendance. He 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 announced that the semi-annual road inspection had taken place on Saturday, November 12 and that several Township roadways have been newly paved and have smooth surfaces and that roadways needing improvements were noted. He also explained that the repaving project on Swamp Pike was a project of Montgomery County Roads and Bridges and apologized for the condition of section of the roadway which was left in a rough condition for a period of time until the County was able to complete the job.

**ANNOUNCEMENT**

Township Offices will be closed on Thursday, November 24 and Friday, November 25 for the Thanksgiving holiday.

**UPCOMING TOWNSHIP MEETINGS – announced by Eileen Pogany**

November 15	Environmental Advisory Board	7:00pm
November 16	Sewer Authority Board	6:30pm
December 7	Recreation Committee	7:00pm
December 12	Next Regular Meeting of the BOS	6:30pm

**PRESENTATION OF CURRENT BILLS**

***Bill List #20 Dated 10/24/11***

General Fund 01	\$ 39,465.72
Fire Tax Fund 03	\$ 0.00
Sewer Operating Fund 08	\$ 23,754.19
Sewer Capital Fund 10	\$ 376.00
Trans. Impact Fund 13	\$ 0.00
Capital Fund 19	\$ 0.00
State Liquid Fuels Fund 35	\$ 11,098.72

Escrow Fund 41	\$ 41,812.30
Recreation Fund 96	\$ 1,334.77
<b>TOTAL</b>	<b>\$117,841.70</b>

Douglas Muller **moved** to approve the bills in Bill List #20. David Brown **seconded** the motion and it **carried 4-0**.

**Bill List #21 Dated 11/14/11**

General Fund 01	\$173,147.35
Fire Tax Fund 03	\$ 0.00
Sewer Operating Fund 08	\$ 35,155.33
Sewer Capital Fund 10	\$ 268.75
Trans. Impact Fund 13	\$ 0.00
Capital Fund 19	\$ 3,747.84
State Liquid Fuels Fund 35	\$ 88,882.17
Escrow Fund 41	\$ 49,096.41
Recreation Fund 96	\$ 628.30
<b>TOTAL</b>	<b>\$350,926.15</b>

Ralph Fluharty **moved** to approve payment of bills in bill List #21 and advance the treasurer the monies for utilities and payroll for coming month. Martin Dyas **seconded** the motion and it **carried 4-0**.

**Minutes** – Ralph Fluharty **moved** to approve the minutes of the October 10, 2011 Work Session and Regular meeting minutes. Martin Dyas **seconded** the motion and it **carried 4-0**.

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

Gibraltar Rock I Court Case update - Paul Bauer reported that there has been no decision from Judge Albright on the Gibraltar Case and that he will notify the Board of Supervisors when a decision has been rendered; an appeal to the decision could be filed by the Township within thirty days of the date of the decision. Mr. Bauer added that the Department of Environmental Protection, DEP, continues to ignore the regulations and has granted an additional 90-day temporary succession.

Mr. Bauer also advised that Senator Tomlinson continues to promote Senate Bill 898 and that Senator Mensch will continue to oppose. Senator Mensch has also advised that there is quite a bit of opposition to the Bill.

**MANAGER’S REPORT** – Edward Wagner

*Former Airport Property – Swamp Pike* – clean up of the property is going well. A well was discovered during the cleanup which will be closed.

*Speed limit reductions along Rt. 73 beginning at Middle Creek Road and extending to Douglass Township* – roadway has not been posted by PennDOT but signage has been promised and the speed limit reduction has been approved which will reduce the maximum speed from 55 MPH to 45 MPH.

*PennDOT bridge over the Swamp Creek-New Hanover Square Road* – weight limit has been reduced from 15 ton maximum to 11 ton maximum. Reduction will affect all 10-wheelers and fire trucks; township fire companies are working on obtaining permits to allow certain trucks to cross over the bridge.

**BUSINESS FOR DISCUSSION OR ACTION:**

N.H.T.P.C. No. 765 Ethan Good, Layfield Road – Cynthia Smith of Horizon Engineering was present seeking consideration for preliminary/final plan approval for this project. The plan was designed in an attempt to bring the property closer to compliance with Township regulations. Violations existed on the property and the tenant on the property, Hinkles and McCoy, having a ten year lease agreement have been cooperative in attempts to resolve undesirable conditions. Mr. Good has been fined \$21,000 by DEP for violations. Douglas Muller asked if DEP has given written approval for septic and wells and was told that DEP is currently testing for VOC's in two monitoring wells and also that Mr. Good is aggressively being pursued by DEP and could be required to clean up if VOC's are detected. Mr. Wagner advised that the Planning Commission has recommended approval in preliminary and final form since all review comments have been addressed and the applicant has agreed to provide work in the Township in lieu of cash payment of the recreation fee. Ralph Fluharty **moved** to adopt Resolution 31-11 approving the plan; motion was **seconded** by Douglas Muller. Mr. Wagner addressed a question from the floor advising that the owner is legally responsible for the property and that a portion of the property is the site of previous oil leaks. If testing determines that VOC's are above acceptable State levels, a clean-up project would be required and bottled water would need to be used. Celeste Bish requested that Ms. Smith point out the location of the cell tower and asked where the stream is located where the pipe was installed. Jay Smith asked if the water problem at the frontage along Hoffmansville Road will be resolved and was assured it will be addressed. Resolution 31-11 was **adopted by a vote of 4-0**.

**BUSINESS FOR ACTION ON 45 DAY TIME LIMITATION WAIVERS** – Ed Wagner advised that applicants are seeking additional time, i.e.: Heritage is seeking a buyer for the Zavitsanos Tract and that a new plan is expected to be submitted by Bart Golf course. Martin Dyas **moved** to approve extending an additional 45 day to N.H.T.P.C. #665 and N.H.T.P.C. #730 as follows:

N.H.T.P.C. #665	Zavitsanos	122 lots	11/22/11
N.H.T.P.C. #730	Bart Golf Course	135 lots	11/24/11

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

**NEW BUSINESS**

Holding Tank – 3186 North Charlotte Street (formerly Hutt's Glass) agreement. Douglas Muller **moved** to authorize entering into the Holding Tank Operation and Maintenance Agreement for this property. Motion was **seconded** by Ralph Fluharty and **carried 4-0**.

VIST Insurance – Mr. Wagner stated that he believes the Township will receive the best possible service for their health insurance administration with VIST Insurance. Martin Dyas **moved** to appoint VIST Insurance as the township health and dental broker effective December 1, 2011. Douglas Muller **seconded** the motion and it **carried 4-0**.

2012 Township's Preliminary Budget – Douglas Muller **moved** to authorize the advertising of the Township's preliminary budget for public comment and consideration of adoption at the December 12, 2011 Board of Supervisors Meeting. David Brown **seconded** the motion and it **carried 4-0**. The public was advised that there has been a compelling effort to avoid tax increases each year and that it has been numerous years since the last increase in taxes.

Township Engineer – Martin Dyas **moved** to appoint Gilmore & Associates as the township engineer. Ralph Fluharty **seconded** the motion and it **carried 3-0** with Douglass Muller abstaining due to his business associations with various engineering firms.

Part-time Highway Laborer – Mr. Wagner reported that he had received approximately 60 applications for this position and that the review process narrowed the applications to six applicants and then to three finalists. He is recommending Christopher Kulp be offered the position due to glowing recommendations, his paving experience and his interview. Ralph Fluharty **moved** to offer the position to Mr. Christopher Kulp, motion was **seconded** by Martin Dyas and **carried 4-0**.

## **OLD BUSINESS**

FROM THE FLOOR – Public comment on non-agenda items

Scott Exley thanked the Board of Supervisors for considering Bursich Associates to provide engineering services to the Township and congratulated Gilmore Associates for their appointment.

Khaled Hassan of Pennoni Associates thanked the Board of Supervisors for considering their proposal for engineering services for the Township.

The Board adjourned to executive session at 7:52 PM, and advised that no votes are expected upon reconvening the regular meeting.

## **EXECUTIVE SESSION**

The regular meeting reconvened at 8:28 PM with a **motion** made by Ralph Fluharty not to participate in the Pottstown Metropolitan Regional Planning Commission study committee for regional recreation planning. Douglas Muller **seconded** the motion and it **carried 4-0**.

## **ADJOURNMENT**

The meeting was declared adjourned at 8:30 PM.

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Edward Wagner, Township Manager/Secretary