

NEW HANOVER TOWNSHIP
BOARD OF SUPERVISORS
ORGANIZATION and REGULAR MEETINGS
JANUARY 3, 2011

Martin Dyas called the 2011 Organization Meeting of the New Hanover Township Board of Supervisors to order and led in a Salute to the Flag at 6:35 PM at the Township Municipal Building, 2943 North Charlotte Street, Gilbertsville, PA 19525 on January 3, 2011. Supervisors present were Martin Dyas, Douglas Muller, Andrew Kelly and David Paul Brown. Ralph Fluharty was absent. Also present were Township Manager Edward Wagner, Township Solicitor Paul Bauer and Administrative Assistant Eileen Pogany.

NOMINATION AND ELECTION OF OFFICERS:

Chairman - Martin Dyas called for nominations for Chairman of the Board of Supervisors and Douglas Muller proceeded to **nominate** Martin Dyas for Chairman. Hearing no further nominations the nominations were closed. Andrew Kelly **seconded** the motion. Martin Dyas was elected by **vote of 4-0**.

Vice Chairman – Andrew Kelly then **nominated** Douglas Muller for Vice-Chairman. Hearing no further nominations the nominations were declared closed. David Brown **seconded** the motion. Douglas Muller was elected by **vote of 4-0**.

Treasurer - Douglas Muller **nominated** Ralph Fluharty. Hearing no additional nominations the nominations were declared closed. Martin Dyas **seconded** the motion and Ralph Fluharty was elected by **vote of 4-0**.

Secretary - Martin Dyas **nominated** Township Manager Edward Wagner for Township Secretary. Hearing no additional nominations the nominations were declared closed. Douglas Muller **seconded** the motion and Edward Wagner was elected by **vote of 4-0**.

Assistant Secretary - Martin Dyas **nominated** Andrew Kelly. Hearing no additional nominations, the nominations were declared closed. David Brown **seconded** the motion and Andrew Kelly was elected by **vote of 4-0**.

APPOINTMENTS:

CONSULTANTS:

Township Solicitor - Andrew Kelly **moved** to appoint Garner and Bauer as Township Solicitor at a rate of \$125 per hour and \$150 per hour for litigation cases. The motion was **seconded** by Martin Dyas and **carried 4-0**.

Township Engineer – Douglas Muller **moved** to appoint Brown Consulting Engineers, serviced by Douglas Brown as Township Engineer at a rate of \$85 per hour for the principal engineer, \$55 per hour for a field inspector, and \$52.50 per hour for administrative assistant. David Brown seconded the motion and it **carried 4-0**.

Alternate Engineer – Andrew Kelly **moved** to appoint Gilmore and Associates on an as-needed basis and according to the 2011 rate schedule of \$85 per hour for principal engineer, \$55 per hour for construction observer and \$52.50 per hour for administrative assistant. Douglas Muller **seconded** the motion and it **carried 4-0**.

Township Planner – Douglas Muller **moved** to appoint KMS Design Group, serviced by Adam Supplee at a rate of \$65 per hour. David Brown **seconded** the motion and it **carried 4-0**.

Traffic Engineer – Martin Dyas **moved** to appoint McMahon Associates on an as-needed basis according to 2011 rate schedule of \$135 per hour for Kenneth O'Brien and \$100 per hour for Sandy Koza. Douglas Muller **seconded** the motion and it **carried 4-0**.

Pension Consultant – Martin Dyas **moved** to appoint Duda Actuarial Consulting at a flat rate of \$2,850 for the Police Pension Plan and \$2,850 for the non-uniform plan. Andrew Kelly **seconded** the motion and it **carried 4-0**.

OTHER ANNUAL APPOINTMENTS:

Public Works Director – Jay Smith
Code Enforcement Officer/Zoning Officer/Building Official – James Wozniak
Vacancy Board Member – Dennis Pogany
Emergency Management Coordinator – Robert Thomas
National Flood Insurance Representative - James Wozniak
Deputy Tax Collector – Paul Bauer
Census Enumerator - Christine Bauman
Voting Delegate for PSATS – Andrew Kelly

Douglas Muller **moved** to reappoint the above persons to fill the respective annual positions. David Brown **seconded** the motion and it **carried 4-0**.

VACANCIES/RE-APPOINTMENTS:

Zoning Hearing Board - Douglas Muller **moved** to adopt **Resolution 01-11** reappointing Anastasia Meder to a 5-year term expiring 2016, reappointing Michael Slezak to a 5-year term expiring 2016, and appointing Kevin McAgthon to fill the unexpired term of James Carroll expiring 2013. Andrew Kelly **seconded** the motion and it **carried 4-0**.

Sewer Authority - Martin Dyas **moved** to reappoint Thomas Miskiewicz to a 5-year term expiring 2016 and to appoint Scott Rath to a 5-year term expiring 2016. Andrew Kelly **seconded** the motion and it **carried 4-0**.

Shade Tree/Environmental Advisory Board – Douglas Muller **moved** to reappoint Michael Millman and Robert Thomas to 3-year terms expiring 2014. David Brown **seconded** the motion and it **carried 4-0**.

Regional Planning Committee – Two Representatives and a Proxy
Andrew Kelly **moved** to appoint Ralph Fluharty as elected official, Kurt Zebrowski as at-large official and Douglas Muller as proxy vote and alternate for one year terms. David Brown **seconded** the motion and it **carried 4-0**.

Non-uniformed Pension Committee Membership - (2 elected officials, the Township Manager, and 2 employees) – Supervisor representatives are Ralph Fluharty and Andrew Kelly. Committee recommends appointing employee representatives to two-year terms and rotating what Departments are represented on the Committee. Douglas Muller **moved** to appoint Township Manager Edward Wagner and Maryann Hudson as non-uniform employee

representatives to two-year terms on the pension committee expiring 2013. Martin Dyas **seconded** the motion and it **carried 4-0**.

Police Pension Committee Membership - (2 elected officials, the Township Manager, and 2 employees) – Supervisor representatives are Ralph Fluharty and Andrew Kelly. Committee recommends appointing employee representatives to two-year terms and rotating what Departments are represented on the Committee. David Brown **moved** to appoint Township Manager Edward Wagner and Keith Youse as uniform employee representatives to two-year terms on the pension committee expiring 2013. Douglas Muller **seconded** the motion and it **carried 4-0**.

2011 MEETING DATES AND TIMES

Martin Dyas announced the following meeting schedule: work meetings beginning at 6:30 PM and Regular Meetings beginning at 7:00 PM or immediately following the work meeting. January 3 and 24, February 14 and 28, March 14 and 28, April 11 and 25, May 9, June 13, July 11 (to be held at the Historic Schoolhouse) August 8, September 12, October 10, November 14, and December 12, 2011.

2012 Budget Meetings will be held on August 22, September 19, October 17, and November 7, 2011 starting at 6:00pm.

Andrew Kelly **moved** to accept the meeting schedules as proposed, **seconded** by Douglas Muller and **carried 4-0**.

TOWNSHIP HOLIDAYS TO BE OBSERVED IN 2011:

1. New Years Day – Friday, December 31st
2. Martin Luther King Day – Monday, January 17th
3. President's Day – Monday, February 21st
4. Good Friday - Friday, April 22nd
5. Primary Election Day, Tuesday, May 17th
6. Memorial Day - Monday, May 30th
7. Independence Day - Monday, July 4th
8. Labor Day, Monday, September 5th
9. Election Day – Tuesday, November 8th
10. Thanksgiving, Thursday and Friday, November 24th and 25th
11. Christmas Eve day - Observed 1/2 day Friday, December 23rd
12. Christmas Day - Monday, December 26th

Andrew Kelly **moved** to accept the holiday schedule as proposed. Motion was **seconded** by Martin Dyas and **carried 4-0**.

Resolution No. 02-11 - Douglas Muller **moved** to adopt Resolution 02-11 establishing the rate of compensation for collection of the per-capita tax for the tax collector at 3% and hiring the tax collector, Molly Bauer, to collect all per capita taxes in 2011. David Brown **seconded** the motion and it **carried 4-0**.

Resolution No. 03-11 - Andrew Kelly **moved** to adopt Resolution No. 03-11 setting forth the Street Light Front Foot Assessment Rate of \$0.00 per lineal foot. Douglas Muller **seconded** the motion and it **carried 4-0**.

Resolution No. 04-11 - Andrew Kelly **moved** to adopt Resolution No. 04-11 setting forth the Real Estate Property Tax Rate of 1.68 mills for the fiscal year 2011. Douglas Muller **seconded** the motion and it **carried 4-0**.

Resolution No. 05-11 - David Brown **moved** to adopt Resolution 05-11 appointing Martin Dyas, Ralph Fluharty, Andrew Kelly, Douglas Muller and Edward Wagner as Township signatories. Martin Dyas **seconded** the motion and it **carried 4-0**.

Resolution No. 06-11- Martin Dyas **moved** to adopt Resolution No. 06-11 setting the wages and salary rates for all non-uniformed personnel effective January 1, 2011. Douglas Muller **seconded** the motion and it **carried 4-0**.

Committee Liaison Appointments for 2011 – announced by Chairman Martin Dyas

Police Department	Douglas Muller (alternate Ralph Fluharty)
Public Works	Andrew Kelly (alternate David Brown)
Administration	Martin Dyas (alternate Ralph Fluharty)
Planning Commission	Martin Dyas (alternate Andrew Kelly)
Recreation Commission	Ralph Fluharty (alternate Douglas Muller)
Sewer Authority	Douglas Muller (alternate Martin Dyas)
Fire Committee	David Brown (alternate Douglas Muller)
Environmental Advisory Board	Ralph Fluharty (alternate Douglas Muller)
Open Space Task Force	Andrew Kelly (alternate Ralph Fluharty)
Council of Government (COG)	Martin Dyas (alternate Andrew Kelly)
Technology Committee	David Brown (alternate Douglas Muller)

TREASURER/MANAGER'S BOND - Douglas Muller **moved** to approve the Township Manager's bond in the amount of \$1,000,000 at a cost of \$2,450 and the Treasurer's bond for \$1,000 at a cost of \$1,340. David Brown **seconded** the motion and it **carried 4-0**.

ORGANIZATION MEETING ADJOURNED TO REGULAR MEETING AGENDA at 6:55PM.

REGULAR MEETING

Chairman Martin Dyas called the Regular Meeting of the Board of Supervisors to order at 7:00 PM, led in a Salute to the Flag, thanked everyone for attending the organization meeting and for their patience during the organization meeting.

ANNOUNCEMENTS – Martin Dyas announced that the following items are available on the counter in the rear of the meeting room: attendance sign-in forms for the official record of who is in attendance, agendas for the public, a notebook containing meeting procedures, a notebook containing approved minutes from prior meetings, and a notebook containing prior meeting bill lists. He added that the Board of Supervisors will give an opportunity for public comment prior to any official action, that non-agenda items from the floor will be addressed after all business items are completed, and that one person speaks at a time with a five minute time limit at the discretion of the Chairperson. He determined that no one was taping the meeting.

UPCOMING TOWNSHIP MEETINGS SCHEDULED – announced by Eileen Pogany

January 4	Auditors Meeting	11:30 AM
January 5	Planning Commission Meeting	6:30 PM
January 5	Recreation Committee	7:00 PM
January 18	Environmental Advisory Board Meeting	7:00 PM
January 19	Sewer Authority at WWTP	6:30 PM
January 24	Next Regular Meeting of the BOS	6:30pm/7:00pm

PRESENTATION OF CURRENT BILLS

Bill List #23 –dated 12/30/10

General Fund 01	\$37,314.92
Fire Tax Fund 03	\$ -0-
Sewer Operating Fund 08	\$32,075.43
Sewer Capital Fund 10	\$ -0-
Trans. Impact Fund 13	\$ -0-
Capital Fund Fund 19	\$ -0-
State Liquid Fuels Fund 35	\$15,482.97
Escrow Fund 41	\$ 9,542.50
Recreation Fund 96	<u>\$ 4,277.23</u>

TOTAL \$98,693.05

Andrew Kelly **moved** to approve bill list #23 in the amount of \$98,693.05 and advance the treasurer the monies for utilities and payroll for coming month. Douglas Muller **seconded** the motion and it **carried 4-0**.

Bill List #1 Dated 01/03/11

General Fund 01	\$ 29,395.54
Fire Tax Fund 03	\$ -0-
Sewer Operating Fund 08	\$ 2,044.94
Sewer Capital Fund 10	\$ -0-
Transportation Impact Fund 13	\$ -0-
Capital Fund 19	\$ -0-
State Liquid Fuels Fund 35	\$ -0-
Escrow Fund 41	\$ -0-
Recreation Fund 96	<u>\$ 562.82</u>

TOTAL \$32,003.30

Martin Dyas **moved** to approve bill list #1 in the amount of \$32,003.30. David Brown **seconded** the motion and it **carried 4-0**.

Minutes - David Brown **moved** to approve the meeting minutes of the December 13, 2010 Work and Regular Meetings. Martin Dyas **seconded** the motion and it **carried 4-0**.

SOLICITOR'S REPORT – Paul A. Bauer, III

Mr. Bauer reported that there were no legal actions from the Montgomery County Courthouse nor was a decision announced by Judge Furber on the Gibraltar Rock case.

MANAGER'S REPORT - Edward Wagner

Mr. Wagner reported that a Christmas Tree Recycling Program has been initiated with the goal of recycling 500 evergreen trees. He stated that the program includes pick-up of trees by the Public Works Department on January 6th and 13th and also provides for a drop-off site on the municipal property. All trash collection companies have been asked *not* to collect trees left at the curbside.

BUSINESS FOR DISCUSSION OR ACTION:

N.H.T.P.C. No. 714 James Carroll - Phase I, 3 lots, Lutheran Lane – Mr. James Carroll and Mr. John Aston were present seeking consideration for final plan approval for the three lots included in Phase I. The plan was originally filed in 2007 with the Planning Commission recommending approval of Phase I at their November 11, 2010 meeting. Douglas Muller **moved** to adopt **Resolution 07-11** approving Phase I of the plan with certain conditions. Following recording of the plan and assigning of parcel numbers at the Montgomery County Courthouse, liens will be filed on the individual properties in order to assure Township receives the applicable fees required by the subdivision ordinance and associated with the plan.

NEW BUSINESS

Anthony Calvanese – Andrew Kelly **moved** to accept the resignation of Officer Anthony Calvanese effective December 16, 2010. Motion was **seconded** by Douglas Muller and carried **3-0** with Martin Dyas abstaining since his son is a police officer in this department.

Internal Revenue Service - David Brown **moved** to adopt the business mileage reimbursement rate of 51 cents established by the IRS effective January 1, 2011. Andrew Kelly **seconded** the motion and it **carried 4-0**.

OLD BUSINESS

Kingston Hill Phase 5, 6, & 7 Andrew Kelly **moved** to extend a 30-day extension of the time limit for preliminary plan approval for phases 5, 6, and 7 whose time clock was set to expire January 8, 2011. Extension was granted in order to give the developer additional time to resolve several issues. Douglas Muller **seconded** the motion and it **carried 4-0**.

FROM THE FLOOR

Carl Hildebrant of 723 Hildebrant Road asked if a decision had been made with regard to the Police Chief 's position. Mr. Hildebrant was advised that interviews have been scheduled. Mr. Hildebrant stated that he would like to lobby that the Township hire from within and promote Officer-in-Charge-Moyer to the Chief's position.

Officer-in-Charge William Moyer stated that he had several items to bring before the Board. He stated that he was hopeful the Board will discuss the Calvanese resignation in executive session. He reported that two arson attempts had been made at the former Brusck property, now owned by THP, and asked that THP be requested to secure its vacant properties and out buildings. He reported that there had been an arrest made for the fire set at the Fairbrook playground and that they suspect there is a connection to the hay bale fire which was set to the rear of the Paul Moyer property at Swamp Pike and New Hanover Square Road.

David Brown reported that the two fire companies met before Christmas and agreed to adopt the study prepared by Dr. Jenoway and begin addressing comments. The study contained twenty-one recommendations. The next meeting will take place at the end of January.

EXECUTIVE SESSION – Personnel/Litigation

ADJOURNMENT

Regular meeting adjourned to executive session at 7:30 PM. Announcement was made that a decision regarding personnel may be announced upon reconvening the regular meeting.

EXECUTIVE SESSION – Personnel/Litigation

Regular meeting resumed at 11:48 PM. No decisions nor actions were taken.

ADJOURNMENT

The meeting was declared adjourned at 11:50 PM.

Edward Wagner, Township Manager/Secretary