

NEW HANOVER TOWNSHIP
BOARD OF SUPERVISORS
ORGANIZATION and REGULAR MEETINGS
JANUARY 3, 2012

David Brown called the 2012 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, 2012. Supervisors present were Martin Dyas, Ralph Fluharty, and David Paul Brown. Douglas Muller was absent. Also present were Township Manager Edward Wagner, Township Solicitor Paul Bauer and Administrative Assistant Eileen Pogany.

SWEARING IN CEREMONY by District Justice Maurice Saylor
District Justice Saylor administered the Oath of Office to Mr. Andrew Kelly who has been elected to serve as a member of the Board of Supervisors for an additional six year term to expire 2018. Mr. Kelly assumed his position with the Board of Supervisors. Mr. Wagner announced that Supervisor elect Douglas Muller was administered the Oath of Office by Judge Saylor on December 29, 2011.

NOMINATION AND ELECTION OF OFFICERS – David Brown

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

Vice Chairman – Martin Dyas 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 - Martin Dyas **nominated** Ralph Fluharty. Hearing no additional nominations the nominations were declared closed. Andrew Kelly **seconded** the motion and Ralph Fluharty was elected by **vote of 4-0**.

Secretary – Andrew Kelly **nominated** Township Manager Edward Wagner for Township Secretary. Hearing no additional nominations the nominations were declared closed. Ralph Fluharty **seconded** the motion and Edward Wagner was elected by **vote of 4-0**.

Assistant Secretary – Ralph Fluharty **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**.

Chairman Dyas officiated during the remainder of the meeting.

APPOINTMENTS

CONSULTANTS:

Township Solicitor - Ralph Fluharty **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 David Brown and **carried 4-0**.

Township Engineer – Andrew Kelly **moved** to appoint Gilmore and Associates on an hourly rate schedule of \$85 per hour for principal engineer, \$55 per hour for construction observer 1 and \$52.50 per hour for administrative assistant. David Brown **seconded** the motion and it **carried 4-0**.

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

Traffic Engineer – David Brown **moved** to appoint McMahon Associates on an as-needed basis at a rate of \$135 per hour for Kenneth O'Brien and \$100 per hour for Sandy Koza. Andrew Kelly **seconded** the motion and it **carried 4-0**.

Pension Consultant – Ralph Fluharty **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. Martin Dyas **seconded** the motion and it **carried 4-0**.

OTHER ANNUAL APPOINTMENTS – David Brown **moved** to appoint the following individuals to the respective positions:

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

Martin Dyas **seconded** the motion and it **carried 4-0**.

VACANCIES/RE-APPOINTMENTS:

Board of Auditors - David Brown **moved** to appoint Lucinda Taylor Agliano to fill a vacancy for a term expiring 2014. Andrew Kelly **seconded** the motion and it **carried 4-0**.

Zoning Hearing Board - Ralph Fluharty **moved** to adopt **Resolution 01-12** reappointing Larry Gooding and Mark Wylie to five year terms expiring 2017. Andrew Kelly **seconded** the motion and it **carried 4-0**.

Planning Commission - Martin Dyas **moved** to reappoint Susan Smith to a four year term expiring 2016. David Brown **seconded** the motion and it **carried 4-0**.

Sewer Authority - Andrew Kelly **moved** to reappoint Douglas Muller as sewer authority member to a five year term expiring 2017. David Brown **seconded** the motion and it **carried 4-0**.

Shade Tree/Environmental Advisory Board – Martin Dyas **moved** to reappoint Richard Mulstay, Peter Lukens, and Chris Townsend to three year terms expiring 2015. David Brown **seconded** the motion and it **carried 4-0**.

Recreation Committee - David Brown **moved** to reappoint Scott Fluharty to a five year term expiring 2017. Andrew Kelly **seconded** the motion and it **carried 3-0** with Ralph Fluharty abstaining due to a possible conflict of interest.

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, each for a one year term. Martin Dyas **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. David Brown **moved** to appoint Township Manager Edward Wagner and Michael McGann as non-uniform employee representatives to two year terms on the pension committee expiring 2014. 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. David Brown **moved** to appoint Township Manager Edward Wagner and Michael Coyle as uniform employee representatives to two year terms on the pension committee expiring 2014. Martin Dyas **seconded** the motion and it **carried 4-0**.

2012 MEETING DATES AND TIMES:

The Board of Supervisors confirmed their meeting dates to be the second Monday of each month (except noted) with the work session meetings beginning at 6:30 PM and regular meetings beginning at 7:00 PM or immediately following the work meeting: January 3, February 13, March 12, April 9, May 14, June 11, July 9 (Historic Schoolhouse), August 13, September 10, October 8, November 12, and December 10, 2012.

The Board also confirmed their 2013 Budget Meetings schedule to be August 20, September 17, October 15, and November 5, 2012 beginning at 6:00pm.

TOWNSHIP HOLIDAYS OBSERVED IN 2012 – announced by Eileen Pogany

1. New Years Day – Observed Tuesday, January 2
2. Martin Luther King Day – Monday, January 16
3. President's Day – Monday, February 20
4. Good Friday - Friday, April 6
5. Primary Election Day, Tuesday, April 24
6. Memorial Day - Monday, May 28
7. Independence Day - Wednesday, July 4
8. Labor Day, Monday, September 3
9. Election Day – Tuesday, November 6
10. Thanksgiving, Thursday and Friday, November 22 and 23
11. Christmas Eve day - 1/2 day Monday, December 24

12. Christmas Day - Tuesday, December 25

Resolution No. 02-12 - Ralph Fluharty **moved** to adopt Resolution No. 02-12 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 2012. Andrew Kelly **seconded** the motion and it **carried 4-0**.

Resolution No. 03-12 - David Brown **moved** to adopt Resolution 03-12 setting forth the Street Light Front Foot Assessment Rate of \$0.00 per lineal foot. Andrew Kelly **seconded** the motion and it **carried 4-0**.

Resolution No. 04-12 - Andrew Kelly **moved** to adopt Resolution 04-12 setting forth the Real Estate Property Tax Rate of 1.68 mills for the Fiscal Year 2012. Martin Dyas **seconded** the motion and it **carried 4-0**.

Resolution No. 05-12 - to appoint signatories. Ralph Fluharty **moved** to adopt Resolution 05-12 authorizing Martin Dyas, Ralph Fluharty, Andrew Kelly, Douglas Muller and Edward Wagner as signatories. David Brown **seconded** the motion and it **carried 4-0**.

Resolution No. 06-12 – Andrew Kelly **moved** to adopt Resolution 06-12 setting police employee contributions to the Police Pension Plan for 2012 to be set at 2% of total gross salary. David Brown **seconded** the motion and it **carried 4-0**.

Resolution No. 07-12- Ralph Fluharty **moved** to adopt Resolution 07-12 setting the wages and salary rates for all non-uniformed personnel effective January 1, 2012. David Brown **seconded** the motion and it **carried 4-0**.

ANNOUNCEMENT OF COMMITTEE LIAISON APPOINTMENTS FOR 2012 – Chairman 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-

Andrew Kelly **moved** to set the Township Manager's bond in the amount of \$1,000,000 at a cost of \$2,450 for the year 2012. David Brown **seconded** the motion and it **carried 4-0**.

David Brown **moved** to set the Treasurer's bond for \$1,000,000 at a cost of \$1,340 for the year 2012. Martin Dyas **seconded** the motion and it **carried 4-0**.

ADJOURNMENT OF THE ORGANIZATIONAL MEETING – declared adjourned at 7:00PM

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, and thanked everyone 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.

ANNOUNCEMENT – Martin Dyas

Township Offices will be closed on Monday, January 16th for the Martin Luther King Holiday.

UPCOMING TOWNSHIP MEETING

SCHEDULED:

January 4	Auditors Meeting	9:15am
January 4	Recreation Committee	7:00pm
January 11	Planning Commission Meeting	6:30pm
January 17	Environmental Advisory Board	7:00pm
January 18	Sewer Authority at WWTP	6:30pm
February 01	Recreation Committee	7:00pm
February 08	Planning Commission Meeting	6:30pm
February 13	Next Regular Meeting of the BOS	6:30pm

PRESENTATION OF CURRENT BILLS

Bill List #24 –dated 12/30/11

General Fund 01	\$ 36,869.97
Fire Tax Fund 03	\$ 0.00
Sewer Operating Fund 08	\$ 23,531.02
Sewer Capital Fund 10	\$ 13,428.25
Trans. Impact Fund 13	\$ 0.00
Capital Fund Fund 19	\$ 2,308.57
State Liquid Fuels Fund 35	\$ 17,309.06
Escrow Fund 41	\$ 7,527.32
Recreation Fund 96	\$ 5,003.55

Total \$105,977.74

Martin Dyas **moved** to approve the bill listed in Bill List # 24 dated 12/30/11 in the amount of \$105,977.74. Ralph Fluharty **seconded** the motion and it **carried 4-0**.

Bill List #1	Dated 01/03/12	
	General Fund 01	\$ 23,809.36
	Fire Tax Fund 03	\$ 0.00
	Sewer Operating Fund 08	\$ 6,616.29
	Sewer Capital Fund 10	\$ 0.00
	Trans. Impact Fund 13	\$ 0.00
	Capital Fund 19	\$ 0.00
	State Liquid Fuels Fund 35	\$ 0.00
	Escrow Fund 41	\$ 0.00
	Recreation Fund 96	\$ 907.24
	TOTAL	\$ 31,332.89

Andrew Kelly **moved** to approve the bills in bill list #1 in the amount of \$31,332.89 and advance the treasurer the monies for utilities and payroll for coming month. David Brown **seconded** the motion and it **carried 4-0**.

Minutes - Martin Dyas **moved** to approve the meeting minutes of the December 12, 2011 Work Session and Regular meeting minutes. Andrew Kelly **seconded** the motion and it **carried 4-0**.

SOLICITOR'S REPORT – Garner and Bauer – Mr. Bauer advised that an argument has been scheduled for Gibraltar Rock III in Harrisburg on February 13, 2012. He stated that the County Court decision was appealed to Commonwealth court.

BUSINESS FOR DISCUSSION OR ACTION: NONE

MANAGER'S REPORT – Edward Wagner

Mr. Wagner reported that an informational meeting has been scheduled with DEP Secretary Michael Krancer and other officials for January 6, at 9:00 AM to discuss various aspects of HB 1950 as it relates the Marcellus Shale gas region and impacts/effect it could have on local decisions.

BUSINESS FOR ACTION ON 90 DAY TIME LIMITATION WAIVERS - Andrew Kelly **moved** to grant 90-day extensions of the time limits for the following projects:

N.H.T.P.C #563	McGee	40 lots	1/6/12
N.H.T.P.C. #665	Zavitsansos	122 lots	1/5/12
N.H.T.P.C. #730	Bart Golf Course	135 lots	1/6/12
N.H.T.P.C. #754	Breinig	2 lots	1/16/12
N.H.T.P.C. # 767	Murianka	2 lots	1/24/12

Martin Dyas **seconded** the motion and it **carried 4-0**.

NEW BUSINESS

Master Traffic Ordinance – has been advertised and made available for public review; there were no public comments. Police Chief McKeon stated that some speed limits have been

reduced and there have been changes to limit parking along some streets as well as miscellaneous other changes. Chief McKeon said that some changes will be implemented gradually and that the Police Department will be handing out notices of the changes to certain residents affected by newly designated no parking along their street. Public Works Director, Jay Smith stated that speed limit signs will be posted as they become available to indicate the effective speed limit and that reposting will take some time since speed limit signs will be refaced and many will require that a one-call be made prior to breaking ground. Mr. Smith also advised that curbside Christmas tree removal is going well, 187 trees had been collected in one day and that several trees have been deposited at the township drop-off site. Andrew Kelly **moved** to adopt Ordinance 12-01. Motion was **seconded** by David Brown and **carried 4-0**.

Internal Revenue Service – Ralph Fluharty **moved** to adopt the standard business mileage rate of 55.5 cents per mile effective January 1, 2012. David Brown **seconded** the motion and it **carried 4-0**.

OLD BUSINESS

Fire Study – Philip Agliano and Raymond Strickland were present to report on their progress in addressing task items. Each company is reviewing portions of the SOG with the intention of consolidating the SOG's into a single document to be used by both fire companies. They also reported that they are looking into the cost of having firefighter physicals performed and the extent of the physical required and options to make it affordable for the fire companies. David Brown suggested that a baseline of firefighter's vital signs could be established by ambulance personnel in order to save on costs of complete physicals. Ralph Fluharty requested a meeting with the Sassamansville Committee in the upcoming week. Solicitor Paul Bauer stated that he has concern about the Township's liability if a level of service is established and suggested that the Board of Supervisors make a decision whether or not to establish a level of service at the time of adoption of the Standard Operating Guidelines.

2012 Fire Police Reappointment – Ralph Fluharty **moved** to reappoint Lon Brinkman, David Raub Sr., David Raub Jr. and Glen Hull as Fire Police for the Sassamansville Fire Company. David Brown **seconded** the motion and it **carried 4-0**.

Martin Dyas **moved** to reappoint Charles Hughes, Dale Shaner, Alan Wommer, Marge Wommer, Concetta Buchle, Ronald Buchle and Malcolm Scott as Fire Police for the New Hanover Fire Company. Andrew Kelly **seconded** the motion and it **carried 4-0**.

Kingston Hill Phase 5, 6, & 7 – Edward Wagner stated that the Rosen Group has been in contact and is pursuing moving forward with this plan. Ralph Fluharty **moved** to grant a 90-day waiver of the time limit for preliminary plan approval expiring February 7, 2012. David Brown **seconded** the motion and it **carried 4-0**.

FROM THE FLOOR – David Brown commented that the Christmas tree collection seems to be going well and that he would like the public to know that trees are being composted and disposed of in an environmentally friendly way.

Regular meeting adjourned to Executive Session with an announcement that no decisions are expected to be announced.

EXECUTIVE SESSION – Personnel/Litigation

Regular meeting reconvened at 8:25 PM.

ADJOURNMENT – the meeting was declared adjourned at 8:30 PM.

Edward Wagner, Township Manager/Secretary