

**NEW HANOVER TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
FEBRUARY 13, 2012**

The regular monthly meeting of the New Hanover Township Board of Supervisors was held on Monday, February 13, 2012 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 7:10pm and led in a Salute to the Flag.

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, February 20th for the President’s Day Holiday.

PRESENTATION – Chief Kevin McKeon

Citations of Commendation were presented to New Hanover Township’s Sergeant William Moyer, Limerick Township’s Officer Matthew Daywalt, Lower Pottsgrove Township Acting Chief Michael Foltz and Lower Pottsgrove Township’s Officer Joseph Campbell for their part in apprehending the principles in a theft ring occurring in several communities.

UPCOMING TOWNSHIP MEETING – announced by Eileen Pogany

February 15	Act 209 Committee	4:15pm
February 15	Sewer Authority at WWTP	6:30pm
February 21	Environmental Advisory Board Meeting	7:00pm
March 7	Recreation Committee	7:00pm
March 12	Next Regular Meeting of the BOS	6:30pm

PRESENTATION OF CURRENT BILLS

Bill List #2 –dated 1/23/12

General Fund 01	\$ 85,055.97
Fire Tax Fund 03	\$ 7,509.85
Sewer Operating Fund 08	\$ 41,068.98
Sewer Capital Fund 10	\$ 27,519.56
Trans. Impact Fund 13	\$ 0.00
Capital Fund Fund 19	\$ 98,549.00
State Liquid Fuels Fund 35	\$ 6,252.58
Escrow Fund 41	\$ 7,613.02
Recreation Fund 96	<u>\$ 2,393.31</u>

Total \$275,962.27

Ralph Fluharty **moved** to approve payment of the bills listed in Bill List No. 2. Martin Dyas **seconded** the motion and it **carried 5-0**.

Bill List #3	Dated 02/13/12	
	General Fund 01	\$ 32,649.66
	Fire Tax Fund 03	\$ 0.00
	Sewer Operating Fund 08	\$ 42,435.65
	Sewer Capital Fund 10	\$ 0.00
	Trans. Impact Fund 13	\$ 0.00
	Capital Fund 19	\$ 1,018.00
	State Liquid Fuels Fund 35	\$ 9,225.69
	Escrow Fund 41	\$ 1,499.50
	Recreation Fund 96	\$ <u>489.93</u>
	TOTAL	\$ 87,318.43

Douglas Muller **moved** to approve payment of the bills listed in Bill List No. 3 and advance the treasurer the monies for utilities and payroll for coming month. Andrew Kelly **seconded** the motion and it **carried 5-0**.

Minutes - Martin Dyas **moved** to approve the January 3, 2012 Work Session and Regular meeting minutes. David Brown **seconded** the motion and it **carried 4-0** with Douglas Muller abstaining due to his absence at the meetings.

SOLICITOR'S REPORT – Garner and Bauer

Mr. Paul Bauer reported that he had attended a hearing before the Pennsylvania Commonwealth Court to hear the appeal of Gibraltar Rock from the decision of the Court of Common Pleas regarding the Gibraltar Rock III case. Robert Brant, Esq. testified on behalf of the Township with Attorneys Skypala, Keenan, Gavin and Bauer present. Mr. Steven Harris represented Gibraltar Rock. The court will decide whether the GR III application/parcel is a part of the previously submitted GR I and GR II applications. Mr. Bauer stated that Gibraltar Rock is currently using the GR III application as leverage in negotiations and that if the court rules in favor of Township, Gibraltar Rock will lose the leverage they have been using. Mr. Bauer added that there is no time frame designated for rendering a decision but that he will keep the Board apprised of any updates. Martin Dyas added that the GR III applications include a quarrying operation in a residential area.

Mr. Anthony Mashintonio, 1968 Hoffmansville Road, stated that he has requested an accounting of the Township's cost of fighting the quarry. Mr. Bauer explained that most of the costs being incurred now are for arguing the appeals of the applicant and that presently the costs are stagnant. Mr. Mashintonio asked if he will receive the figures and was told that a response to his request has been forwarded to him via the mail and that additional time is needed to collect the figures. It is estimated that cost as of now is approximately one million dollars and that what is being spent currently is considered to be the best spent money. Martin Dyas stated that if Gibraltar Rock had been willing to work with the Township, monies would not have been needed to fight the applicant's proposal. Mr. Bauer added that some court decisions have supported the Township's position and that Gibraltar Rock's preemptive argument has been struck down by the court.

MANAGER'S REPORT – Edward Wagner

THP/Wynstone Development – Mr. Wagner reported that THP has purchased portions of the original Wynstone tract and is interested in purchasing the remaining portions and regenerating the Wynstone plan.

PennDOT has reduced the speed limit on N. Charlotte Street from the Lower Pottsgrove Line to Big Road/Rt. 73 from 45MPH to 40MPH and has replaced signage in compliance with updated regulations.

N. Charlotte/Dotterer Road Township Public Works employees have cleared the brush along the curve to provide for an improved sight line and more visibility. Deer frequently cross the roadway at this location.

Public Assistance monies have been received in the amount of \$12,437. to reimburse the Township for employee wages and equipment usage during Hurricane Irene. The Township will also be submitting expenses for Tropical Storm Lee.

Hickory Park Grant – this project is moving forward with the architect preparing to submit a sketch which will be followed by solicitation for bids. The Township proposes to keep the existing bathhouse/restroom functioning until the new facility is ready for use following which the existing structure will be converted to be used as a storage facility.

Non-Uniform Personnel Manual – Draft #4 has been provided to each supervisor with all changes clearly marked. The document is expected to be ready for adoption at the March 2012 meeting.

Martin Dyas stated that the Township has received comments regarding speed limit changes in the Township; some of which were positive and some were questioning the reasoning for the changes. He stated that he compared travel time on Swamp Pike at the original speed limit and also at the reduced speed limit and that there was 40 seconds difference. Chief Kevin McKeon added that there had been 200 automobile accidents along Swamp Pike between June of 2006 and August of 2011 and that 30% of the accidents resulted in injury or damages requiring the automobile to be towed. He also added that there had been 62 DUI arrests during that period of time. Chief McKeon believes excessive speed is a problem in the Township and wants to protect the citizens and reduce the number of accidents and need for emergency services.

BUSINESS FOR DISCUSSION OR ACTION: NONE

BUSINESS FOR ACTION ON 90 DAY TIME LIMITATION WAIVERS - Douglas Muller moved to grant the waiver requests for N.H.T.P.C. #709, 714 and 771 as follows:

N.H.T.P.C #709	Trotter's Gait	54 units	3/15/2012
N.H.T.P.C #714	James Carroll Phase II	3 lots	3/15/2012
N.H.T.P.C. #771	Gibraltar Rock	Commercial	3/12/2012

David Brown **seconded** the motion and it **carried 5-0**.

NEW BUSINESS

Act 209 Committee Members – Andrew Kelly **moved** to appoint the following to the committee for a one year term expiring February 2013: Philip Agliano, Thomas Miskiewicz, Michael Gambone, Mark Halteman, Greg Herb, Scott Fluharty, Dennis Pogany and Edward C. Wagner as Township Liaison. The committee will be making recommendations for Act 209 fees to be included in the amended fee schedule which will be considered for adoption on March 12, 2012. The committee will be meeting Wednesday, February 15 at 4:15 PM.

Resolution 08-12 – David Brown **moved** to execute the cooperative agreement addendum to permit Lower Frederick Township to be included in the ChesMont Emergency Response Team (CMERT). Martin Dyas **seconded** the motion and it **carried 5-0**.

Susan Stehman – Ralph Fluharty **moved** to accept the resignation of Susan Stehman from the Recreation Committee. Douglas Muller **seconded** the motion and it **carried 5-0**.

Agricultural Security Area – Mr. Wagner announced that an application has been received for inclusion of a 62 acre tract of land into the Township's Agricultural Security Area recently purchased by George Leidig and Eleanor Vallone. The property is located at 3321 Church Road and includes parcels fronting on Reifsnyder, New, Miles, Lutheran, and Church Roads.

Fee Schedule – Mr. Wagner provided a draft of a proposed amendment to the Township's fee schedule for the Board's consideration for adoption at their Board of Supervisors meeting on March 12th. The revised schedule adjusts fees which were established in 2006.

OLD BUSINESS

FROM THE FLOOR – There were no public comments on non-agenda items.

The Board recessed the regular meeting at 7:45 PM to convene an executive session and announced that a vote may be taken upon reconvening.

EXECUTIVE SESSION – Personnel/Litigation

The regular meeting was reconvened at 8:40 PM with Douglas Muller making a motion to offer a full-time position to Christopher Kulp effective March 3, 2012. Andrew Kelly **seconded** the motion and it **carried 5-0**.

Ralph Fluharty gave a presentation summarizing the revenues and expenditures of the Sassamansville and New Hanover Township Fire Companies.

ADJOURNMENT – the meeting was declared adjourned at 9:15 PM.

Edward Wagner, Township Secretary/Manager