

**NEW HANOVER TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING**

March 12, 2012

The regular monthly meeting of the New Hanover Township Board of Supervisors was held on Monday, March 12, 2012 at the New Hanover Municipal Building, 2943 N. Charlotte Street, Gilbertsville, PA 19525. Present were Supervisors Martin Dyas, Douglas Muller, Ralph Fluharty, 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 7:10pm 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.

UPCOMING TOWNSHIP MEETING – announced by Eileen Pogany

March 14	Planning Commission	6:30pm
March 20	Environmental Advisory Board	6:30pm
March 21	Sewer Authority at WWTP	6:30pm
April 4	Recreation Committee	7:00pm
April 9	Next Regular Meeting of the BOS	6:30pm/7:00pm

PRESENTATION OF CURRENT BILLS

Bill List #4	Dated 02/27/12	
	General Fund 01	\$ 38,939.07
	Fire Tax Fund 03	\$ 0.00
	Sewer Operating Fund 08	\$ 5,705.99
	Sewer Capital Fund 10	\$ 0.00
	Trans. Impact Fund 13	\$ 0.00
	Capital Fund 19	\$ 1,015.09
	State Liquid Fuels Fund 35	\$ 2,183.07
	Escrow Fund 41	\$ 6,159.66
	Recreation Fund 96	\$ 1,623.11
	TOTAL	\$ 55,625.99

Douglas Muller **moved** to approve payment of the bills listed in Bill List No. 4. David Brown **seconded** the motion and it **carried 4-0**.

Bill List #5	Dated 03/12/12	
	General Fund 01	\$ 40,004.53
	Fire Tax Fund 03	\$ 0.00
	Sewer Operating Fund 08	\$ 26,916.71
	Sewer Capital Fund 10	\$ 0.00
	Trans. Impact Fund 13	\$ 0.00
	Capital Fund 19	\$ 0.00
	State Liquid Fuels Fund 35	\$ 16,592.05
	Escrow Fund 41	\$ 1,675.00
	Recreation Fund 96	\$ <u>8,166.40</u>
	TOTAL	\$ <u>93,354.69</u>

Ralph Fluharty **moved** to approve payment of the bills listed in Bill List No. 5 and advance the treasurer the monies for utilities and payroll for coming month. David Brown **seconded** the motion and it **carried 4-0**.

Minutes - Douglas Muller **moved** to approve the February 13, 2012 Work Session and Regular meeting minutes. Motion was **seconded** by Martin Dyas and **carried 4-0**.

SOLICITOR'S REPORT – Garner and Bauer

Gibraltar Rock Court Case - Paul Bauer reported that Gibraltar Rock has filed an appeal from Judge Corso's ruling to Pennsylvania Commonwealth Court. He explained that the case has two components and that the Township will be asking the court to attach the mandamus component to the original component in which the Township's position was upheld; he stated he would be keeping the Township updated on the case.

Martin Dyas commented that Gibraltar Rock has been publicizing that they are willing to work with the Township but continue to argue and file appeals. Mr. Bauer stated that he believes Gibraltar Rock is continuing to pursue the Gibraltar Rock III application which includes fifty acres in the residential district of the Township which will require less removal of overburden if the quarry operation were permitted. The Township is fighting hard to preclude the quarrying operation in this area.

Renewal of Cable Franchise Agreement – Mr. Bauer stated that he has been working with both Brian Greter of Comcast and Attorney Dan Cohan with regard to the renewal of the ten year franchise agreement with the Township. Martin Dyas stated that he is not in favor of giving up the government channel if the Township was required to make a choice between the educational channel and the government channel.

MANAGER'S REPORT – Edward Wagner

Former Wynstone Development – Mr. Wagner reported that Wells Fargo, the current owner of the airport property, is planning to install temporary fencing along the front portion of the property facing Swamp Pike to prevent vehicles from entering the property and eliminate the possibility of illegal dumping. TH Properties recently repurchased the 84 acre tract at 1820 Swamp Pike and the former Davidheiser tract has been purchased by RP Wynstone LP.

Public Assistance –Public assistance reimbursements for Hurricane Irene of August 26, 2011, in the amount of \$12,437.00, and for Tropical Storm Lee on September 3, 2011, in the amount of \$6,991.59, will be remitted to the Township reimbursing the Township for its expenses during these events.

Martin Dyas mentioned damage caused by tree limbs being tossed about during the storms and asked who is responsible for periodic maintenance. He was advised that trees located in the ultimate right-of-way of roadways can be trimmed by the Township or by anyone contracted to do the trimming.

Educational Seminars – Attended the MCATO Spring Convention on Friday, February 24 at Franconia Heritage Center where presentations were given regarding the new stormwater management regulations and the ongoing prescription drug problem impacting local police departments.

Hickory Park Restroom Grant – Plans for the construction of the new restroom facility are moving along and bid proposals are expected to be available by the end of March.

Pending Legislation - HB 1718 and HB 1719 which would amend the Municipalities Planning Code and Municipal Authorities Law continue to be considered with no ruling at this time. Passage of the HB 1718 and HB 1719 would affect how municipalities review land development plans. HB 1685 would establish standardized job descriptions and will have an impact on prevailing wage rates.

BUSINESS FOR DISCUSSION OR ACTION: NONE

BUSINESS FOR ACTION ON 90 DAY TIME LIMITATION WAIVERS

Ralph Fluharty **moved** to grant time extension requests for N.H.T.P.C. 563, N.H.T.P.C. 754 and N.H.T.P.C. 767 as follows. Douglas Muller **seconded** the motion and it **carried 4-0**.

N.H.T.P.C #563	McGee	40 lots	4/4/2012
N.H.T.P.C. #754	Breinig	2 lots	4/14/2012
N.H.T.P.C. # 767	Murianka	2 lots	4/22/2012

NEW BUSINESS

Resolution 09-12 – Douglas Muller **moved** to adopt Resolution 09-12 amending the Act 209 traffic impact fees for Area 1 and 2 as follows:

Area 1 current fee \$1,578 proposed fee \$1,972.50

Area 2 current fee \$2,956 proposed fee \$3,695.00

Motion was **seconded** by David Brown and **carried 4-0**. It was noted that fees are assessed as a condition of subdivision approval based upon trip generation and that monies generated are designated for roadway improvements in the district in which the fee is imposed.

Resolution 10-12 – Martin Dyas **moved** to adopt Resolution 10-12 amending the township fee schedule. David Brown **seconded** the motion and it **carried 4-0**.

Non-Uniform Employee Handbook – Mr. Wagner explained that the Township's personnel manual has been reviewed and updated by the human resources consultant at VIST. Douglas Muller **moved** to adopt the updated manual; motion was **seconded** by Ralph Fluharty and **carried 4-0**.

Resolution 11-12 – Ralph Fluharty **moved** to authorize Met-Ed to install five streetlights at the intersections in the Briar Ridge development. Martin Dyas **seconded** the motion and it **carried 4-0**.

Resolution 12-12 - to authorize Met-Ed to remove the damaged streetlight at 448 Windy Hill Road. It was noted that this light has been out for some time and that repairs are estimated to cost \$2,700. There is a suspicion that the damage occurred while Verizon was installing cable but cannot be substantiated. Mr. Wagner will contact the adjoining neighbors to determine whether or not they would like to have the light repaired. It was noted that the light is not located at an intersection. David Brown asked that the Township receive a credit from Met Ed for period of time while the light was not functional; Mr. Wagner agreed to contact Med Ed to obtain the credit.

N.H.T.P.C. # 730 Bart Golf Course Attorney David Garner was present representing Bart Golf Club and stating that an agreement of sale is currently being negotiated and asking for an additional time to allow the parties to complete the transaction. The Board was advised that the original application was for single family homes and will be revised to be a low rise, age restricted community with the golf course remaining; provisions for wastewater disposal will need to be made. Douglas Muller **moved** to extend a waiver for an additional 30 days from March 12, 2012. Ralph Fluharty **seconded** the motion and it **carried 4-0**.

Retirement of Mary Ann Hudson – Mr. Wagner read a letter of resignation submitted by Mary Ann Hudson giving the township eight weeks notice and effective May 11, 2012. Martin Dyas **moved** to regretfully accept the letter of resignation and Ralph Fluharty **seconded** the motion with deep regrets noting she was very detailed oriented. The motion **carried 4-0**.

OLD BUSINESS

Fire Marshal – Philip Agliano presented a draft job description for the Board's review. He stated that he had researched job descriptions from other communities and to assist him in creating one for consideration for New Hanover Township. Mr. Agliano believes that the Township would be well served if the position we offered as a volunteer position through the Township rather than a position within the fire companies. Raymond Strickland asked that Glenn Hull be permitted to act as assistant fire marshall if the position were created. Paul Bauer asked if the Township has decided to offer this position and questioned why the Township would want to create a job description if the Board has not decided to create the position. David Brown **moved** to approve the job description as submitted; motion was **seconded** by Douglas Muller. Ralph Fluharty and Martin Dyas voted negatively and the motion died 2-2 ; item was tabled.

James Wozniak will be asked to attend the work session meeting on April 9, 2012 to discuss the coordinating of the fire marshal with the functions of the code enforcement officer.

FROM THE FLOOR – Public comment on non-agenda items

Douglas Meder of 590 Jennifer Lane stated that he is attending a Board meeting for the second time and is not happy with the parking restrictions in his neighborhood. He stated that parking has not been a problem for the past sixteen years and believes fire trucks should be able to maneuver without problems according to his father-in-law who is a firefighter. He stated that he is upset that there was no notification and is asking the Board “why”.

Philip Agliano stated that the fire company was not involved in the change.

Martin Dyas stated that the Township’s Master Traffic Ordinance has been revised and updated to address safety issues.

Sergeant and Deputy Fire Chief William Moyer stated that the fire company takes a role in reviewing plans for new developments and is especially concerned with safety issues. He stated that traffic movement has been studied and that the fire company uses a ladder truck and needs to be able to maneuver close enough to a building for the firefighters to be within reach of the areas needing to be treated. He added that the ladder truck cannot be driven onto a sidewalk without the risk of breaking the axle.

Police Chief McKeon stated that he insists on implementing measures such as parking restrictions and lowering of speed limits for the safety of the residents of the community and is trying to save lives. He stated that there have been 200 accidents on Swamp Pike since 2006, 60 of which were reportable, a number of DUI’s, and one fatality. Chief McKeon stated that he will be issuing warnings until people become more familiar with the new regulations.

Mrs. Rose DeCiniga of 2722 Leidy Road stated that her family is large and has six vehicles. She stated that she has been there 25 years and had no problem previously and that if she had known a no parking regulation would be put in place, it would have affected her decision to purchase the property.

Jennifer Road resident Nicole stated that she thinks people are angry because no one was informed prior to the change and residents were not given an opportunity to offer suggestions or widen their driveways prior to the regulation being put into place to provide additional parking area in their driveway. She stated that she lives on the curve and believes that the opposite side of the street should be posted no parking and if afraid there will be a head-on accident due to the parking around the curve.

Richard Sprenkle of 2148 Reindeer Court said a fireman previously told him they could move his truck if needed without a problem and that there are sixteen homes on his street with availability of five parking spaces along the street.

Residents asked if they could use the fire company parking lot for parking for guests if needed and were told they were welcome to do that so long as they informed someone at the fire company and providing the fire company did not have an activity.

Douglas Meder asked where the pending ordinance was advertised and Mr. Bauer explained that it was advertised in the legal advertising section of the Town and County Newspaper, where the Township typically advertises in order to save advertising expenses for the Township.

David Brown stated that the Township has been in the process of making revisions to the Master Traffic Ordinance since 2006 and that it is important to move forward.

Angela Faust stated that she would like to widen her driveway on Jennifer Lane and was told that the edge of the driveway must be a minimum of five feet from the property line and that a driveway permit will be needed.

Harold Siver of 613 Charles Drive stated that he inquired with the Township as to the siting of the signs and was told the distance between signs should be 125-150 feet; he added that he has three signs along the frontage of his property and that they are 87 feet apart and would like to know why. He is concerned regarding the aesthetics and property value.

Melissa Siver stated that cars are speeding along the roadway and there are too many no parking signs and only two speed limit signs. She stated that ambulances have not had any problem providing service to the residents along this street.

Michelle Rooney thanked the firefighters and police officers for their service but felt insulted that no one received a notice of the change. She stated that she previously worked in Philadelphia and saw lots of large emergency vehicles there which had no problems maneuvering on the narrow city streets. She said that she loved the Township when she moved here and that the signs are an eyesore. Now that there are no cars parked along the street, cars are speeding through the development. She also stated that the fire companies should get what they need.

The Board recessed the regular meeting at 9:17 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 10:13 PM, no decisions were announced.

ADJOURNMENT – the meeting was declared adjourned at 10:15 PM.

Edward Wagner, Township Secretary/Manager