

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

**April 9, 2012**

The regular monthly meeting of the New Hanover Township Board of Supervisors was held on Monday, April 9, 2012 at the New Hanover Municipal Building, 2943 N. Charlotte Street, Gilbertsville, PA 19525. Present were Supervisors Martin Dyas, Ralph Fluharty, Andrew Kelly and David Brown. Douglas Muller 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 7:30pm 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**

The Department of Environmental Protection will host a public information session at Boyertown Junior High East on Tuesday, April 17<sup>th</sup> to discuss the Hoff Vinyl Chloride(VC)/Good Oil Site at 334 Layfield Road. The meeting will begin at 7pm.

**UPCOMING TOWNSHIP MEETING – Announced by Eileen Pogany**

April 11	Planning Commission	6:30pm
April 12	Zoning Hearing Board	6:30pm
April 17	Environmental Advisory Board	6:30pm
April 18	Sewer Authority @ WWTP	6:30pm
May 2	Recreation Committee	7:00pm
May 9	Planning Commission	6:30pm
May 14	Next Regular Meeting of the BOS	6:30pm/7:00pm

**PRESENTATION OF CURRENT BILLS**

<b>Bill List #6</b>	<b>Dated 03/26/12</b>	
	General Fund 01	\$ 31,928.85
	Fire Tax Fund 03	\$ 0.00
	Sewer Operating Fund 08	\$ 16,816.11
	Sewer Capital Fund 10	\$ 700.00
	Trans. Impact Fund 13	\$ 0.00
	Capital Fund 19	\$ 0.00
	State Liquid Fuels Fund 35	\$ 737.76
	Escrow Fund 41	\$ 18,132.63
	Recreation Fund 96	\$ 4,327.83
	<b>TOTAL</b>	<b>\$ 72,643.18</b>

Ralph Fluharty **moved** to approve Bill List #6 in the amount of \$72,643.18. Motion was **seconded** by Andrew Kelly and **carried 4-0**.

<b>Bill List #7</b>	<b>Dated 04/09/12</b>	
General Fund 01		\$ 42,174.35
Fire Tax Fund 03		\$ 0.00
Sewer Operating Fund 08		\$ 15,651.87
Sewer Capital Fund 10		\$ 1,508.05
Trans. Impact Fund 13		\$ 0.00
Capital Fund 19		\$ 0.00
State Liquid Fuels Fund 35		\$ 2,961.56
Escrow Fund 41		\$ 8,062.50
Recreation Fund 96		\$ <u>8,021.57</u>
<b>TOTAL</b>		\$ 78,379.90

David Brown **moved** to approve Bills List #7 in the amount of \$78,379.90 and also to advance the treasurer the monies for utilities and payroll for the coming month. Andrew Kelly **seconded** the motion and it **carried 4-0**.

**Minutes** – Martin Dyas **moved** to approve the minutes of the March 12, 2012 work session and the regular monthly meeting. Motion was **seconded** by Ralph Fluharty and carried with Andrew Kelly abstaining since he had not attended the meeting. Motion **carried 3-0**.

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

Gibraltar Rock Court Case – Mr. Bauer stated that there has been no decision from Commonwealth Court and that he is not expecting a decision for a long time; the matter will continue to appear on the agenda for tracking purposes. DEP has obtained permission to place monitoring wells on the Gibraltar Rock property to monitor contamination on site caused by the prior Good Oil operation. Mr. Bauer stated that he is aware of two environmental appeals, one by Mr. Eddinger, and will ask Mr. Mullaney, Counsel to the Ban the Quarry Group, to copy the Township on all such matters. Mr. Bauer also explained that the quarry had activated its permit and an injunction was subsequently filed by the Township. Gibraltar is now using the injunction to justify extensions of the mining permit. The air quality permit has expired and DEP has been denied an extension. Gibraltar originally filed an appeal but subsequently withdrew the appeal and will be going through the process of applying for a permit; they will likely hold off applying until they are closer to land development approval.

Boyertown School District Request for Educational Channel - Mr. Bauer stated that he has no objection to the Board of Supervisors supporting the Boyertown School District request for an Educational Channel. Martin Dyas wanted assurance that the Township channel will not be lost and Mr. Bauer stated that he expected that the Township will receive two channels at the time of agreement renewal.

Ordinance amendments – Ralph Fluharty **moved** to authorize advertising of ordinance amendments to the Township’s Zoning and Subdivision/Land Development Ordinance amending the TC and TN District ordinances. Andrew Kelly **seconded** the motion and it **carried 4-0**.

**MANAGER’S REPORT** – Edward Wagner

Former Wynstone Development/Airport property –temporary fencing was installed on March 28<sup>th</sup> along the front portion of the property facing Swamp Pike.

Educational Seminars – Chef McKeon and he attended the PELRAS conference which took place March 21-23. The theme of the conference was to assist municipal officials facing increasingly

complex issues in managing their workforce. Workable solutions on how to avoid lawsuits, mitigate labor/management issues and improve service delivery to residents were offered.

National Penn Bank – township staff has reviewed the final design and layout for the proposed renovation project. A temporary branch office will be situated behind the existing bank while the renovation is taking place beginning later this summer with an expected completion date sometime early this Fall; we anticipate a significant improvement at the site.

Hickory Park Restroom Grant – Drawings have been completed for the new restroom and we expect to have the bid uploaded onto the Pennbid list. A 14-day deadline will be established for bids to be returned and opened publicly.

Pending Legislation – Prevailing Wage Legislative Reform Package ([HB 1329](#) and [HB 1685](#)) which would reform the state's antiquated Prevailing Wage Law has not been taken to the house floor; there has been no vote.

Senate Bill 898 - Elam Herr, Assistant Executive Director of PSATS, met with Senator Tomlinson on March 27<sup>th</sup> to discuss the proposed bill. The meeting went well and Senator Tomilson admitted that he had not heard both sides of the story. The Township is interested in meeting with Senator Tomilson also.

Upcoming Recreation Programs – the Community Yard Sale will take place on Saturday, May 12<sup>th</sup> from 8am to 12pm at Hickory Park. The cost to reserve a table is \$10 and a rain date is scheduled for Sunday, May 13<sup>th</sup>. The second session of “Movie Night in the Park” will take place at Hickory Park on June 23, July 21 and August 18. All movies will begin at dusk and are free to the public. Hope Community Church will provide free popcorn and refreshment for all movie goers.

Tree Planting Hickory Park – approximately 350 trees and shrubs will be planted by volunteers on April 17; volunteers are welcome, if possible bring a shovel.

Department Head Meeting – held first Thursday of each month.

## **BUSINESS FOR DISCUSSION OR ACTION: NONE**

## **NEW BUSINESS**

Resolution 12-12 – Martin Dyas **moved** to adopt Resolution 12-12 authorizing Met-Ed to remove the streetlight at 448 Windy Hill Road. Andrew Kelly **seconded** the motion and it **carried 4-0**.

Barbara Traitz – David Brown **moved** to appoint Barbara Traitz to the Recreation Committee to fulfill the unexpired term of Susan Stehman concluding 1/2013. Ralph Fluharty **seconded** the motion and it **carried 4-0**.

N.H.T.P.C. # 730 Bart Golf Course – Mr. Wagner recommended that an extension of time be granted to this applicant to allow the project to move forward. Andrew Kelly **moved** to grant a 40-day extension; motion was **seconded** by Ralph Fluharty and **carried 4-0**.

Kingston Hill Phase 5, 6, & 7 – developer is attempting to find a way to complete the culvert project on Rhoads Road and is asking for a 90-day extension of the time limit. Ralph Fluharty **moved** to grant the 90-day extension. Motion was **seconded** by Andrew Kelly and **carried 4-0**.

## OLD BUSINESS

FROM THE FLOOR – Public comment on non-agenda items

Fay Algeo expressed her displeasure with the new parking restrictions in the Hunter's Run Development. She stated that she has spoken to other fire companies and they believe their equipment could be maneuvered in her development without needing the parking restrictions currently in place. She was advised that the Township's traffic engineer, chief of police, fire company chief all agreed that the restrictions are necessary to provide for safety and to assure emergency vehicles can maneuver if needed. Mrs. Algeo was advised that the same criteria has been applied to her development as is utilized elsewhere in the Township and she was further advised that parking calculations are performed during the subdivision/land development permitting process to assure adequate parking. Martin Dyas stated that Township experts recommend leaving the current regulations in place..

Kingston Hill – Phase 3 – Carrie Nase of Fox Rothschild, LLP was present asking that the Township release the letter of credit for this project. The Township is not willing to release the letter since the property has not gone to settlement with her client due to the closing being postponed. Supervisors were not willing to accept the bond as a substitute for the letter of credit as security and asked that the developer request the release of the letter of credit once the property has transferred ownership.

Raymond Strickland of Sassamansville Fire Company reported that they are meeting with the New Hanover Township Fire Company to review the two SOG drafts and attempt to consolidate them into one document. Mr. Agliano of the New Hanover Fire Company stated that their review is 95% complete and plan to present a draft SOG to the Board at their May 14 meeting. Ralph Fluharty is following the progress. Sassamansville Fire Company is adding an engine which was a recommendation of Dr. Jenoway and has received Board of Supervisors approval. Andrew Kelly inquired about the two company's joint training sessions for firefighters.

Adjournment to Executive Session – 8:32 PM – no action is expected.

EXECUTIVE SESSION – Personnel/Litigation

Reconvened Regular Meeting – 9:11 PM

Andrew Kelly **moved** to promote Marie Coakley to Finance Officer effective on the date of Mary Ann Hudson's retirement and to increase her salary by 15%. David Brown **seconded** the motion and it **carried 4-0**.

ADJOURNMENT

The meeting was declared adjourned at 8:35 PM.