# NEW HANOVER TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING AUGUST 13, 2012

The regular monthly meeting of the New Hanover Township Board of Supervisors was held on Monday, August 13, 2012 at the New Hanover Township 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. Chairman Martin Dyas called the meeting to order at 7:25pm 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. Jeanette Moll stated that she was taping the meeting.

# **UPCOMING TOWNSHIP MEETING –** announced by Eileen Pogany

August 15	Sewer Authority at WTTP	6:30pm
August 21	Environmental Advisory Board	7:00pm
August 27	2013 Township Budget Meeting	6:00pm
September 5	Recreation Board	7:00pm
	Mart Damilan Marting of the DOC	C-20/7-00

September 10 Next Regular Meeting of the BOS 6:30pm/7:00pm

# PRESENTATION OF CURRENT BILLS

#### Bill List #13 Dated 07/25/12

General Fund 01	\$ 80,616.71
Fire Tax Fund 03	\$ 77,610.72
Sewer Operating Fund 08	\$ 39,232.29
Sewer Capital Fund 10	\$ 0.00
Trans. Impact Fund 13	\$ 0.00
Capital Fund 19	\$ 0.00
State Liquid Fuels Fund 35	\$ 4,327.19
Escrow Fund 41	\$ 9,985.20
Recreation Fund 96	\$ 10,098.7 <u>5</u>
TOTAL	\$221,870.86

Douglas Muller **moved** to approve the bills as listed in Bill List #13. Andrew Kelly **seconded** the motion and it **carried 5-0**.

## Bill List #14 Dated 08/13/12

General Fund 01	\$ 23,428.16
Fire Tax Fund 03	\$ 0.00
Sewer Operating Fund 08	\$ 16,131.82
Sewer Capital Fund 10	\$ 145.00
Trans. Impact Fund 13	\$ 0.00
Capital Fund 19	\$ 0.00
State Liquid Fuels Fund 35	\$ 2,211.11
Escrow Fund 41	\$ 102.50
Recreation Fund 96	\$ 3,874.84
TOTAL	\$ 45,893.43

Ralph Fluharty **moved** to approve the bills as listed in bill list #14 and also to advance the treasurer the monies for utilities and payroll for coming month. David Brown **seconded** the motion and it **carried 5-0**.

## Minutes -

Douglas Muller **moved** to approve the minutes of the *June 19, 2012 work session and regular meeting* minutes. Ralph Fluharty **seconded** the motion and it **carried 3-0** with Martin Dyas and David Brown abstaining due to their absence at the meeting.

Martin Dyas **moved** to approve the minutes of the July 9, 2012 regular meeting, **seconded** by Douglas Muller and **carried 4-0** with Andrew Kelly abstaining since he had not been in attendance.

#### **SOLICITOR'S REPORT** – Garner and Bauer

Mr. Bauer reported that he received a decision on July 18 regarding the Gibraltar Rock Commonwealth Court Case which included three separate being appealed. A decision has been made on GR III case but no decision has been rendered on GR I and GR II since a portion of the property is titled to Sahara Sand and a portion is titled to Gibraltar Rock. Gibraltar Rock could pursue or withdraw their appeal which would likely result in a 1 ½ year delay either way. Martin Dyas asked if Gibraltar Rock has offered to settle and Mr. Bauer stated that they had expressed an interest several months ago but that there has been no follow-up. Mr. Bauer stated that the Planning Commission made a motion at their August 8<sup>th</sup> meeting to recommend conditional preliminary approval and Gibraltar Rock will be submitting a reapplication to the DEP for their non-coal surface mining permit to determine whether the DEP is willing to allow the conditions which the Township is requiring. Gibraltar will be providing a copy of the reapplication and correspondence to the DEP to the Township and providing the DEP is willing to allow what the Township is requiring, the plan will be presented to the Board of Supervisors for approval in preliminary form. If the DEP is not in agreement, Gibraltar Rock will need to revise its plans to meet both Township and DEP requirements. Mr. Bauer confirmed that Gibraltar has provided a written extension of the time frame to come before the Board of Supervisors.

# MANAGER'S REPORT - Edward Wagner

2013 Township Budget - Mr. Wagner reported that budget meetings to establish the revenue portion of the budget will be held on August 27 and September 24, 2012 beginning at 6:00pm. Department heads will be required to submit their budgets by September 13, 2012.

Kingston Hill II HOA – An informational meeting with regard to the homeowners association was held for the residents of this community. Hano & Ginsberg, LLP will be serving as manager of the association. Enrollment is almost at the halfway point but all homeowners are needed to execute the

joiner and ratification of declaration. Each homeowner has received a pro-rated assessment for calendar year 2012 of \$50.; annual association fee will be \$100. in 2013.

Hetrick Composting Facility – Representatives of the Department of Environmental Protection have visited the site and determined it to be acceptable to proceed with preparations for accepting yard waste; the Township is hoping the facility will be ready to begin accepting yard waste for composting this Fall.

Movie Night – The final movie, *Tangled,* is scheduled to be shown Saturday, August 18 at Hickory Park beginning at approximately 8:45pm.

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

## **BUSINESS FOR ACTION ON 90 DAY TIME LIMITATION WAIVERS:**

Andrew Kelly **moved** to grant waiver requests to the following projects:

N.H.T.P.C. #665	Zavitsanos	122 lots	9/08/2012
N.H.T.P.C. #709	Trotter's Gait	54 Units	9/08/2012
N.H.T.P.C. #714	James Carroll Phase II	3 lots	9/08/2012
N.H.T.P.C. # 771	Gibraltar Rock	Industrial	9/04/2012

Douglas Muller **seconded** the motion and it **carried 5-0**.

## **NEW BUSINESS**

<u>Resignation of Marie Coakley</u> – Martin Dyas **moved** to accept the resignation of Marie Coakley who resigned as Finance Officer effective August 3, 2012. Douglas Muller **seconded** the motion and it **carried 5-0**.

<u>Finance Clerk</u>— Andrew Kelly **moved** to approve full-time status for Margaret Paludi effective August 20, 2012. David Brown **seconded** the motion. Mr. Paul Brooker of 527 Centennial Avenue, Gilbertsville, PA stated that he doesn't think a full time employee is needed for the position of Finance Officer and stated that he has been contracted to do municipal finance work in other communities where a full-time employee was not needed. Douglas Muller asked if he would be willing to provide services as a sub-contractor and he said would be interested in pursuing that. Mrs. Paludi was approved to full-time status by a **vote of 5-0.** 

<u>Hickory Park Restroom Project</u> – Edward Wagner stated that bid documents have been reviewed and references for the low bidder were found to be positive. John G. Membrino was successful as low bidder for the three separate contracts and Douglas Muller stated that having one contractor eliminates the blame-game among contractors in the event there are issues during construction. James Wozniak will be inspecting during the construction and reasonable costs for additional associated with Township's engineer reviews are estimated to be 13-15% of the contract price.

General Construction - Douglas Muller **moved** to award the bid of \$89,896.00 to John G. Membrino. Motion was **seconded** by Martin Dyas and **carried 5-0**. *Electrical Construction* - Andrew Kelly **moved** to award the bid of \$8,995.00 to John G. Membrino. Motion was **seconded** by Douglas Muller and **carried 5-0**.

*Plumbing Construction* – David Brown **moved** to award the bid of \$16,095.00 to John G. Membrino. Motion was **seconded** by Martin Dyas and c**arried 5-0**.

<u>SOG</u>- Ralph Fluharty **moved** to adopt the standard operating guidelines for fire service as agreed upon by both fire companies. David Brown **seconded** the motion and it **carried 5-0**.

<u>Fire Company</u> – The Township entered into an agreement to receive consulting service of Dr. Jenoway in October 2010 which resulted in twenty-one recommendations to the Board of Supervisors to improve the performance and efficiency of both fire companies. One recommendation was to adopt one SOG to be followed by each of the fire companies. Another recommendation was to reorganize into one company with two stations and for the two stations to work together as one. Paul Bauer read a copy of Resolution 18-12, proposed for adoption by the Board of Supervisors, which incorporates the recommendation of VFIS including No. 10-02 advising the companies to reorganize into one company, having two stations, and calling it New Hanover Township Fire and Rescue Service.

Martin Dyas said the recommendations have been a long time coming and believes it is a good and positive thing for the two companies to work together; he would like the Township to move forward. David Brown **moved** to adopt Resolution 18-12 and the motion was **seconded** by Andrew Kelly.

Bruce Baldwin of Wolf, Baldwin & Associates, 158 N. Hanover Street, Pottstown, PA spoke on behalf of Raymond Strickland and the majority of the active members of the Sassamansville Fire Company. Mr. Baldwin stated that he believes the merger works on paper but does not work so well in service. He stated that equipment is suited to the respective areas of each fire company and that each company serves as a backs-up to the other. He stated that if the merger is forced, 80% of the firefighters may decide to serve with other companies. He stated that Sassamansville Fire Company has a proud heritage and would like to continue operating separately but under the newly adopted SOG and asked that the Board of Supervisors consider his comments. Douglas Muller asked why firefighters would be interested in serving with other companies; Andrew Kelly also questioned their autonomy. William Miller of 325 Layfield Road thinks the proposal is a rip-off because he sees the Sassamansville Fire Company going past his house responding to calls and believes other people agree with him. Martin Dvas stated that both companies are dispatched at the same time and statistics say that they typically arrive at the scene at almost the same time; he added that nothing will change with respect to responding to calls. Ray Strickland stated he would like to adopt the SOG without the merger and continue to work together with New Hanover Fire Co. on the recommendations; he added that he hasn't received any information about how the tax monies for the fire companies would be distributed. William Pasqueal of 404 Houseman Road said that three prospective volunteers for the Sassamansville Fire Company have withdrawn their interest due to the uncertainty of the merger and added that two-thirds of the current members do not live in the Township; he asked that the fire company be given six months time to build up the company. Paul Bauer stated that he respects Mr. Baldwin and stated that the Township is not forcing anything, that the Board of Supervisors are not causing Sassamansville Fire Company personnel to leave and that the study has been going on for over than 22 months and there William Pasqueal added that he isn't taking it out on the Supervisors and has been no secrecy. believes they are moving forward but he thinks the merger will cause volunteers to leave and doesn't understand why the merger is needed. Paul Brooker of 527 Centennial Avenue stated that he has been involved in fire company mergers elsewhere and that the negative items, including loosing firefighters, have not been mentioned. Glenn Hull of 1661 County Line Road, Bechtelsville, PA stated that he has forty-seven years of service with the fire company and his heart is in the company and is not happy with a merger. Robert Gross of Hoffmansville Road said he heard the Board say that everything is working well, so why change it? Martin Dyas said his comment pertained to activates at the scene. Bill Moyer of Reifsnyder Road and serving with New Hanover Fire Company stated that he

has most respect for Dr. Jenoway, believes that both fire companies need each other and asked if the Board of Supervisors will make Dr. Jenoway available for consultation in the future to make sure both fire companies are getting their fair share and wants the fire service to be legally recognized. He stated that tradition could impede progress and wants the fire companies to go into the merger with an open mind, for an ordinance to make it legal and would like to have the consultant as a resource. Paul Bauer stated that the Board of Supervisors haven't discussed having Dr. Jenoway on hand to discuss creating an ordinance and that an ordinance would require advertising and public hearings. David Brown stated that consideration of merging the companies has been in the process for a long time, believes there has been good input, and wants it to be a unified process moving forward. Douglas Muller said it is disconcerting as to why Sassamansville Fire Company would lose volunteers. Philip Agliano of 2564 Wagner Road and Fire Chief of New Hanover Fire Company stated that his company is 100% behind the merger and that he has not heard any threats of volunteers leaving the New Hanover Fire Company. Justin Merry of 2555 Big Road asked how the money will be appropriated and how the hierarchy of the organization will be established. Mr. Merry was advised that monies would be distributed to one fire company and each person would have one vote. Emanuel O'Toole mentioned debt of New Hanover Fire Company; Philip Agliano responded to Mr. O'Toole's comment regarding debt of the fire companies. Ralph Fluharty stated that he believes the Board is ready to vote, believes a merger can be successful and that he would like to see the two companies united. It was noted that Dr. Jenoway's study stated that both companies need to be on board in order for the merger to be successful. Andrew Kelly asked Ray Strickland if he will stay if the merger takes place and Mr. Strickland stated that he hasn't decided. Paul Bauer stated that the Board of Supervisors want all firefighters to stay on board and make it a good company for the protection of the community; Douglas Muller stated that the purpose of the fire company is to serve the Township with the best possible service. Attorney Baldwin stated that the Sassamansville volunteers have loyalties to communities where they reside as well as to New Hanover Township. Mr. Pasqueal stated that he has been involved in fire companies for over 40 years and thinks competition is good especially when no one tries to control and stated that he is aware of several fire companies who have thrown away studies done by Dr. Jenoway rather than implementing them; he suggests the Board adopt the SOG and allow the two fire companies to continue to operate as they have been. The motion to accept the recommendation 10-02 of the VFIS study and reorganize the fire department system into a single township-wide service carried by vote of 5-0.

# **OLD BUSINESS**

<u>Mid-Year Budget Adjustments</u> – Ralph Fluharty **moved** to approve the changes to the mid-year budget adjustments providing the Township receives revenues needed. Andrew Kelly **seconded** the motion and it **carried 5-0**.

FROM THE FLOOR – Jeanette Moll inquired as the status of the contamination associated with the Good Oil property. Paul Bauer stated that he has had a conversation with Ragesh Patel of the DEP and was advised that a meeting will be scheduled to update Township residents on the results of the testing. An extension of public water service may be proposed for the benefit of residents currently being supplied bottled water and whose well water may have been affected. Mr. Bauer advised that the DEP may cover the cost of extending the water lines and that individuals receiving water will be billed for water usage and that both the DEP and the Township have been proactive. Bill Miller of 325 Layfield Road accused the Township of giving in to the DEP.

August 13, 2012 Page 6

EXECUTIVE SESSION – Board of Supervisors adjourned to executive session at 9:07 pm to consider a real estate matter and may have a vote upon reconvening.

Regular meeting was reconvened at 9:17pm; no votes were taken.

ADJOURNMENT – meeting was declared adjourned at 9:18pm.

Edward Wagner, Township Manager/Secretary