

**NEW HANOVER TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
SEPTEMBER 10, 2012**

The regular monthly meeting of the New Hanover Township Board of Supervisors was held on Monday, September 10, 2012 at the New Hanover Township 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. Chairman Martin Dyas called the meeting to order at 7:25pm and led in a Salute to the Flag.

ANNOUNCEMENTS – Martin Dyas announced that an executive meeting had been held prior to the regular meeting and thanked the audience for their patience; he added that the executive meeting would be continued as a final agenda item. He added 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.

ANNOUNCEMENTS - Eileen Pogany

Fall Frolic – will take place on Saturday, September 15th from 12 noon-5pm at the Hickory Park 2140 Big Road. The Recreation Committee is looking for additional volunteers for the event. Raindate: Sunday, September 16th. Everyone is invited to attend and enjoy the activities planned.

**UPCOMING TOWNSHIP MEETING – Eileen Pogany
SCHEDULED:**

September 12 Planning Commission- cancelled	6:30pm
September 18 Environmental Advisory Board	7:00pm
September 19 Sewer Authority at WTTP	6:30pm
September 24 2013 Township Budget Meeting	6:00pm
October 3 Recreation Board	7:00pm
October 8 Next Regular Meeting of the BOS	6:30pm/7:00pm

PRESENTATION OF CURRENT BILLS

Bill List #15 Dated 08/27/12

General Fund 01	\$ 67,633.74
Fire Tax Fund 03	\$ 0.00
Sewer Operating Fund 08	\$ 30,956.65
Sewer Capital Fund 10	\$ 0.00
Trans. Impact Fund 13	\$ 0.00
Capital Fund 19	\$ 0.00
State Liquid Fuels Fund 35	\$ 21,687.13
Escrow Fund 41	\$ 11,333.83
Recreation Fund 96	<u>\$ 3,561.89</u>
TOTAL	\$135,173.24

Douglas Muller **moved** to approve Bill List #15 in the amount of \$135,173.24. Motion was **seconded** by David Brown and **carried 4-0**.

Bill List #16 Dated 09/10/12

General Fund 01	\$ 24,751.32
Fire Tax Fund 03	\$ 0.00
Sewer Operating Fund 08	\$ 6,620.85
Sewer Capital Fund 10	\$ 0.00
Trans. Impact Fund 13	\$ 0.00
Capital Fund 19	\$ 0.00
State Liquid Fuels Fund 35	\$ 82,819.00
Escrow Fund 41	\$ 187.50
Recreation Fund 96	\$ <u>9,135.53</u>
TOTAL	\$123,514.20

Ralph Fluharty **moved** to approve Bill List #16 in the amount of \$123,514.20 and advance the treasurer the monies for utilities and payroll for coming month. Douglas Muller **seconded** the motion and it **carried 4-0**.

Minutes – Martin Dyas **moved** to approve the August 13, 2012 work session and regular meeting minutes. Motion was **seconded** by Ralph Fluharty and **carried 4-0**.

SOLICITOR’S REPORT – Paul Bauer, Eq.

Gibraltar Rock Court Case – Mr. Bauer stated that he had nothing new to add except that a hearing is scheduled for October 12 before the Environmental Hearing Board and that he and Edward Wagner will be testifying. He added that the Commonwealth Court will be hearing the appeal the following Monday.

MANAGER’S REPORT - Edward Wagner

Mr. Wagner reported that the next budget meeting is scheduled for September 24. He stated that the Kingston Hill Homeowners Association now has executed agreements for 81 of the 141 homeowners. He stated that the Hickory Park Restroom project bid has been awarded and that the Township is seeking a six month extension for the completion date due to issues addressed during the planning and approval processes. He stated that Act 97 has been executed and that it requires municipalities to submit reports to their school district following approval of residential developments. He also added that the regular department head meeting for September had been held.

BUSINESS FOR DISCUSSION OR ACTION - None

BUSINESS FOR ACTION ON 90 DAY TIME LIMITATION WAIVERS - Douglas Muller **moved** to approve the waivers of the 90 day time limit for N.H.T.P.C. No. 563, No. 730, and No. 754 as follows:

N.H.T.P.C #563	McGee	40 lots	9/28/2012
N.H.T.P.C. #730	Bart Golf Course	135 lots	10/5/2012
N.H.T.P.C. #754	Breinig	2 lots	7/12/2012

David Brown **seconded** the motion and it **carried 4-0**.

NEW BUSINESS

Country Meadows – Thomas Keenan, Esq. and Phillip Malitsch of Hanover Engineering were present representing the Country Meadows development and Mr. Paul Moyer who was also in attendance asking for consideration of final plan approval with certain conditions intended to help make the project feasible for the developer and for the benefit of the Township. Conditions requested include allowing for sidewalk on one side of the road rather than both sides in 3 sections which will save the developer money and also reduce impervious coverage. They propose to make the sidewalk sections wider and designate them as bike paths, saving an estimated \$25,000. Mr. Bauer advised the developer that procedurally the request should be presented to the Planning Commission for review prior to being presented to the Board of Supervisors and that the Planning Commission had not had an opportunity to review the proposed revisions. Mr. Moyer stated that he hopes to continue building quality homes and mentioned that best stormwater management practices have been incorporated in the plan. Road widening and improvements along the development frontage on Dotterer Road will be the responsibility of the developer and developer impact fees will be used for off-site improvements to extend the road improvements to Swamp Pike. Douglas Muller suggested that cross walks should be painted where sidewalks cross roadways and also that the side of the roadway designated as no parking should be moved to the opposite side of the roadway from where it is shown on the current plan. The \$38,000 recreation fee previously assessed will need to be discussed further. The Township is agreeable to waive inspection fees for the off-site Dotterer Road improvements and also agreed to assist in acquiring easements from property owners impacted by road improvements. Douglas Muller **moved** to grant the additional waiver requested in the Hanover Engineering Associates Inc. letter of September 10, 2012 from SALDO Sections 22-822.1 and 22-909 eliminating certain sections of sidewalk and installing a wider sidewalk along Dotterer Road and Peter Lane. Martin Dyas **seconded** the motion and it **carried 4-0**. Revised plans showing changes will be submitted.

Briar Ridge Development - Mr. Keenan inquired about the Briar Ridge roadway dedications and was advised that the Township had not received the final as-builts and that legal descriptions had just been received. Resolutions accepting dedication have not been prepared. Supervisors agreed to include this matter for consideration at their September 24, 2012 budget meeting.

Township Solicitor – Martin Dyas **moved** to appoint Bauer Associates as Township Solicitor at an hourly rate of \$125/hr. and \$150/hr. for litigation cases. Ralph Fluharty **seconded** the motion and it **carried 4-0**.

Finance Officer– Douglas Muller **moved** to hire Patricia Bellows as Finance Officer effective September 17, 2012. David Brown **seconded** the motion and it **carried 4-0**.

New Hanover Township Non-Uniform Pension Plan Minimum Municipal Obligation (MMO) – David Brown **moved** to approve a contribution to the New Hanover Township Non-Uniform Pension Fund in the amount of \$173,536 to satisfy the 2013 MMO. Douglas Muller **seconded** the motion and it **carried 4-0**.

New Hanover Township Police Pension Plan Minimum Municipal Obligation (MMO) – Douglas Muller **moved** to approve a contribution to the New Hanover Township Police Pension Fund in the amount of \$112,559 to satisfy the 2013 MMO. Ralph Fluharty **seconded** the motion and it **carried 4-0**.

Fire Company – A draft copy of fire company by-laws to be adopted by both Sassamansville and New Hanover Fire companies was provided to each company for review and comment. Solicitor Bauer stated that he believes the by-laws should be adopted prior to an ordinance being drafted and that he also prepared a resolution in the event the Board chooses to adopt it. He added that the Township had requested a list of members from each company and that none has been provided by Sassamansville. The draft resolution names New Hanover Fire Company as the exclusive fire company due to Sassamansville Fire Company being in disarray and involved in a law suit, due to most of Sassamansville's members having resigned, due to conflict as to who is the President at Sassamansville, and due to not receiving a list of members to determine whether the Fire Sassamansville Fire Company is a viable company.

Discussion regarding draft resolution:

Bruce Baldwin, Esq. identified himself and stated he is representing the Sassamansville Fire Company. He agreed that Sassamansville's governance is in disarray and that the social section had taken over the fire company. He added that the fire company has scheduled elections for the following night, that five persons had resigned but three of them are reconsidering, that there are 21 active firefighters and that he is attempting to get things calmed down. He requested that a vote not be taken on the draft resolution since it would stir up trouble. David Brown asked when their last meeting had been held and was told regular meetings are scheduled for the 2nd Tuesday of each month. Mr. Baldwin stated that he and Ray Strickland are working to restore the fire company. Mr. Bauer stated that he and the Board of Supervisors are concerned with the unresolved lawsuit especially with respect to financial liability and the governance. Mr. Bauer asked Mr. Baldwin if Sassamansville Fire Company is interested in being a part of a single fire company and was told they are considering it and that there is a concern about the requirement that members must live in the Township since only three members live in the Township. Mr. Bauer suggested that a meeting be scheduled to include two representatives from each fire company, Edward Wagner, himself and two members of the Board of Supervisors.

Raymond Strickland stated that the issues with regard to the social side do not affect the fire fighters and that the social side is not supported by tax revenue. He stated that he had asked Edward Wagner why a roster of members was needed and never received an answer. He stated that members who were said to have resigned actually meant that they *may* resign. Mr. Bauer stated that the social side supports the firefighters and that the Township is concerned with the social side also.

Robert Gross stated that there are two new people waiting to be appointed as fire police. Ralph Fluharty stated that he has been receiving financial reports from Mr. Gross and that Mr. Gross has been very cooperative. Mr. Bauer stated that the fire company records are very good but that he has not seen any records from the social side.

Edward Wagner asked why the fire company is unwilling to submit a roster of firefighters; Mr. Baldwin said that a roster will be provided.

Martin Dyas said he is more concerned with fire fighting than with the financials. He added that the Supervisors have been receiving e-mails and that everyone needs to work together as a team. Mr. Baldwin added that he has been hired to assist in getting the fire company in order.

Bill Agliano stated that the fire company sued the social section and only one person is remaining.

Bill Pasquel of Houseman Road stated that the bar has been cleaned and will be opened by the fire company; the social side is no longer there.

Ed Swatser asked the Board to allow time for things to calm down and for the fire company to work through their problems.

Philip Agliano stated that New Hanover Fire Company is willing to work with Sassamansville.

William Moyer, Deputy Chief at New Hanover Fire Company asked if it would be possible for Sassamansville to work under New Hanover Fire Company's umbrella until the issues are resolved; they are currently responding to fire calls.

Doug Muller stated that he was pleased to see Sassamansville members respond to an alarm during the meeting and added that he does not like threats and added that he thinks Sassamansville's refusal to submit a roster is disrespectful. He stated that the by-laws need to be tweaked and wants answers to questions and wants the merger to move along.

Raymond Strickland asked about why the Township doesn't answer the fire company's questions.

Ralph Fluharty repeated that the process needs to move along as a team.

Paul Bauer stated that a meeting is necessary and requested one point of contact for the fire company. He added that Raymond Strickland's e-mails are offensive and contained curse words. He asked that Bill Pasquel, if appointed, get in touch with Edward Wagner to schedule a meeting and stated that Brian Lee is interested in being appointed to represent New Hanover Fire Company to review the by-laws within the upcoming week with hopes of getting things accomplished. He added that he does not think it appropriate for Mr. Baldwin to meet for discussion of the by-laws.

Raymond Strickland submitted a roster to the Board.

William Moyer, Deputy Chief of New Hanover Fire company stated concerns about rushing the adoption of the by-laws since he believes there needs to be changes made; Paul Bauer stated that they can be amended as needed and suggested that additional meetings, as needed, be scheduled at the end of each meeting.

OLD BUSINESS

FROM THE FLOOR – None

Regular meeting adjourned to personnel and litigation session at 9:25pm.

EXECUTIVE SESSION – Consideration of personnel and litigation matters, possibility of a vote on a litigation matter upon reconvening.

Regular meeting reconvened at 9:52pm. Douglas Muller **moved** to advertise a public hearing for October 8, 2012 at 7:30pm to consider the proposed amendments to the Subdivision/Land Development Ordinance and to the Zoning Ordinance. Martin Dyas **seconded** the motion and it **carried 4-0**.

ADJOURNMENT – Meeting was declared adjourned at 9:54pm.

Edward Wagner, Township Manager/Secretary