

**NEW HANOVER TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
OCTOBER 8, 2012**

The regular monthly meeting of the New Hanover Township Board of Supervisors was held on Monday, October 8, 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 –Chairman 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. No one stated that they were taping the meeting.

PUBLIC HEARING – Paul Bauer 7:30pm

Solicitor Bauer conducted a public hearing on proposed amendments to Chapter 22 Subdivision and Land Development Ordinance and Chapter 27 Zoning Ordinance. He stated that the public hearing has been advertised two successive weeks in the Town and Country newspaper and included copies of the entire ordinances; copies were also made available to the Montgomery County Law Library and for public review at the Township office. The proposed amendments include changes to the TC/TN districts as suggested by the Township's professional consultants. There were no comments from the audience nor the Board of Supervisors for either the proposed amendments to the Subdivision and Land Development Ordinance nor the proposed amendments Zoning Ordinance.

The hearing was declared closed at 7:37pm and the meeting was turned over to Chairman Dyas.

REGULAR MEETING - reconvened.

Ordinance 12-04 – Douglas Muller **moved** to adopt Ordinance 12-04 amending sections in Chapter 27, of the Township Zoning Ordinance. David Brown **seconded** the motion and it **carried by vote of 5-0**.

Ordinance 12-05 – Ralph Fluharty **moved** to adopt Ordinance 12-05 amending sections in Chapter 22, Subdivision and Land Development Ordinance. Andrew Kelly **seconded** the motion and it **carried by vote of 5-0**.

UPCOMING TOWNSHIP MEETING – announced by Eileen Pogany

October 10	Planning Commission- cancelled	6:30pm
October 15	2013 Township Budget Meeting	6:00pm
October 16	Environmental Advisory Board	7:00pm

October 17	Sewer Authority at WTPP	6:30pm
November 5	2013 Township Budget Meeting	6:00pm
November 7	Recreation Board	7:00pm
November 12	Next Regular Meeting of the BOS	6:30pm/7:00pm

David Brown added that Sassamansville Fire Company will be having an open house Tuesday, October 9 and New Hanover Fire Company will be having open house Thursday, October 11 in observance of Fire Prevention week.

Eileen Pogany reported that the September 15, 2012 Fall Frolic offered many activities for families and had been well attended and enjoyed by all.

PRESENTATION OF CURRENT BILLS

Bill List #17 Dated 09/24/12

General Fund 01	\$ 56,728.41
Fire Tax Fund 03	\$ 0.00
Sewer Operating Fund 08	\$ 28,491.09
Sewer Capital Fund 10	\$ 19,033.00
Trans. Impact Fund 13	\$ 0.00
Capital Fund 19	\$ 4,036.53
State Liquid Fuels Fund 35	\$103,588.41
Escrow Fund 41	\$ 4,174.55
Recreation Fund 96	\$ 3,582.63
TOTAL	\$219,634.62

Ralph Fluharty **moved** to approve payment of bills in bill list no. 17. Andrew Kelly **seconded** the motion and it **carried 5-0**.

Bill List #18 Dated 10/08/12

General Fund 01	\$262,911.25
Fire Tax Fund 03	\$ 16,078.00
Sewer Operating Fund 08	\$ 59,809.71
Sewer Capital Fund 10	\$ 0.00
Trans. Impact Fund 13	\$ 0.00
Capital Fund 19	\$ 47,563.47
State Liquid Fuels Fund 35	\$ 8,305.00
Escrow Fund 41	\$ 600.00
Recreation Fund 96	\$ 35,378.48
TOTAL	\$ 430,645.91

Douglas Muller **moved** to approve payment of bills in bill list no. 18 and advance the treasurer the monies for utilities and payroll for coming month. Martin Dyas **seconded** the motion and it **carried 5-0**.

Minutes – Martin Dyas **moved** to approve the meeting minutes for the September 10, 2012 regular meeting. Douglas Muller **seconded** the motion and it **carried 5-0**.

SOLICITOR’S REPORT – Bauer & Associates

DEP Environmental Hearing Board Case scheduled in the Norristown office of the DEP for Friday, October 12. DEP has granted temporary cessations to Gibraltar Rock which the Township has filed appeals to since the Township takes the position that Gibraltar does not qualify for one of the three acceptable reasons to be granted a temporary cessation. If the Township’s appeal is denied, the case can be appealed to Commonwealth Court. Mention was made that Gibraltar Rock’s Air Quality permit has expired and will need to be renewed.

Gibraltar Rock Commonwealth Court Case is scheduled for October 15, 2012.

Cable Franchise Agreement Update – agreement is being negotiated with six to seven items remaining to be resolved; an agreement is expected within one month.

MANAGER’S REPORT – Edward Wagner

2013 Township Budget – the third of four public budget meetings will take place on October 15th to continue discussion of the expense portion of the budget.

Kingston Hill II HOA – Currently have 71 of the 144 homeowners who have executed the joiner and ratification of declaration.

Hickory Park Bathroom Project – construction is underway with the contractor anticipating completion by the end of the year; contract allows for completion by March 13, 2013.

National Penn Bank – the New Hanover branch remodeling project is almost complete with the bank expecting to open its new facility October 10 and expecting to be fully operational including drive-thru and ATM by October 18, 2012.

MCATO Fall Convention – the convention took place on Friday, September 28th and included an update from Commissioner Castor regarding the Radio Committee’s progress. Also was advised of passage of several bills:

Act 110 of 2012 Towing Standards - establishes standards for tow truck operators and towing storage facilities and provides for the vehicle owner to designate the tow truck operator and destination he/she would like to utilize.

Act 87 Lengthened time for approval of Subdivision/Land Development application currently under review until July 2, 2016.

DEP has scheduled a public meeting regarding the contamination at the Hoff VC site on December 4, 2012 at 7:00 pm. Meeting will be listed in the PA Bulletin, will be advertised in *The Mercury*, and notices will be sent to persons who attended the prior meeting and to affected property owners.

BUSINESS FOR DISCUSSION OR ACTION: None

BUSINESS FOR ACTION ON 90 DAY TIME LIMITATION WAIVERS - Douglas Muller moved to grant approvals of the 90-day waiver requests for N.H.T.P.C. # 767 and N.H.T.P.C. # 774 as follows:

N.H.T.P.C. 767	Murianka	2 lots	10/15/2012
N.H.T.P.C. 774	Renninger II	122 lots	11/1/2012

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

NEW BUSINESS

Road Dedication - Briar Ridge N.H.T.P.C. #707

Resolution 19-12 – Andrew Kelly **moved** to accept dedication of Sycamore Lane. Ralph Fluharty **seconded** the motion and it **carried 5-0**.

Resolution 20-12 - Douglas Muller **moved** to accept dedication of Magnolia Drive. David Brown **seconded** the motion and it **carried 5-0**.

Resolution 21-12 - Martin Dyas **moved** to accept dedication of Mulberry Lane. Ralph Fluharty **seconded** the motion and it **carried 5-0**.

Resolution 22-12 – Martin Dyas **moved** to accept dedication of the southerly portion of New Hanover Square Road at Sycamore Lane. David Brown **seconded** the motion and it **carried 5-0**.

Resolution 23-12 Douglas Muller **moved** to accept dedication of the northerly portion of New Hanover Square Road at Mulberry Lane. Martin Dyas **seconded** the motion and it **carried 5-0**.

Resolution 24-12 – David Brown **moved** to approve a 12 month timeline extension for N.H.T.P.C. #710 Renninger expiring on October 25, 2013. Andrew Kelly **seconded** the motion and it **carried 5-0**.

Resolution 25-12 – Douglas Muller **moved** to approve a 12 month timeline extension for N.H.T.P.C. #723 Hephner expiring on October 25, 2013. Andrew Kelly **seconded** the motion and it **carried 5-0**.

Fall Road Inspection – Edward Wagner stated that he will coordinate a date and time convenient for interested supervisors, Jay Smith, Director of Public Works, and himself to conduct a road inspection.

Council of Government - Martin Dyas stated that he had attended a recent COG meeting and that there had been mention of townships who shared equipment. He also added that he had volunteered to become Secretary-Treasurer and would need the COG accounts transferred to New Hanover. Edward Wagner stated that he will follow up on the transfer.

OLD BUSINESS - none

FROM THE FLOOR – Initially there were no comments from the floor with respect to the fire company merger. Andrew Kelly then stated that the Township needs to be clear as to the next steps to be taken. Douglas Muller mentioned that New Hanover Fire Company had entrusted their committee to act on behalf of the fire company and Sassamansville Fire Company is expecting to decide by October 23rd. Sassamansville agreed to review the draft version of the by-laws and is in agreement with most of it but had a few minor changes they would like to have ironed out; they will continue their review at their October 23rd meeting but are not willing to commit to a merger at this time. Paul Bauer stated that he is concerned that Sassamansville Fire Company members may not agree and not be able to make a decision. Mr. Bauer added that the draft resolution which he has prepared would be a temporary step and that everyone could continue to work thru the details. Douglas Muller asked about adoption of the by-laws and Mr. Bauer stated that the by-laws should not be adopted unless there is a merger and recommended that the resolution to recognize New Hanover Fire Company as the Township's official fire company be adopted now. If the resolution were adopted at this time, it would preclude Sassamansville Fire Company from responding to calls but the resolution could be rescinded if the fire companies merged. He stated that he did not want to set Sassamansville Fire Company up to fail and doesn't want the Board of Supervisors to continue giving extensions. William Moyer stated that the fire companies had scheduled four meetings to review the bylaws and that much effort had been done to complete the review and come to tentative agreements on certain matters within a short amount of time and added that by-laws are fluid and provide a place to begin. Janice Lee of 3009 Reifsnnyder Road suggested the Board take the advice of their solicitor.

Public comment on non-agenda items – Susan Smith requested additional speed limit signs on Buchert Road between Leidy Road and North Charlotte Street. Martin Dyas stated that the Township must follow Penn DOT guidelines for placement of signs. Mrs. Smith referenced a recent zoning hearing having to do with keeping of horses and provided information with regard to the equine industry. She suggested that the Planning Commission review the current ordinance and make recommendations. Mrs. Smith was advised that the ordinance provides for a procedure to be followed prior to any amendments being adopted.

Regular meeting adjourned to executive session at 9.17pm

EXECUTIVE SESSION – Personnel/Litigation

Regular Meeting resumed at 9:40pm; no action was taken.

ADJOURNMENT – The meeting was declared adjourned at 9:41pm.

Edward Wagner, Township Manager, Secretary