

**NEW HANOVER TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
NOVEMBER 12, 2012**

The regular monthly meeting of the New Hanover Township Board of Supervisors was held on Monday, November 12, 2012 at the New Hanover Township 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. Chairman Martin Dyas called the meeting to order at 7:10pm and led in a Salute to the Flag. He announced that an executive session had been held prior to convening the regular meeting and that no actions were taken.

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.

ANNOUNCEMENT – Martin Dyas

Township offices will be closed on Thursday, November 22 and Friday, November 23 for the Thanksgiving holiday.

UPCOMING TOWNSHIP MEETINGS – announced by Eileen Pogany

November 13	Sewer Authority at WTPP	6:30pm
November 14	Planning Commission- cancelled	6:30pm
November 19	Environmental Advisory Board-cancelled	7:00pm
December 5	Recreation Board	7:00pm
December 10	Next Regular Meeting of the BOS	6:30pm/7:00pm

PRESENTATION OF CURRENT BILLS

Bill List #19 Dated 10/22/12

General Fund 01	\$ 59,705.97
Fire Tax Fund 03	\$ 0.00
Sewer Operating Fund 08	\$ 19,143.50
Sewer Capital Fund 10	\$ 0.00
Trans. Impact Fund 13	\$ 0.00
Capital Fund 19	\$ 54.89
State Liquid Fuels Fund 35	\$ 8,706.09
Escrow Fund 41	\$ 4,018.60
Recreation Fund 96	\$ 2,552.01
TOTAL	\$ 94,181.06

Ralph Fluharty **moved** to approve payment of bills in bill list No. 19 in the amount of \$94,181.06. Andrew Kelly **seconded** the motion and it **carried 4-0**.

Bill List #20 Dated 11/12/12

General Fund 01	\$ 52,596.76
Fire Tax Fund 03	\$ 0.00
Sewer Operating Fund 08	\$ 16,527.90
Sewer Capital Fund 10	\$ 0.00
Trans. Impact Fund 13	\$ 0.00
Capital Fund 19	\$ 15,683.31
State Liquid Fuels Fund 35	\$ 24,732.45
Escrow Fund 41	\$ 3,218.75
Recreation Fund 96	\$ <u>56,420.84</u>
TOTAL	\$169,180.01

David Brown **moved** to approve payment of bills in bill list No. 20 in the amount of \$169,180.01 and advance the treasurer the monies for utilities and payroll for coming month. Martin Dyas **seconded** the motion and it **carried 4-0**.

Minutes – Andrew Kelly **moved** to approve the work session and regular meeting minutes for the October 8, 2012 regular meeting. David Brown **seconded** the motion and it **carried 4-0**.

SOLICITOR’S REPORT – Bauer & Associates

DEP Environmental Hearing Board Case – took place last month in Norristown with himself and Edward Wagner testifying on behalf of the Township along with special counsel Robert Brant. Uday Patankar testified on behalf of Gibraltar Rock. A schedule for briefs is established by DEP with a decision expected by late spring. The Township will continue to appeal DEP’s granting of temporary cessations to Gibraltar Rock.

Cable Franchise Agreement Update – Township’s special counsel has reviewed the proposal and suggested certain changes. Township is waiting for a response from counsel and expects that they have not received a response to their comments from Comcast.

MANAGER’S REPORT - Edward Wagner reported that the *Hickory Park bathroom project* is progressing and that the public works department will be installing a new water line to provide pressure for the low-flush toilets. He added that the Tri County Chamber of Commerce has selected Hickory Park to be featured in a video to be shown at the *Boyertown Area Progress Dinner* due to the vast improvements completed on site. He advised that the *Township’s compost facility* at Hetrick Gardens, 2620 Swamp Pike has been opened to the public every Saturday and Monday thru November and every Saturday during December from 9:00am to 3:00pm; facility is free to Township residents and non-residents will be charged a fee based upon the amount of material. He advised that any *pending legislation* not signed into law by November 30 will die. He also advised that the *Kingston Hill II HOA* now has 72 of the 144 homeowners having executed the joiner and ratification of declaration.

David Brown thanked all Township crews including police, public works and fire responders for a job well-done during the Sandy storm.

Martin Dyas asked if a new date had been set for the annual road inspection and was told that December 15 at 7:30am has been scheduled.

BUSINESS FOR DISCUSSION OR ACTION: None

BUSINESS FOR ACTION ON 90 DAY TIME LIMITATION WAIVERS – Andrew Kelly **moved** to grant 90-day waiver of the time limit to N.H.T.P.C. 665, 709, 714, and 771 as follows:

N.H.T.P.C. #665	Zavitsanos	122 lots	12/5/2012
N.H.T.P.C. #709	Trotter's Gait	54 Units	12/5/2012
N.H.T.P.C. #714	James Carroll Phase II	3 lots	12/5/2012
N.H.T.P.C. # 771	Gibraltar Rock	Industrial	11/30/2012

Ralph Fluharty **seconded** the motion and it **carried 4-0**.

NEW BUSINESS

2013 Township's Preliminary Budget – Ralph Fluharty **moved** to authorize advertising for public comment and consideration of adoption at the December 10, 2012 Board of Supervisors Meeting. Martin Dyas **seconded** the motion and it **carried 4-0**.

OLD BUSINESS

Sassamansville Fire Company - The Board of Supervisors asked New Hanover and Sassamansville Fire Companies to meet and come up with a draft copy of by-laws under which both fire companies would operate. A committee was formed and Paul Bauer drafted a resolution capturing the consensus of the committee and presented it to the Board of Supervisors. He then publically read the draft copy of Resolution 26-12 which reorganizes the two fire companies to be known as the New Hanover Township Fire and Rescue Service and adopts the by-laws as revised. Since Sassamansville was not in total agreement with the combining the two fire companies and adopting the by-laws, under the terms of the resolution Sassamansville will respond as a mutual aid company, will not have command of the operations, and will not receive funding from the Township. Diane Garrison of 2281 Little Road, Perkiomenville expressed her concerns regarding the provisions of the resolution and stated that she believes lives will be lost. It was further explained that if a call is received, both fire companies will be dispatched and if Sassamansville Fire Company arrives prior to New Hanover Fire Company, they will begin operations with New Hanover Township Fire Company assuming command when they arrive. Bill Agliano stated that the Township is withholding funds from Sassamansville Fire Company and that they will not be running calls. Celeste Bish of 2504 Finn Road, Perkiomenville, PA asked what happens if Upper Frederick Fire Company arrives on the scene first and was told that they begin fighting the fire and that New Hanover Fire Company takes command when they arrive. Raymond Strickland of Sassamansville Fire Co. asked about the phrase in the resolution regarding allocation of fire relief monies. Mr. Strickland also asked for clarification of the meaning of mutual aid and stated that he believes that there is a difference between "automatic aid" and "mutual aid"; David Brown explained again that both companies will be dispatched and Sassamansville will be regarded as "mutual aid". Jeanette Moll stated that she had a fire at her home and that numerous fire companies responded and her home still burned. Scott Fluharty of Schultz Road, Perkiomenville asked if Sassamansville will continue to respond to fires; he was told they would respond as a mutual aid company. Bill Agliano accused the Township of blackmail and Paul Bauer advised that an accusation of "blackmail" has no place at the meeting and that the Township wants to move forward and does not have an agreement by all parties. The Board of Supervisors stressed that they are interested in the strict adherence to the provisions of the resolution. Supervisor Muller was not present but had an

opportunity to review the draft resolution and was in agreement with its adoption. David Brown **moved** to adopt **Resolution 26-12** to recognize New Hanover Fire Company as the official and exclusive volunteer fire company of New Hanover Township and to authorize Sassamansville Fire Company to respond as a mutual aid provider. Andrew Kelly **seconded** the motion and it **carried 3-1** with Ralph Fluharty voting negatively stating that he does not believe it does justice to Sassamansville Fire Company.

FROM THE FLOOR – None

The Board adjourned to Executive session at 7:55pm stating that no action is expected upon reconvening of the regular meeting.

EXECUTIVE SESSION – Personnel/Litigation

ADJOURNMENT – the meeting was declared adjourned at 8:33pm.

Edward Wagner, Township Secretary/ Manager