

**NEW HANOVER TOWNSHIP
BOARD OF SUPERVISORS
RE-ORGANIZATION MEETING
JANUARY 7, 2013**

The re-organization meeting of the New Hanover Township Board of Supervisors took place on January 7, 2013 beginning at 6:07PM. Supervisors present were Martin Dyas, Douglas Muller, Ralph Fluharty, Andrew Kelly and David Paul Brown. Also present were Township Manager Edward Wagner, Township Solicitor Paul Bauer and Administrative Assistant Eileen Pogany. The meeting was called to order with Douglas Muller leading in a Salute to the Flag

TEMPORARY CHAIR - Douglas Muller was appointed to serve as Temporary Chair until a new chairman is elected.

Chairman – Douglas Muller called for nominations for Chairman of the Board of Supervisors. Andrew Kelly **nominated** Martin Dyas for Chairman. Hearing no further nominations, David Brown **moved** to close the nominations and Martin Dyas was elected by **vote of 4-0**.

Chairman Dyas officiated during the remainder of the meeting.

Vice Chairman – Ralph Fluharty then **nominated** Douglas Muller for position of Vice-Chairman. Hearing no further nominations, David Brown **moved** to close the nominations and Douglas Muller was elected by **vote of 4-0**.

Treasurer - Douglas Muller **nominated** Ralph Fluharty for Treasurer. Hearing no additional nominations, Andrew Kelly **moved** to close nomination and Ralph Fluharty was elected by **vote of 4-0**.

Secretary – David Brown **nominated** Township Manager Edward Wagner for Township Secretary. Hearing no additional nominations, Douglas Muller **moved** to close the nominations and Edward Wagner was elected by **vote of 5-0**.

Assistant Secretary – Ralph Fluharty **nominated** Andrew Kelly as Assistant Secretary. Hearing no additional nominations, Douglas Muller **moved** to close the nominations and Andrew Kelly was elected by **vote of 4-0**.

APPOINTMENTS

CONSULTANTS

Township Solicitor – Douglas Muller **moved** to appoint Bauer & Associates LLC as solicitor at an hourly rate of \$125/hour and \$150/hour for litigation cases. Andrew Kelly **seconded** the motion and it **carried 5-0**. Martin Dyas thanked Mr. Bauer for not raising his rates.

Township Engineer – Andrew Kelly **moved** to appoint Gilmore & Associates to serve as Township Engineer at an hourly rate of \$88/hour for Senior Engineer, \$60/hour for

Construction Observer I and \$60/ hour for Administrative Assistant. David Brown **seconded** the motion and it **carried 5-0**.

Township Planner – Martin Dyas **moved** to appoint KMS Design Group, serviced by Adam Supplee at a rate of \$65 per hour. Douglas Muller **seconded** the motion and it **carried 5-0**.

Traffic Engineer – Douglas Muller **moved** to appoint McMahon Associates on an as-needed basis at a rate of \$135 per hour for Kenneth O'Brien and \$100 per hour for Sandy Koza. David Brown **seconded** the motion and it **carried 5-0**.

Pension Consultant – Ralph Fluharty **moved** to appoint Duda Actuarial Consulting at a flat rate of \$3,000 for the police pension plan and \$3,000 for the non-uniform plan. Douglas Muller **seconded** the motion and it **carried 5-0**.

OTHER ANNUAL APPOINTMENTS – Douglas Muller **moved** to appoint the following persons to their respective positions. Andrew Kelly **seconded** the motion and it **carried 5-0**.

Public Works Director – Jay Smith

Code Enforcement Officer/Zoning Officer/Building Code Official - James Wozniak

Vacancy Board Member – Dennis Pogany

Emergency Management Coordinator – Matthew Brown

National Flood Insurance Representative - James Wozniak

Deputy Tax Collector – Paul Bauer

Census Enumerator - Christine Bauman at a rate of \$.56 per completed form.

Voting Delegate for PSATS – Andrew Kelly

VACANCIES/RE-APPOINTMENTS – Andrew Kelly **moved** to appoint the following, **seconded** by Martin Dyas and **carried 5-0**.

Zoning Hearing Board – to appoint Lorene Little to a five-year term to expire 2018.

Planning Commission – Two terms expiring:

1. Richard Mulstay reappoint to a four-year term expiring 2017.
2. Philip Agliano reappoint to a four- year term expiring 2017.

Sewer Authority – One term expiring:

1. Kenneth Hansell - reappoint to a five-year term expiring 2018.

Shade Tree/Environmental Advisory Board – One term expiring:

1. Kevin Welch – reappoint to a three-year term expiring 2016.

Recreation Committee – Three terms expiring:

1. Kenneth Martin – reappoint to a five-year term expiring 2018.
2. Ronald Frederick – reappoint to a five-year term expiring 2018.
3. Brian Parkes - reappoint to a five-year term expiring 2018.

Regional Planning Committee – Two Representatives and a Proxy:

1. Elected Official – Martin Dyas
2. At large Official – currently Kurt Zebrowski
3. Proxy Vote – Alternate for above members – Douglas Muller

Pension Committees (2 elected officials, the Township Manager, and 2 employees) -
David Brown **moved** to appoint the following pension committee members. Motion was **seconded** by Douglas Muller and **carried 5-0**.

Non-uniformed Pension Committee:

1. Supervisors Representative – Ralph Fluharty – term to expire 1/1/2014
2. Supervisors Representative – Andrew Kelly – term to expire 1/1/2014
3. Edward Wagner – term to expire 1/1/2015
4. Patricia Bellows - appoint to a two-year term expiring 2015

Police Pension Committee:

1. Supervisor Representative - Ralph Fluharty – term to expire 1/1/2014
2. Supervisor Representative - Andrew Kelly – term to expire 1/1/2014
3. Edward C. Wagner – term to expire 1/1/2015
4. Keith Youse –reappointment to a two-year term expiring 2015

2013 MEETING DATES AND TIMES – Douglas Muller **moved** to schedule the following dates and times for Board of Supervisors meetings. Ralph Fluharty **seconded** the motion and it **carried 5-0**.

Second Monday of each month (except noted) with the Work Session meetings beginning at 6:30 PM and Regular Meetings beginning at 7:00 PM or immediately following the work meeting: January 7, February 11, March 11, April 8, May 13, June 10, July 8 (Historic Schoolhouse), August 12, September 9, October 14, November 11, & December 9

2014 Budget Meetings will be held on August 26, September 23, October 21, and November 4 starting at 6:00pm

TOWNSHIP HOLIDAYS 2013 - the following holiday schedule was announced by Martin Dyas:

1. New Years Day –Tuesday, January 1
2. Martin Luther King Day – Monday, January 21
3. President's Day – Monday, February 18
4. Good Friday - Friday, March 29
5. Primary Election Day, Tuesday, May 21
6. Memorial Day - Monday, May 27
7. Independence Day - Thursday, July 4
8. Labor Day, Monday, September 2
9. Election Day – Tuesday, November 05
10. Thanksgiving, Thursday and Friday, November 28 and 29
11. Christmas Eve day - 1/2 day Tuesday, December 24
12. Christmas Day - Wednesday, December 25

Resolution No. 02-13 – Martin Dyas **moved** to establish the rate of compensation for collection of the per-capita tax for the tax collector at 3% and hiring the tax collector, Molly Bauer, to collect all Per Capita Taxes in 2013. Douglas Muller **seconded** the motion and it **carried 5-0**.

Resolution No. 03-13 – Ralph Fluharty **moved** to authorize a fee for duplicated tax bills and tax certification. Andrew Kelly **seconded** the motion and it **carried 5-0**. Note was made that this is not a new fee but that a recommendation had been received by Montgomery County that it be established by resolution.

Resolution No. 04-13 – Douglas Muller **moved** to set the Street Light Front Foot Assessment Rate of \$0.00 per lineal foot. David Brown **seconded** the motion and it **carried 5-0**.

Resolution No. 05-13 – Ralph Fluharty **moved** to set the Real Estate Property Tax Rate at 1.68 mills for the Fiscal Year 2013. Martin Dyas **seconded** the motion and it **carried 5-0**.

Resolution No. 06-13 – David Brown **moved** to appoint Martin Dyas, Ralph Fluharty, Andrew Kelly, Douglas Muller and Edward Wagner as signatories for the Township. Douglas Muller **seconded** the motion and it **carried 5-0**.

Resolution No. 07-13 – David Brown **moved** to set the police employee contributions to the Police Pension Plan for 2013 at 2% of the total gross salary. Andrew Kelly **seconded** the motion and it **carried 4-0** with Martin Dyas abstaining.

Non Uniform Wages and Salaries – deferred to be discussed in executive session.

CHAIRMAN’S ANNOUNCEMENT OF COMMITTEE LIAISON APPOINTMENTS FOR 2013:

Police Department	Douglas Muller (alternate Ralph Fluharty)
Public Works	Andrew Kelly (alternate David Brown)
Administration	Andrew Kelly (alternate Martin Dyas)
Planning Commission	Martin Dyas (alternate Andrew Kelly)
Recreation Commission	Ralph Fluharty (alternate Douglas Muller)
Sewer Authority	Douglas Muller (alternate Martin Dyas)
Fire Committee	David Brown (alternate Douglas Muller)
Environmental Advisory Board	Ralph Fluharty (alternate Douglas Muller)
Open Space Task Force	Andrew Kelly (alternate Ralph Fluharty)
Council of Government (COG)	Martin Dyas (alternate Andrew Kelly)
Technology Committee	David Brown (alternate Douglas Muller)

TREASURER/MANAGER’S BOND- Douglas Muller **moved** to set the Township Manager’s bond for \$1,000,000 at a cost of \$2,450 and the Treasurer’s bond for \$1,000,000 at a cost of \$1,426. Andrew Kelly **seconded** the motion and it **carried 5-0**.

Organization meeting adjourned to Executive Session at 6:35PM.

Executive session adjourned at 7:00PM with no decisions nor actions.

REGULAR MONTHLY MEETING

CALL TO ORDER – Regular Meeting was called to order at 7:03PM by Chairman Martin Dyas.

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- Chairman Dyas
Township Offices will be closed on Monday, January 21st for the Martin Luther King Holiday.

UPCOMING TOWNSHIP MEETING – *Eileen Pogany*

January 8	Auditors Meeting	8:00am
January 9	Planning Commission Meeting - cancelled	6:30pm
January 15	Planning Commission Meeting – tentative	6:30pm
January 15	Environmental Advisory Board Meeting- cancelled	7:00pm
January 16	Sewer Authority at Treatment Facility	6:30pm
February 6	Recreation Committee	7:00pm
February 11	Next Regular Meeting of the Board of Supervisors	6:30pm

Employee Wages and Salaries - Andrew Kelly **moved** to set the wages and salary rates according to the 2012 schedule until the second payroll in January at which time raises and bonuses will be adjusted. Ralph Fluharty **seconded** the motion it **carried 5-0**.

PRESENTATION OF CURRENT BILLS

Bill List #23 –dated 12/24/12

General Fund 01	\$ 25,317.87
Fire Tax Fund 03	\$ 11,355.47
Sewer Operating Fund 08	\$ 23,457.92
Sewer Capital Fund 10	\$ 18,448.64
Trans. Impact Fund 13	\$ 0.00
Capital Fund Fund 19	\$ 15,610.00
State Liquid Fuels Fund 35	\$ 14,246.74
Escrow Fund 41	\$ 7,375.54
Recreation Fund 96	<u>\$ 2,078.19</u>

Total \$117,890.37

Ralph Fluharty **moved** to approve payment of bill list No. 23. Douglas Muller **seconded** the motion and it **carried 5-0**.

Bill List #1	Dated 01/07/13	
	General Fund 01	\$ 34,004.02
	Fire Tax Fund 03	\$ 0.00
	Sewer Operating Fund 08	\$ 5,895.08
	Sewer Capital Fund 10	\$ 0.00
	Trans. Impact Fund 13	\$ 0.00
	Capital Fund 19	\$ 237.00
	State Liquid Fuels Fund 35	\$ 3,271.33
	Escrow Fund 41	\$ 32,710.80
	Recreation Fund 96	\$ 973.86
	TOTAL	\$ <u>77,092.09</u>

Martin Dyas **moved** to approve payment of bill list No. 1 and advance the treasurer the monies for utilities and payroll for coming month. David Brown **seconded** the motion and it **carried 5-0**.

Minutes -

Regular meeting minutes of December 10, 2012– Martin Dyas **moved** to approve the December 10, 2012 regular meeting minutes **seconded** by Andrew Kelly and **carried 5-0**.

Budget meeting minutes of August 27, September 24, and October 15, 2012 – **Motion** for approval was made by Ralph Fluharty, **seconded** by Martin Dyas and **carried 5-0**.

Budget meeting minutes of November 5, 2012 - **Motion** to approve was made by Douglass Muller, **seconded** by Martin Dyas and **carried 4-0** with Andrew Kelly abstaining since he had not been in attendance.

PUBLIC HEARING & SOLICITOR'S REPORT – Bauer & Associates, LLC – Paul Bauer
Mr. Bauer conducted a public hearing beginning at 7:12 PM and stated that a public hearing on Ordinance 13-01 has been advertised in the Town and Country newspaper. He stated that the Township has been urged to adopt an ordinance giving them legal authorization to collect penalty, interest and fees incurred in the collection of delinquent real estate taxes and municipal liens. He added that the ordinance has been made available for public review. There were no comments from the floor. Douglas Muller asked why the County is recommending this and it was explained that the County and municipal taxes are billed together and any charges for the municipal tax portion, collected by the County on delinquent accounts, will be reimbursed to the Township. Public Hearing was closed at 7:17PM.

Regular Meeting resumed.

Ordinance 13-01 – Douglas Muller **moved** to adopt the penalty, interest and fee schedule for the collection of delinquent real estate taxes as set forth in Ordinance 13-01. Motion was **seconded** by Andrew Kelly and **carried 5-0**.

BUSINESS FOR ACTION ON 90 DAY TIME LIMITATION WAIVERS - Andrew Kelly **moved** to grant a 90-day time-line extension to N.H.T.P.C. #771, Gibraltar Rock. Motion was **seconded** by David Brown and **carried 5-0**.

N.H.T.P.C #771	Gibraltar Rock	Land Development	2/27/2013
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NEW BUSINESS

Internal Revenue Service – Andrew Kelly **moved** to follow Federal guidelines for the business mileage reimbursement rate at 56.5 cents per mile effective January 1, 2013. David Brown **seconded** the motion and it **carried 5-0**.

Chief of Police – Douglas Muller **moved** to approve a ten-year contract for Chief McKeon. Andrew Kelly **seconded** the motion and it **carried 4-0** with Martin Dyas abstaining.

Resolution 08-13 – David Brown **moved** to adopt Resolution 08-13 establishing the 2013 township fee schedule and adding a \$10 fee for fingerprinting for residents and a fee of \$25 for fingerprinting of non-residents. Martin Dyas **seconded** the motion and it **carried 5-0**.

2013 Fire Police Reappointment – Andrew Kelly **moved** to appoint the following fire police:

Sassamansville Fire Company: Joshua Stouch, Captain and Glen Hull

New Hanover Fire Company: Charles Hughes, Captain, Alan Wommer, Marge Wommer, Concetta Buchle, Ronald Buchle and Malcolm Scott

David Brown **seconded** the motion and it **carried 5-0**. Martin Dyas thanked the fire police for their service and asked that they are sworn in at the District Justice office as soon as possible.

Christmas Trees – David Brown inquired as to how many trees the Public Works Department has collected and was told by Jay Smith that 312 trees have been collected thus far.

Ralph Scheer of 2110 Big Road asked about the Township's position with regard to the water line at the HOFF VC site. Martin Dyas stated that the Township is in agreement with the Department of Environmental Resources and believes that providing public water to the affected residents is the best option. Mr. Scheer asked that the Township explore the possibility of establishing a community well. Douglas Muller stated that he has knowledge of costs of establishing a community well and does not believe it is economically feasible and additionally that a community well would be a looped system which is difficult to treat. Mr. Muller added that he had hoped the water system at the Jr. High School could be expanded but determined that it was not feasible. Ralph Fluharty stated that he had been contacted by residents also. It was noted that if/or when the quarry becomes operational, that water flows could be impacted. Water being supplied by Superior Water Company will be monitored by the PUC and drilling will be supervised by the DRBC.

Regular meeting adjourned to Executive Session at 7:32PM.

EXECUTIVE SESSION – Personnel/Litigation

Regular meeting reconvened at 8:40 PM.

Board of Supervisors Pre-Agenda/Executive meetings – Andrew Kelly **moved** to schedule pre-agenda/executive meetings on the fourth Monday of each month as follows: February 25, April 22, June 24, August 26, October 28, and December 23, 2013. Motion was **seconded** by Martin Dyas and **carried 5-0**.

Recreation Feasibility Commission– Douglas Muller **moved** to appoint Ralph Fluharty, Andrew Kelly, Scott Fluharty, Peter Retzlaff and Edward Wagner to a one-year term on the Recreation Feasibility Commission to expire January 1, 2014. Andrew Kelly **seconded** the motion and it **carried 5-0**.

ADJOURNMENT – David Brown **moved** to adjourn at 8:45PM and the meeting was declared adjourned.

Edward Wagner, Township Manager/Secretary