

**NEW HANOVER TOWNSHIP
BOARD OF SUPERVISORS
WORK SESSION
NOVEMBER 10, 2014**

A work session of the New Hanover Township Board of Supervisors was held on Monday, November 10, 2014 at the New Hanover Township Municipal Building, 2943 North Charlotte Street, Gilbertsville, PA 19525. Present were Supervisors David Brown, Ralph Fluharty and Andrew Kelly. Douglas Muller and Philip Agliano were absent. Township Manager Michael McGann, Solicitor Paul Bauer and Eileen Pogany were also in attendance. Vice Chairman David Brown called the meeting to order at 6:40pm.

Review of Agenda - no comments.

Review of Bill List - no comments.

2015 Budget Review – Cindy O'Donnell reported on the proposed 2015 budget explaining that \$200,000 has been budgeted for roadway improvements with additional amounts for salt, street signs, line painting etc. and \$200,000 has been budgeted for construction of a peak roof on the municipal building and that approximately \$412,000 will be taken from reserves to fund these expenditures as well as an 2.5% wage increase to the employees. Public works repairs and maintenance are reduced due to the purchase of new equipment. She stated that \$75,000 will be transferred to the Recreation Fund to help cover the cost of the Master Recreation Plan and that \$5,000 has been budgeted for bank fees for purchase of Certificates of Deposit.

Vice Chairman David Brown stated that a number of budget meetings had been held and that the Board of Supervisors and staff worked very hard to control expenditures and to prepare a budget for the 2015 year.

Work Session meeting adjourned at 6:54 PM.

**REGULAR MEETING AGENDA
NOVEMBER 10, 2014**

The regular monthly meeting of the New Hanover Township Board of Supervisors was held on Monday, November 10, 2014 at the New Hanover Township Municipal Building, 2943 North Charlotte Street, Gilbertsville, PA 19525. Present were Supervisors David Brown, Ralph Fluharty and Andrew Kelly. Douglas Muller and Philip Agliano were absent. Township Manager Michael McGann, Solicitor Paul Bauer and Eileen Pogany were also in attendance. Vice Chairman David Brown called the meeting to order at 7:06 PM and led in a Salute to the Flag.

Veterans Remembrance – Vice Chairman David Brown asked that a moment of silence be held in remembrance of the veterans who have served to secure and preserve the freedom enjoyed by all.

PUBLIC HEARING – Convened at 7:10 PM

Ordinance #14-01 - AN ORDINANCE PURSUANT TO SECTION 2601, 2602, AND 2603 OF THE SECOND-CLASS TOWNSHIP CODE, AMENDING CHAPTER 26 OF THE NEW HANOVER TOWNSHIP CODE BY ADOPTING A NEW PART 2 TITLED “PUBLIC WATER SYSTEM OF NEW HANOVER TOWNSHIP”

Solicitor Bauer explained that this ordinance pertains to the Township residents affected by the VC chemical contamination in wells along portions of Hoffmansville and Layfield Roads. Public hearings were conducted by the DEP and it was decided to extend public water to the residents by DEP grant and contracts with Superior Water Co. and the Township. Ordinance requires residents to hook up to public water within sixty days of notification with expenses paid or they would be connected and responsible for connection costs; all affected homeowners have been connected at the expense of the DEP.

Celeste Bish asked how the ordinance affected wells which were monitored and determined not to exceed the safe level of VC's since she believes testing should be continued to assure other monitored wells VC's do not increase above safe levels. Solicitor Bauer stated that the question should be directed to the DEP and that the DEP geologist believes the plume of contaminated water has been contained and has said that if a homeowner tests and finds contamination they may take action. Mrs. Bish also asked if the DEP will be taking Good Oil to court and Solicitor Bauer stated that there has been litigation on-going since 1970. Mrs. Bish then asked how long it can go on and Solicitor Bauer stated that he is not sure if the DEP is actively investigating. Andrew Kelly **moved** to adopt Ordinance No 14-01; motion was **seconded** by Ralph Fluharty and **carried 3-0**.

Public hearing concluded at 7:17 PM and the regular meeting resumed.

Vice Chairman David Brown thanked everyone for voting on Election Day November 4th and stated that the turn-out for township registered voters was 48%.

ANNOUNCEMENTS – Vice Chairman Brown 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 – Vice Chairman David Brown

Township Offices will be closed for the Thanksgiving Holiday Thursday November 27th and Friday November 28th.

UPCOMING TOWNSHIP MEETINGS – announced by Eileen Pogany

Nov. 12	Planning Commission Meeting - cancelled	6:30pm
Nov. 17	Open Space Board	6:30pm
Nov. 18	Environmental Advisory Board Mtg.	6:30pm
Nov. 19	Sewer Authority at WWTP	6:30pm
Dec. 3	Recreation Committee- Recreation Center	7:00pm
Dec. 8	Next Regular Meeting of the BOS	6:30pm

PRESENTATION OF CURRENT BILLS

Bill List # 21 – Dated October 24, 2014

General Fund 01	\$340,213.87
Fire Tax Fund 03	\$ 0.00
Sewer Operating Fund 08	\$ 71,724.83
Sewer Capital Fund 10	\$ 0.00
Trans. Impact Fund 13	\$ 600.00
Capital Fund Fund 19	\$ 0.00
State Liquid Fuels Fund 35	\$ 16,042.76
Escrow Fund 41	\$ 11,083.71
Recreation Fund 96	<u>\$ 15,140.37</u>

Total \$454,805.54

Ralph Fluharty **moved** to ratify payment of bill list # 21 in the amount of \$454,805.54. Andrew Kelly **seconded** the motion and it **carried 3-0**.

Bill List # 22 - Dated November 6, 2014

General Fund 01	\$ 31,275.56
Fire Tax Fund 03	\$ 2,755.00
Sewer Operating Fund 08	\$ 11,905.41
Sewer Capital Fund 10	\$ 0.00
Trans. Impact Fund 13	\$ 0.00
Capital Fund 19	\$ 0.00
State Liquid Fuels Fund 35	\$ 14,080.30
Escrow Fund 41	\$ 4,839.66
Recreation Fund 96	<u>\$ 1,551.12</u>

Total \$ 66,407.05

Andrew Kelly **moved** to approve payment of bill list # 22 in the amount of \$66,407.05 and advance the treasurer the monies for utilities and payroll for the coming month. Motion was **seconded** by David Brown and **carried 3-0**.

Minutes – Andrew Kelly **moved** to approve the meeting minutes of the October 13, 2014 work session and regular meetings, the October 20, 2014 budget meeting, and the November 3, 2014 budget meeting. Motion was **seconded** by Ralph Fluharty and **carried 3-0**.

SOLICITOR'S REPORT –Bauer & Associates, LLC

Solicitor Bauer stated that there were two litigation items to be discussed in executive session: one item concerns Bond issues and the Kingston Hill project and the other regarding the Gibraltar Rock hearing before the Environmental Hearing Board. He further explained that the Environmental Advisory Board issued a detailed, seventy-four page decision which overturned the decision of the DEP which contained many flawed arguments including citing sections incorrectly. There have been nine years of continuances which does not amount to temporary cessation. Gibraltar must proceed with a renewal process involving public hearings and input for the DEP to determine whether they can allow them to continue and arguing the conditions which will be required to be included in the mining permit. Reasonable conditions will be argued for by the Township. Solicitor Bauer stated the Environmental Hearing Board rarely overturns DEP decisions and commended Township representatives on a job well done and credited Attorney Robert Brant and Edward Wagner among others. Celeste Bish asked if either side could appeal the decision. Solicitor Bauer stated that he does not suggest New Hanover Township appeal the decision and if Gibraltar Rock appealed the decision it would cause a time lag and Gibraltar would not want to create a time lag; he added that the decision was very well written and is very clear. Celeste asked if the traffic study needs to be updated.

DEPARTMENT HEAD REPORTS

FINANCE DEPARTMENT REPORT – CINDY O'DONNELL report provided during work session

CODE ENFORCEMENT REPORT – JAMES WOZNIAK - not in attendance-no report

POLICE REPORT – KEVIN MCKEON – reported that the department had responded to 352 calls, had 11 assists from other departments and assisted other departments on 13 calls, conducted 13 investigations and had 10 arrests, had no vehicle maintenance and had 1 citizen's traffic complaint.

PUBLIC WORKS REPORT – DENNIS FLYNN, NEWLY HIRED DIRECTOR, was welcomed to the Township. It was noted that Brian Lee will be second in command in the department and that a written report had been submitted by Mr. Lee who was not in attendance.

RECREATION REPORT – CONNIE GARNER – reported that a family fitness program is being offered free of charge at the recreation center on November 21 from 7:00 – 7:45 PM. Holiday home decorating contest is being scheduled and will be judged on December 11, with winners being announced on December 13; additionally there will be a holiday event to take place at the Recreation Center. She added that the October Fun House event had been very successful and that many thank-you's have been received.

SEWER REPORT – MICHAEL MCGANN – reported that the Authority is awaiting issuance of current DEP permit and that routine maintenance is being performed.

BUSINESS FOR DISCUSSION OR ACTION:

PA DEP Grant Amendment #1 - Ralph Fluharty **moved** to approve and amend the DEP Grant Amendment #1 to provide additional funding for residential connections and the extension of the Period of Performance with regard to the Hoff VC HSCA Site. Andrew Kelly **seconded** the motion and it **carried 3-0**.

90 DAY TIME LIMITATION WAIVERS – Andrew Kelly **moved** to approve granting of 90-day waivers as follows:

N.H.T.P.C. # 665	Zavitsanos-Metro	122 lots	11/14/2014
N.H.T.P.C. # 709	Trotters Gait Plan	54 Units	11/14/2014
N.H.T.P.C. # 730	Bart Golf	135 lots	12/03/2014
N.H.T.P.C. # 785	Girl Scouts	Land Development	12/01/2014

David Brown **seconded** the motion and it **carried 3-0**.

Escrow Release – N.H.T.P.C. #700 McSurdy Tract, David McSurdy – David Brown **moved** to approve Release Request #6 in the amount of \$29,000 as recommended in Gilmore & Associates review letter dated October 28, 2014. Ralph Fluharty **seconded** the motion and it **carried 3-0**.

New Business -

Camp Laughing Waters – Natalye Paquin, Girl Scouts CEO and Glen Kelczewski of Bercek and Smith Engineers were present representing the Camp Laughing Waters Land Development project and requesting waiver of the bike path installation requirement. Ms. Paquin stated that the improvements being proposed do not add any additional housing but are intended to improve the camp and that the organization endeavors to be good stewards of the environment and also providing a safe haven for the campers. She explained that constructing the bike path through the camp is not affordable, that safety of the campers is paramount and that a public bikeway through the park where young women are sleeping in tents is not a safe situation. The Girl Scouts provide multi-layered security for the campers and do not publically advertise the camp address; she added that Governor Corbett's House Bill 435 provides for increased security measures. Initially requested by New Hanover Township was a bike path along New Hanover Square Road and also through the camp. The Girl Scouts estimated the cost for construction to be \$500,000 which is unaffordable for them and that a fee in lieu of has been estimated at \$10,200. Kathy Huey stated that she is a troop leader who is entrusted with the safety of thousands of campers and believes a public trail through the camp would be unsafe; Manager John Howard agreed. Vice Chairman Brown stated that the Township's trailway is part of a bicycle master plan which was created in 2004 as a living, breathing plan providing planning for trail connections and suggested that the Scouts ask the Township Planning Commission and Planner Adam Supplee to provide a possible alternative and present it to the Board of Supervisors.

Announcement – Vice Chairman Brown announced that Michael McGann will be leaving his employ with the Township at the end of this year and that has done a wonderful job as Director of the Wastewater Treatment Facility; he has also served as interim Township Manager. Mr. Brown stated that he will be missed and wishes him well.

Regular meeting adjourned to executive session at 8:07 PM.

EXECUTIVE SESSION – Personnel and Litigation

The Board reconvened the regular meeting at 8:45 PM

Ralph Fluharty **moved** to pay Brian Lee a bonus in the amount of \$5,114.02 for his time as the interim Public Works Director. Andrew Kelly **seconded** the motion and it **carried 3-0**.

Andrew Kelly **moved** to advertise the 2015 Budget as presented in the work session in the Town & Country Newspaper. David Brown **seconded** the motion and it **carried 3-0**.

ADJOURNMENT

Andrew Kelly moved to adjourn the meeting at 8:50 PM.

Michael McGann, Township Manager/Secretary