

NEW HANOVER TOWNSHIP
BOARD OF SUPERVISORS
WORK SESSION
JUNE 22, 2015

A work session of the New Hanover Township Board of Supervisors was held on Monday, June 22, 2015 at the New Hanover Township Municipal Building, 2943 North Charlotte Street, Gilbertsville, PA 19525. Present were Supervisors Douglas Muller, David Brown, Ralph Fluharty, Andrew Kelly, and Philip Agliano. Township Manager Kevin Tobias, Solicitor Paul Bauer, Engineer David Leh and Eileen Pogany were also in attendance. Chairman Douglas Muller called the meeting to order at 6:32 PM.

Review of Agenda – no comments

Review of Bill List – no comments

William Moyer Hearing – Codes Violation/Stormwater Issue

Charlotte Morrison stated that she is recording the hearing. Attorney Eric Frey was present representing the Township and Attorney Jeffrey Carter was present representing William and Judith Moyer. James Wozniak was sworn in and testified that he has visited the property and viewed a 4 inch pipe coming through the curb and issued a letter to the Moyer's stating that the pipe discharge is a violation of property maintenance and stormwater management codes which require stormwater to be handled on site. Sergeant Moyer reported to Mr. Wozniak that he had discussed the pipe with the prior zoning officer, Henry Clemmer. Mr. Wozniak contacted Mr. Clemmer who said he had no recollection. Attorney Carter verified that the Stormwater and Property Management Ordinances were adopted on October 9, 2006 and that the Moyer lot had been a lot in the Colonial Ridge Subdivision approved in 1985 prior to adoption of stormwater and property management ordinances. Mr. Wozniak stated that stormwater and property management ordinances are enforced on properties which have been established prior to regulations being put in place and believes they are a performance codes. Water is intended to flow along the curb and into a stormwater grate/system on Colonial Road; there are no sidewalks at this location. It was reported to the Township that a resident had sustained injuries due to a slip and fall on icing of standing water along the Reifsnyder Road in this vicinity. Township Engineer, David Leh, was asked to testify. Mr. Leh testified that he had visited the property in March following a ½ inch rain event and saw that the pipe was discharging at 75% of full capacity and ran for five minutes during the time he was there and that the water flowed down Reifsnyder Road and crossed the intersection at Colonial Road. He stated that Reifsnyder Road is sloped and that water keeps moving but does have the potential to freeze. He responded to a question of Douglas Muller as to whether sump pump water is stormwater and stated that it could include ground water depending on the storm and added that there are methods to control the water. Attorney Carter suggested that one way to control the water to flow along Reifsnyder Road would be to redesign Colonial Road. It was noted that some flow of water originates above the Moyer property beginning at Swamp Pike. Mr. Moyer stated that before he installed the pipe he had checked (visually) the flow by applying approximately 1,000 gallons of water and determined that it flowed to the inlet at Colonial Road; he added that the roadway has since been repaved and the inlet appears to be raised. Engineer Leh offered three possible methods to manage the stormwater including (1) installation of a stormwater inlet on Reifsnyder Road and drain it to Colonial Road inlet (2) reroute to the rear of the property along

with sump pump discharge across neighbors property through an easement (3) reprofile (crown) Reifsnyder Road to Colonial Road. Mr. Frey noted that the options involved a substantial expense and asked who would pay for the improvements; would it be Mr. Moyer or the Township. David Leh stated that he did not think the Township created the problem and that an on-site collection pit could be Option #4. Douglas Muller asked about a storm sewer system along Reifsnyder Road and was told there was none, only on Colonial Road. He added that the level of engineering done in 1985 was not at the level being done by current standards. Kevin Tobias testified that he received notice of icy conditions at 2934 Reifsnyder Road and was not sure where the address is in relation to 2910 Reifsnyder Road. William Moyer testified that he resides at 2910 Reifsnyder Road and that his sump pump was installed by his developer at the time the home was built. Mr. Moyer said that he checked the water level in his well after occupying the home and it was 6' from the top of the casing. He added that his neighbor, Morris, capped their well to keep it from overflowing. Mr. Moyer described his neighborhood as having a high water table which is worse during winter and spring and stated that he is trying to be a good neighbor and does not want the flow of water from his property to sheet across his neighbor's property. He said he was asked to redirect his sump pump discharge and that he consulted with his builder, Paul Moyer who said he was not able to redirect it. Mr. Moyer stated that he checked with the then building inspector, Henry Clemmer, who said there was no permit needed to discharge the water to the stormwater inlet on Colonial Road and that he was searching for a solution. He conducted a test flowing 1,000 gallons of water to assure it would reach the inlet, and it reached the inlet at that time, and did not cross Colonial Road. He later drilled through the curb and drained water to flow along the curb to the inlet downstream. He stated that his neighbor's problems with water are actually worse than his and that he has attempted to direct his water so that it would not flow across his neighbor's property and worsen their problems. Mrs. Charlotte Ann Morris of 2310 Colonial Road resides at the property adjoining and downstream from the Moyer property and arranged for Martin F. Smith, Engineer to visit the site and access the situation. She stated that wet conditions on her property create problems with maintaining/mowing her lawn and also makes hanging of clothing to dry outdoors difficult. She stated that her sump pumps run daily, that she has several back-up sump pumps, and that she believes that if the Moyer's are not able to manage the water on their property and if it flowed across her property, she believes the foundation of her home and her in-ground swimming pool would be compromised; she has also noted that her fence has shifted and believes it is due to the high water level. Mrs. Morris provided a copy of the letter summarizing Engineer Smith's findings and suggestions. Mr. Frey asked if an easement underground and across the Morris property for directing all water had been discussed and Mrs. Morris stated that it was not recommended.

In closing, Attorney Frey stated that the property maintenance code prohibits directing water onto the roadway and also requires maintenance of curbing and believes that there is no written permission, that it was never permitted and now presents a problem, and could generate a citation due to creating a freezing condition on the roadway.

Attorney Carter stated that no one is able to quantify the amount of water coming from the Moyer property and that water also flows along the curb coming from Swamp Pike. He stated that Mr. Moyer had checked with Henry Clemmer, Building Inspector at that time, and that he was told no permit was required. He stated that Colonial Road inlet has sank and needed to be filled in around the edge and that reprofiling of Colonial Road would allow the water to flow into the inlet, that the Moyer's have acted in good faith with the Township, have not created the problem, are good neighbors trying to resolve a water problem and that the burden and expense

to resolve the issue should not be at the Moyer's nor the Morris's expense. Parties agree to waive the time limitation for rendering a decision and the hearing ended at 8:25 PM.

Work session meeting adjourned to regular meeting session at 8:25 PM.

**NEW HANOVER TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
JUNE 22, 2015**

The regular monthly meeting of the New Hanover Township Board of Supervisors was held on Monday, June 22, 2015 at the New Hanover Township Municipal Building, 2943 North Charlotte Street, Gilbertsville, PA 19525. Present were Supervisors Douglas Muller, Ralph Fluharty, Andrew Kelly, David Brown, and Philip Agliano. Also present were Township Solicitor Paul Bauer Engineer David Leh and Eileen Pogany. Chairman Douglas Muller called the meeting to order at 8:25pm and led in a Salute to the Flag.

ANNOUNCEMENTS – Chairman Douglas Muller 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.

UPCOMING TOWNSHIP MEETING – announced by Douglas Muller

July	8	Planning Commission	6:30pm
July	13	Board of Supervisors	6:30pm
July	15	Sewer Authority – 2990 Fagleysville Road	6:30pm

PRESENTATION OF CURRENT BILLS

Bill List #12–dated 06/19/15

General Fund 01	\$	48,508.77
Fire Tax Fund 03	\$	0.00
Sewer Operating Fund 08	\$	28,944.48
Sewer Capital Fund 10	\$	0.00
Trans. Impact Fund 13	\$	3,860.70
Capital Fund 19	\$	15,000.00
State Liquid Fuels Fund 35	\$	2,886.10
Escrow Fund 41	\$	5,233.75
Recreation Fund 96	\$	<u>43,781.10</u>

Total	\$	148,214.90
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Motion to approve payment of bill list #12 dated 06/19/15 in the amount \$148,214.90 and advance the treasurer the monies for utilities and payroll for the coming month was made by Ralph Fluharty, **seconded** by Andrew Kelly and **carried 5-0**.

MINUTES - Motion to approve the meeting minutes of the June 8, 2015 work session and regular meetings was made by motion of David Brown and **seconded** by Philip Agliano and **carried 5-0**.

DEPARTMENT REPORTS – written reports were received from all departments for month of May.

Finance Department – Cindy O'Donnell – advised that the 2013 financial statements have been submitted and that the 2014 audit report is being prepared. She advised the board that Barbara Akins is leaving the firm of Reinhart & Co. and that her assistant at the Reinhart Co, Tracy, is familiar with the Township's accounts and will be continuing with Reinhart & Co.

Code Enforcement – written report submitted.

Police Department – Chief McKeon reported that the police department is fine.

Public Works Department – no issues to report.

Recreation Department – Thomas Miskiewicz reported that family nights are being offered on at the recreation center and also at Hickory Park, that a blood drive is scheduled for July 24, that a bus trip to Baltimore Harbor is scheduled and that an educational program on balance is being offered for seniors. Mr. Miskiewicz also stated that the Layfield Park had been seeded and that unless the grass is cut very soon, the seeding will have been wasted. Dennis Flynn stated that the Public Works Department will take care this cutting.

BUSINESS FOR DISCUSSION OR ACTION:

- Anti- Nepotism Policy- Kevin Tobias presented a resolution in draft form. Action was tabled until July 13, 2015 Board of Supervisors meeting.
- Purchasing Policy – Kevin Tobias/Paul Bauer presented a resolution for consideration. Board member discussed the spending limits allowed prior to submission of purchase order with certain members being in favor of a \$500. limit and other members in favor of a \$2,000 limit. Board members requested a sample authorization form be provided for review with a space provided to indicate approval or disapproved. Board members were asked to provide written comments with regard to the policy to Manager Tobias prior to the July 13 meeting.
- Rosenberry Ridge Escrow Release – Kevin Tobias advised the Board of amounts remaining. No release was authorized and will be reviewed at the meeting of July 13. Mrs. Peggy Cedenno asked to be heard and stated that she filed a letter of opposition to the releasing of escrow money because of the current condition of the frontage of her property. She showed a slide presentation showing before and after the work done recently by DelGrippto/Clement to extend the bikeway and asserts that Rosenberry Ridge is not in compliance. She gave a history of the development of the property dating back to the Sterling family who have since relocated to Florida. Mrs. Cedenno was advised that agreements had been executed and recorded and certain required improvements had been deferred until a later date which Mr. DelGrippto attempted to install and were forced to leave

the site. Mr. Cedeno explained that previously when work was done letters were sent to the neighbors who were expected to be impacted and that in this instance, they had been directly impacted with no notice. They believe that installation of a blacktop bike path along the frontage of their property will destroy the beauty of their home and depreciate its value. He asked who would be responsible for clearing snow from the bike trail and also who will protect them if a bicyclist hits their mailbox. The Cedenos cited another incident where a cross had been situated on the top of a dirt mound and are feeling that they are being singled out. Solicitor Bauer stated that he believes "the right" for the improvements was given in the 2001 agreement signed by the Sterlings. Mrs. Cedeno stated that the documents were not clear and stated that curbing and sidewalk would be installed, not an eight-foot wide bikeway and wants her property to be repaired. Douglas Muller stated that the agreement does include a bikeway and he agrees that they should have received notification prior to the work being started. They also stated that they are receiving water from the Rosenberry subdivision and that they believe if a bikeway is to be installed, it should run along continuously along the entire length.

- Agreement to Authorize Electronic Access to PennDot Systems – Kevin Tobias explained that an Agreement with PennDOT is needed in order for the Township to be registered with the Department as a business partner and exchange data with PennDOT's system. Philip Agliano **moved** to approve entering into the agreement with PennDOT, motion was **seconded** by David Brown and **carried 5-0**.
- Approval for "Perk Up" Half – Kevin Tobias explained that an event is scheduled for August 16, 2015 and that the Fire Police have been invited to assist. Philip Agliano **moved** to authorize participation by the fire police, **seconded** by Douglas Muller and **carried 5-0**.
- Appointment of Fire Police – Chief McKeon recommended that Edward Swagzdis be appointed as fire police and also mentioned that Ronald and Connie Buchle have resigned and should be **removed** as fire police officers. David Brown **moved** to appoint Edward Swagzdis as fire police and also to remove Ronald and Connie Buchle as fire police. Douglas Muller **seconded** the motion and it **carried 5-0**.
- Junkyard Licenses- Applications for annual renewal of junk yard licenses for William Horner of 3071 Fagleysville Road, Gilbertsville and David Faust at 1895 Swamp Pike Gilbertsville were approved by motion of Andrew Kelly, **Seconded** by Ralph Fluharty and **carried 5-0**.

CORRESPONDENCE:

- Tom McCracken of 2361 Heather Lane wrote, stating his request was on behalf of the community, and requested an additional stop sign at Heather Lane and Cherry Court. He stated that the roadway is being used as a cut through and regardless of the 25mph posted speed limit, cars are speeding and creating unsafe conditions for people walking and driving. His request was tabled until the July 13 meeting.
- Metropolitan Management – Real Estate Tax Discount – no discussion.
- Melissa and James Jamison of Lee Road were present requesting improvements be made to Lee Road. Mrs. Jamison stated that Lee Road is a single lane dirt road with deep ditches and that cars do not have room to pass and there is no place to pull over. She stated that she and the Dennis Flynn and Brian Lee had met on site to discuss concerns regarding safety, Mrs. Jamison advised them that a tow truck had gotten stuck attempting to remove a vehicle and is also concerned that fire trucks will be able to maneuver. It was suggested that the Township widen the roadway at the "S" bend

which will include removal of three trees. Oil and chip treatment will be applied next year along with a pull-off area. Mr. Flynn stated that door hangers will be placed on doorways advising people when road work will be performed.

COMMENTS FROM THE FLOOR

Ross Snook of 2395 Sanatoga Road asked the Board if they had spoken to Mr. Wade with respect to the geology and hydrology of the Gibraltar Rock application. Mr. Snook explained that he is qualified to speak in regard to geology and hydrology and stated that he is concerned that due to the formation of the rock, when it is fractured during the quarry operation, contaminated water, which is static at this time, will spill into the site and be released into the ground water creating a supersite; he asked that the supervisors speak to Mr. Wade with regard to this issue.

Michele Weller – of 710 New Road stated that “they” are tired of living on a dirt road and that when stone is applied to the roadway it gets washed into the ditches. Dennis Flynn suggested that oil and chip be applied to the roadway in the coming year.

Mr. William Miller of 325 Layfield Road asked how Ethan Good is able to sell his property since wells on his property are contaminated and that he believes that water from the quarry will run south and ruin everything. He believes that contamination was documented long before people were notified and that his wife is very ill due to ingesting the contaminated water long before they were notified and eventually were provided public water.

Board of Supervisors adjourned to Executive Session at 10:12 PM.

EXECUTIVE SESSION

The Board went into executive session at 10:21 pm. After a brief discussion, Chairman Muller reconvened the regular session at 10:40 pm after having directed the solicitor to take the appropriate action.

ADJOURN

On **motion** by Board Chairman Muller to adjourn, the meeting was adjourned at 10:41 pm.

Kevin Tobias, Township Secretary/Manager