

**NEW HANOVER TOWNSHIP
BOARD OF SUPERVISORS
WORK SESSION
JULY 27, 2015**

A work session of the New Hanover Township Board of Supervisors was held on Monday, July 27, 2015 at the New Hanover Historical School House, 3189 Reifsnnyder Road, Gilbertsville, PA 19525. Present were Supervisors Douglas Muller, Ralph Fluharty and Philip Agliano. David Brown and Andrew Kelly were absent. 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 6:30 PM and thanked Robert Wood and the Historical Society for allowing the Township to conduct its meeting in the school house.

Review of Agenda – no questions nor comments.

Review of Bill List – no questions nor comments.

The Board adjourned to personnel/executive session at 6:37 PM

**NEW HANOVER TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
JULY 27, 2015**

The regular monthly meeting of the New Hanover Township Board of Supervisors was held on Monday, July 27, 2015 at the New Hanover Historical School House, 3189 Reifsnnyder Road, Gilbertsville, PA 19525. Present were Supervisors Douglas Muller, Ralph Fluharty and Philip Agliano. David Brown and Andrew Kelly were absent. 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 6:50 PM 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 MEETINGS – announced by Eileen Pogany

July 29	Sewer Authority - 2990 Fagleysville Road	6:30pm
August 5	Recreation Committee – 2373 Hoffmansville Road	6:30 pm
August 6	Zoning Hearing Board – Gibraltar Rock	6:30 pm
August 10	Board of Supervisors	6:30 pm
August 12	Planning Commission	6:30 pm
August 17	Open Space Committee	6:30 pm
August 18	Environmental Advisory Committee	6:30 pm
August 19	Sewer Authority – 2990 Fagleysville Road	6:30 pm
August 20	Zoning Hearing Board – 2418 Lomara Drive 2281 Sterling Drive	6:30 pm 7:00 pm

Solicitor Paul Bauer announced that a personnel session had been held prior to the regular meeting and that no decisions nor actions were taken.

PRESENTATION OF CURRENT BILLS

Bill List #14–dated 07/23/15

General Fund 01	\$	35,330.06
Fire Tax Fund 03	\$	0.00
Sewer Operating Fund 08	\$	30,786.41
Sewer Capital Fund 10	\$	900.00
Trans. Impact Fund 13	\$	300.41
Capital Fund 19	\$	0 00
State Liquid Fuels Fund 35	\$	920.16
Escrow Fund 41	\$	18,493.61
Recreation Fund 96	\$	<u>3,967.90</u>
Total	\$	90,698.55

Philip Agliano **moved** to approve payment of Bill List #14 dated July 23, 2015 in the amount of \$90,698.55 and advance the treasurer the monies for utilities and payroll for the coming month. Ralph Fluharty **seconded** the motion and it **carried 3-0**.

MINUTES – Philip Agliano **moved** to approve the July 13, 2015 Work Session and Regular Meeting Minutes; motion was **seconded** by Ralph Fluharty and **carried 3-0**.

DEPARTMENT REPORTS:

Finance Department – Cindy O’Donnell provided Profit and Loss statements for various funds comparing previous year and budget vs. actual. Decisions on the proposed budget amendments was deferred until the five member board is available to take action. Ralph Fluharty posed questions regarding long term certificates of deposit and asked that a schedule of what penalties might be imposed if the Township were in need of funds prior to the certificate maturing. Mrs. O’Connell advised that there is sufficient liquid funds for the Township’s needs and that the Township is earning a good return on the investments.

BUSINESS FOR DISCUSSION OR ACTION:

Tompkins Insurance – Kevin Tobias stated that Tompkins is interested in being appointed as group health insurance agent. He advised that they have a good history and will shop for health

insurance plans for both uniform and non-uniform employees. Paul Bauer advised that the appointment could be withdrawn at some time in the future if needed. Douglas Muller **moved** to appoint Tompkins as agent/broker; motion was **seconded** by Ralph Fluharty and **carried 3-0**.

Finalize Budget Preparation Dates - Philip Agliano **moved** to approve the following dates as budget meeting dates; Monday August 31, Monday September 21, Monday October 5, Wednesday October 28, and Wednesday November 4, 2015. Ralph Fluharty **seconded** the motion and it **carried 3-0**.

CORRESPONDENCE

Congressman Costello – will be meeting Tuesday, August 4 with Municipal Leaders at Pottstown Borough Hall and has requested a response to the invitation.

Boyertown Multi Service Inc. – wrote thanking the Township for the \$1,500. donation.

Borough of Pennsburg – requested assistance from the Fire Police for the Halloween Parade on Sunday, October 25, 2015. Ralph Fluharty **moved** to approve Fire Police assistance for the October 25th event. Douglas Muller **seconded** the motion and it **carried 3-0**.

COMMENTS FROM THE FLOOR -

QUESTIONS AND COMMENTS REGARDING GIBRALTAR ROCK QUARRY APPLICATION

Susan Kreiner of 2478 Swamp Pike asked the Board who wants the quarry. She explained that there are traffic accidents frequently near her home, she has difficulty exiting her driveway due to heavy traffic and is concerned about additional truck traffic from the quarry.

Annette Burns of 328 Erb Road asked if Good Oil had the right to pollute and asked who will clean up. She believes that her water will be “sucked out” and the freedom and rights of the local people will be taken away.

Sherry Knight of 2416 Jessica Drive asked what rights the Board of Supervisors have regarding the Gibraltar Rock application since preliminary approval has been granted and believes the quarry will risk contamination of the water.

William Miller of 325 Layfield Road asked how Mr. Good was able to sell his property even though there was contamination and no water. He stated that the problems existed since 2007 and that residents were not notified. He stated that the oil tanks were taken out of the ground in 1991 and the holes were filled with stone. He added that in 2009 Mr. Good filled in a stream, the EPA had been notified and did nothing.

Celeste Bish of 2504 Finn Road asked if resolutions can be repealed, asked the source of the reimbursement for installation of the water line, asked about the ongoing investigation of the contamination, stated that Attorney Harris had advised of test wells have been drilled on the 18 acres, stated that she has contacted Mr. Wade at the DEP who has said it is the responsibility of the property owners to monitor their well water and that he did not respond to her inquiry as to how a sale could take place on a contaminated site, stated that Attorney Harris previously stated that Gibraltar Rock was not interested in the 18 acres but has since purchased the site, asked if the Township had received a letter from Representative Toepel, and asked if the Township will provide expert witness during the Gibraltar Rock IV hearings and was told the Township will not disclose its strategy. Ms. Bish stated that last fall the PA Environmental

Hearing Board requested that Gibraltar Rock file an application for a public hearing and the time has expired. She also questioned why three separate tracts were preliminarily approved when the Zoning Hearing Board placed a condition stating that the operation be combined on one tract of land.

Edward Swagzdis of 425 Buchert Road suggested that the media be notified and be involved and suggested that the location of the upcoming meetings may need to be changed to accommodate all who are interested in attending.

Debra Haas of 1867 Little Road asked who will assume responsibility to provide clean water and pay medical bills and asked if any member of the Board of Supervisors is in favor of the quarry.

Ross Snook of 2395 Sanatoga Road stated that water testing is *typically* done for coliform and that residents having wells tested for chemicals should keep a copy of all test results. Mr. Muller asked Mr. Snook to provide a listing of suggested parameters to be included in water testing and Mr. Snook agreed stating that the cost would likely range from \$250-\$500.

Township responses to residents comments included: quarry is proposed to be located in a zoning district which allows for heavy industrial use, Township officials are seeking to be educated about the contaminants and want to protect the citizens, Township is working with its State Representatives, the Department of Environmental Resources and Delaware Valley River Basin Commission, Township does not have a legal right to interfere with a real estate transaction and the DEP was aware and allowed the sale, the 18 acre parcel is currently before the Township Zoning Hearing Board and is not included in the land development preliminary approval for the quarry operations, will encourage participation for larger State and Federal governmental agencies who have authority, Messer's Muller, Fluharty and Bauer will be meeting with Mr. Snook and will invite a biologist from Gilmore & Associates to attend Thursday, July 30.

With respect to the Zoning Hearing Board decision appealed, the Township has prevailed at the Court of Common Pleas, the Commonwealth Court and the Supreme Court. A condition requiring that all operations be situated on one parcel was stipulated by the Zoning Hearing Board, however, Township consultants and Planning Commission advised that it would be preferable to allow three parcels so that operations are not situated close to the roadway.

Douglas Muller **moved** to authorize Solicitor Bauer to correspond with the Department of Environmental Resources regarding the \$800,000 sale of the 18 acre tract in question. Philip Agliano **seconded** the motion and it **carried 3-0**.

ADJOURN

Philip Agliano **moved** to adjourn at 8:05 PM and the meeting was **declared adjourned**.

Kevin Tobias, Township Manager/Secretary