

**NEW HANOVER TOWNSHIP  
BOARD OF SUPERVISORS  
WORK SESSION  
DECEMBER 14, 2015**

A work session of the New Hanover Township Board of Supervisors was held on Monday, December 14, 2015 at the New Hanover Township Municipal Building, 2943 North Charlotte Street, Gilbertsville, PA 19525. Present were Supervisors Douglas Muller, David Brown, Ralph Fluharty, and Andrew Kelly. Philip Agliano was 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 6:35 PM.

**Review of Agenda** – no comments

**Review of Bill List** – no comments

Work session meeting adjourned to executive session at 6:36 PM.

**NEW HANOVER TOWNSHIP  
BOARD OF SUPERVISORS  
REGULAR MEETING  
DECEMBER 14, 2015**

The regular monthly meeting of the New Hanover Township Board of Supervisors was held on Monday, December 14, 2015 at the New Hanover Township Municipal Building, 2943 North Charlotte Street, Gilbertsville, PA 19525. Present were Supervisors Douglas Muller, Ralph Fluharty, Andrew Kelly, and David Brown. Philip Agliano was absent. Also present were Township Solicitor Paul Bauer, Engineer David Leh and Eileen Pogany. Chairman Douglas Muller called the meeting to order at 7:23 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

### SCHEDULED:

December 16, 2015	Sewer Authority–3990 Fagleysville Road	6:30 pm
December 28, 2015	Board of Supervisors	6:30 pm
January 04, 2016	Board Reorganization	6:30 pm
January 05, 2016	Auditor’s Organization Meeting	8:30 am
January 07, 2016	Zoning Hearing-Gibraltar Rock	6:30 pm

## PRESENTATION OF CURRENT BILLS

### Bill List #23–dated 12-9-15

General Fund 01	\$	41,146.10
Fire Tax Fund 03	\$	2,755.00
Sewer Operating Fund 08	\$	9,905.39
Sewer Capital Fund 10	\$	80,500.00
Trans. Impact Fund 13	\$	0.00
Capital Fund 19	\$	150,000.00
State Liquid Fuels Fund 35	\$	73.99
Escrow Fund 41	\$	0.00
Recreation Fund 96	\$	<u>2,093.50</u>

Total \$ 286,476.98

Ralph Fluharty **moved** to approve payment of bill list No. 23 in the amount of \$286,476.98 dated December 9, 2015 and advance the treasurer the monies for utilities and payroll for the coming month. David Brown **seconded** the motion and it **carried 4-0**.

**MINUTES** – Andrew Kelly **moved** to approve the meeting minutes of the November 23, 2015 work and regular meetings. Douglas Muller **seconded** the motion and it **carried 3-0** with David Brown abstaining since he had not been in attendance.

**TREASURER’S REPORT** - None

### DEPARTMENT REPORTS:

**Finance Report** – Cindy O’Donnell provided Budget vs. Actual Report for the month of November and stated that the Township income is \$331,000 over projected, in part due to an unexpended DCED grant, building permit fees, and roof repairs and big projects budgeted but not completed.

**Code Enforcement** – written report provided.

**Police Department** – Chief Kevin McKeon stated that the police department had 396 calls, 24 accidents which includes 8 reportable accidents, 25 criminal investigations and no citizen complaints.

**Public Works Department** – Dennis Flynn stated his department is doing well, nothing to report.

**Waste Water Treatment Plant** – Gregg Rapp stated he had nothing new to report; all is going well.

**Recreation Department** – Connie Garner stated that the “Here Comes Santa” event was very successful and included lots of goodies and handouts for the children.

**Manager’s Report** – Kevin Tobias reported that 2015 road improvements on Hoffmansville and Hill Roads have been completed and that the final invoice is awaiting approval for payment. He reported that he has received an offer to reduce the interest rate for the open space loan from 3.98 to 2.98 which could be a savings of \$80,000 over time and with no penalty for prepayment. Cindy O’Donnell will provide a recommendation for the Board so that a decision can be made whether to accept the offer prior to next end of year 2015 and the expiration of the offer.

**SOLICITOR’S REPORT** - Bauer & Associates, LLC – Paul Bauer stated that he had no new items to report and that several items will be discussed throughout the remainder of the meeting.

**ENGINEER’S REPORT** - Gilmore and Associates – David Leh stated that he had nothing new to report and that two action items will be addressed later during the meeting.

#### **BUSINESS FOR DISCUSSION OR ACTION:**

N.H.T.P.C. No. 779 Renninger Subdivision – Phase B - Mr. Michael Gambone was present requesting approval of an additional waiver with regard to several driveway slopes and also seeking final plan approval. Planning Commission recommended both approval of the additional waiver and final plan approval for Phase B of the subdivision. Andrew Kelly **moved** to grant the waiver request with regard to driveway slopes and grant final plan approval adopting **Resolution 26-15** subject to compliance with Township consultants’ review letters and subject to applicant executing a developer’s agreement and establishing an escrow account. Ralph Fluharty **seconded** the motion and it **carried 4-0**.

Township Manager Contract – tabled.

Vacancies-Boards and Commissions - approval was granted to post vacancies for Township Boards and Commissions on the Township website. John Auman of 3824 Church Road questioned whether the Township had received official notification as to who had won the write-in vote for auditor; Mr. Tobias stated that he would confirm and request official notification.

Escrow Release #3-Hanover Woods – David Leh recommended an escrow release in the amount of \$210,920.00 leaving a balance remaining of \$435,909.95. David Brown **moved** to release \$210,920.00, **seconded** by Ralph Fluharty and **carried 4-0**.

Open Space Loan with National Penn Bank – tabled until the December 28, 2015 meeting.

Agricultural Security Area-authorization to advertise public hearing for George Leidig and Eleanor Vallone for acceptance into the Township’s agricultural area was granted by **motion** of Douglas Muller, **seconded** by David Brown and **carried 4-0**.

Invoice Approval – Actuary Service – tabled awaiting report of Township Manager as to what the invoice amount is based on and verification that amounts are correct.

Kingston Hill Development–snow plowing of undedicated roadways had been contracted for by the Township prior years and the Township has not received reimbursement from the bonding company. The Township hired special counsel to handle bonding company issues. In the interim, Ralph Fluharty **moved** to authorize Dennis Flynn to contract with an outside contractor to provide winter snow removal and maintenance for the undedicated roadways in this development. Douglas Muller **seconded** the motion and it **carried 4-0**. Kevin Tobias will notify the bonding company.

Zoning Hearing Board resignation- Douglas Muller **moved** to accept the resignation of Michael Slezak. Motion was **seconded** by Ralph Fluharty and **carried 4-0**.

**BUSINESS FOR ACTION ON 90 DAY TIME LIMITATION WAIVER - N.H.T.P.C. No. 787**

Planning Commission recommended granting of a 90-day waiver for rendering a decision on the **Saras N.H.T.P.C. #787** Land Development Plan at their December 9, 2015 meeting. David Brown **moved** to grant a 90-day extension, **seconded** by Andrew Kelly and **carried 4-0**.

**TOWNSHIP CORRESPONDENCE – Mr. Tobias stated that he received the following:**

Compliance Audit for New Hanover Township Fire Company Firefighters' Relief Association for the period January 2, 2012 to December 31, 2014.

Montgomery County-Norristown Public Library – asking to locate the bookmobile in the Township's parking area in the front of the building every other Wednesday in addition to their current once a week schedule in order to provide an area which has been lost due to the closing of the YMCA-Hollenbach Center. Connie Garner suggested that space is available at the Recreation Center and that she would welcome the bookmobile there.

Bovertown Area School District – asking if Christine Bauman will continue to serve as New Hanover's Census Enumerator.

**COMMENTS FROM THE FLOOR**

New Hanover Town Center Development – Mr. Edward Mullin was present to discuss the Minister Creek interceptor and stating that the developer is seeking approval to install the West Branch sewer interceptor line at an approximate cost of 2.6 million dollars as part of the first phase of development and to defer funding the escrow. Mr. Mullin was asked to submit a letter explaining the proposal. Mr. Mullin also asked if the Township is in agreement with the general concept of the plan as proposed and was told that a engineered plan would need to be submitted in order for the Township to comment and it was suggested that a staff meeting be scheduled to discuss the plan.

Zoning Hearing Board vacancies – Mr. Gregory Maskrey of 2522 asked about the two vacancies mentioned for the Zoning Hearing Board and was told one position was a reappointment.

Gibraltar Rock – Mr. Christopher Mullaney of 598 Main Street, Red Hill voiced his displeasure on behalf of his clients with respect to the recommendation of the Planning Commission recommending final plan approval, 4-0 vote, of the Gibraltar Rock Land Development. Mr. Mullaney stated that the resolution granting preliminary approval which was adopted at the Junior High School contained various conditions including compliance with specified conditions within 90 days of preliminary plan approval. Mr. Mullaney and Mr. Bauer disagreed on the need for extension of time period to meet conditions with Mr. Bauer stating it is a legal argument while Mr. Mullaney said the language is simple and thinks the conditions have not been met. Planning Commission member did not have copies of the preliminary plan approval for reference during their meeting which resulted in a recommendation for final plan approval. He added that a clean plan was a condition of the resolution along with a mining permit renewal and that there is a significant problem with contaminates. It was noted that the Department of Environmental Protection is not co-operating. Mr. Mullaney added that the renewal phase of the non- coal surface mining permit is ongoing and that no one really knows what the permit requires or allows. He stated his clients are appalled that the preliminary plan resolution

conditions are not being followed and that they are trying to protect the residents of the Township. Douglas Muller asked that Mr. Mullaney provide a written document containing his opinions. Mr. James Shelly of 302 Township Line Road mentioned that the Planning Commission meeting was recorded by a stenographer and that the Township should have a record. Mr. John Auman of 3624 Church Road asked for information with regard to the YMCA, Hollenbach Center being closed; he was told the equipment has been removed and the facility will remain a day care center. Jeanette Moll, 2323 Colflesh Road questioned Chief McKeon about break-ins on Dotterer Road and she was advised that two juveniles were arrested.

A resident asked for an update on Ross Snook's findings and Mr. Muller explained that the Board of Supervisors were updated in executive session and that Mr. Snook has been retained for a special purpose and reports to the Board of Supervisors. He added that a hydrogeologist of Gilmore and Associates has greater qualifications and also consults with Mr. Snook. The resident asked if residents will be reimbursed for loss of property values and Mr. Bauer stated that the Municipalities Planning Code does not allow for compensation for property losses. Ronald Sekellick of Frederick, PA questioned why Mr. Snook was hired and is absent from meetings. Mr. Muller stated that Mr. Snook is honest and passionate and that the Board receives updates from his research and has learned a lot from Mr. Snook which will be valuable so that they can speak intelligently with the DEP. Mr. James Shelly asked if Mr. Snook is free to speak to the public and stated there is a perception of some residents that he is being silenced. Mr. Shelly was advised that the Township needs to exercise caution due to litigation. Mrs. Bish asked why no hydrogeologist was hired by the Township for Gibraltar IV and was told that the Township relies on their experts for advice with regard to the Township and DEP plans. Mr. Bill Miller of 325 Layfield Road states that he believes the Ethan Good property is condemned and that he believes the contamination will be carried into the water supply for this area and also Philadelphia.

## **ADJOURMENT**

Regular meeting was declared adjourned by Douglas Muller at 8:50 PM.

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Kevin Tobias, Township Manager/Secretary