

**NEW HANOVER TOWNSHIP  
BOARD OF SUPERVISORS  
WORK SESSION**

**February 22, 2016**

A work session of the New Hanover Township Board of Supervisors was held on Monday, February 22, 2016 at the New Hanover Township Municipal Building, 2943 North Charlotte Street, Gilbertsville, PA 19525. Present were Supervisors Douglas Muller, Ralph Fluharty, Andrew Kelly, Philip Agliano and Charles Garner Jr. Township Manager Kevin Tobias, Solicitor Robert Brant, Engineer David Leh, Planner Adam Supplee and Eileen Pogany were also in attendance. Chairman Douglas Muller called the meeting to order at 6:33 PM.

**Review of Agenda** – no comments

**Review of Bill List** – Charles Garner asked about the grass cutting/mowing bids and was told that an ad for contract proposals will be published in the *Town and Country* on February 25 and March 3, 2016. Mr. Garner also asked about the progress being made on the search for a Township solicitor. Chairman Muller stated that he has created a spread sheet containing information gathered from the RFQ's submitted. The Board agreed that Douglas Muller and Philip Agliano would represent the Board during an interview process along with Solicitor Robert Brant and Kevin Tobias. Mr. Garner suggested that three or four attorneys be interviewed and that those with significantly high fees and proposals by firms located in Berks County would not be chosen to be interviewed at this time. A schedule allowing for one-half hour interviews is to be coordinated at a time convenient for all attendees.

Douglas Muller asked Chief McKeon if prescription sunglasses are part of the police uniform and Chief McKeon stated that they are not but that the eye doctor confirmed the necessary and the glasses were approved for reimbursement of the amount not covered by the Township's health insurance plan. Mr. Muller also asked about the charge of D.J. Orff for removal of heating in the public works building and was advised that the cost included removal and installation of new heating.

Meeting adjourned to personnel session at 6:45 p.m.

**NEW HANOVER TOWNSHIP  
BOARD OF SUPERVISORS  
REGULAR MEETING  
FEBRUARY 22, 2016**

The regular monthly meeting of the New Hanover Township Board of Supervisors was held on Monday, February 22, 2016 at the New Hanover Township Municipal Building, 2943 North Charlotte Street, Gilbertsville, PA 19525. Present were Supervisors Douglas Muller, Ralph Fluharty, Andrew Kelly, Philip Agliano and Charles Garner Jr. Also present were Township Solicitor Robert Brant, Engineer David Leh, Planner Adam Supplee and Eileen Pogany. Chairman Douglas Muller called the meeting to order at 7:03 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.

**ANNOUNCEMENT** - Solicitor Robert Brant announced that a personnel session had been conducted between 6:45 p.m. and 7:00 p.m. and that no decisions had been made.

**UPCOMING TOWNSHIP MEETINGS** – announced by Eileen Pogany

Feb. 24	Sewer Authority at WWTP	6:30pm
March 2	Recreation Committee – Recreation Center	6:30 pm
March 9	Planning Commission	6:30 pm
March 28	Board of Supervisors	6:30 pm

**PUBLIC HEARING** – Agricultural Security Area - George E. Leidig Jr. and Eleanor Vallone for property at 3321 Church Road. Robert Brant explained that being include in the Agricultural Security District is beneficial for allowing farming activities, for allowing farm buildings to be constructed without the benefit of land development planning, provides protection from emanate domain, and may provide for a 1% reduction in interest rate on farming related loans. Mr. Brant recited a listing of required documentation as exhibits during the hearing. Andrew Kelly **moved** to adopt **Resolution 11-16** accepting the property at 3321 Church Road into the Township's Agricultural Security Area; motion was **seconded** by Ralph Fluharty and **carried 5-0**. Ms. Vallone thanked the Board and stated that she is excited to have the property preserved.

**PRESENTATION OF CURRENT BILLS**

**Bill List #04 –dated 02-17-16**

General Fund 01	\$ 62,718.43
Fire Tax Fund 03	\$ 0.00
Sewer Operating Fund 08	\$ 42,008.09
Sewer Capital Fund 10	\$ 0.00
Trans. Impact Fund 13	\$ 435.00
Capital Fund 19	\$ 0.00
State Liquid Fuels Fund 35	\$ 1,599.27
Escrow Fund 41	\$ 11,746.50
Recreation Fund 96	\$ <u>1,143.65</u>
Total	\$ 119,650.94

Ralph Fluharty **moved** to approve payment of bill list #04 in the amount of \$119,650.94 and advance the treasurer the monies for utilities and payroll for the coming month. Motion was **seconded** by Douglas Muller and **carried 5-0**.

**MINUTES** – Charles Garner Jr. **moved** to approve the meeting minutes of the January 25, 2016 work session and the January 25, 2016 regular meeting. The motion was **seconded** by Andrew Kelly and **carried 5-0**.

**Treasurer’s Report** – Ralph Fluharty

Mr. Fluharty explained that National Penn Bank has provided the Township with an option to refinance the open space loan and adjust the interest rate from 3.98% to 2.98% and allowing for additional payments against the loan balance. Open Space Fund will continue to receive approximately \$450,000. in tax revenue per year. Ralph Fluharty **moved** to take 1.2 million from the open space reserves to reduce original loan balance. Chuck Garner, Jr. **seconded** the motion and it **carried 5-0**. Mr. Garner asked if there are any purchases being considered where funds may be needed and also asked if there is enough remaining for maintenance needs.

**DEPARTMENT REPORTS:**

**Finance Department** – Cindy O’Donnell provided Cash Balance and Budget vs Actual reports as of February 3, 2016. She also reported that the Fund Balance for Fund 19, Road Machinery as of December 31, 2015 at \$575,746.98.

**Code Enforcement** – Jim Wozniak reported that building permits have been issued for eleven new homes and also issued one demolition permit. He stated that the updated floodplain ordinance has been reviewed and needs to be adopted as soon as possible. Charles Garner Jr. **moved** to authorize the solicitor to prepare and advertise the ordinance for adoption. Philip Agliano **seconded** the motion and it **carried 5-0**.

**Police Department** – Chief Kevin McKeon reported that the Police Department has responded to 308 calls for service and were assisted in 11 incidents, investigated 19 accidents, 13 of which were non-reportable, had 16 criminal arrests, officers traveled 8,240 miles during January and there were no citizen complaints.

**Public Works Department** – Dennis Flynn stated that the public works department has been performing tree trimming and making repairs as necessary as a result of heavy rainfall. He stated that he is seeking permission to purchase a Case loader. Charles Garner Jr. requested information about the loader and asked if the loader is needed more than a new truck. Mr. Flynn confirmed that the loader will be more beneficial than a truck. He is suggesting a Case loader and is working with co-stars for the purchase at a price of \$153,505.60 which is the net price being reduced by \$22,000 due to the 2008 backhoe being traded-in. Mr. Flynn added that maintenance is included in the purchase price. Philip Agliano **moved** to authorize the trade-in of the 2008 backhoe and the purchase of the 621F Case at a net cost of \$153,505.60. Ralph Fluharty **seconded** the motion and it carried 4-1 with Charles Garner, Jr. voting “no”.

**Recreation Department** – Connie Garner reported that a Princess Party had been held on March 13 at the recreation center and was successful in providing a good time for all who attended. She thanked Ralph Fluharty, Chief Kevin McKeon and Thomas Miskiewicz for their assistance. She added that a Craft Show is scheduled for March 12 and an Easter Egg hunt is scheduled for March 26. She stated that leases have been prepared for organizations using recreation fields and that most are written for five year terms with the exception of the Optimist football which is a ten year lease; leases require maintenance and upkeep in exchange for no-fee leases. Layfield Park pavilion is scheduled to be constructed by Paul W. Moyer and Sons, Inc. with the Optimist Club installing interior improvements including electric and plumbing. The restrooms are to be ADA compliant within one year of completion of the building. Douglas Muller **moved** to have the pavilion built at the Anthony Gambone Park by Paul W. Moyer & Sons and subject to the Optimist Club completing the ADA accessible improvements. The motion was **seconded** by Ralph Fluharty and **carried 5-0**. Thomas Miskiewicz stated that it is important that all valves are accessible following completion of the project.

**Manager’s Report** – Kevin Tobias reported that the Township audit has been performed and went well. He stated that he is exploring an amendment to the non-uniform pension plan which would allow new and existing employees to direct their funds and could provide a \$75,000 savings to the Township. He reported that a meeting is being scheduled with the DEP at the Boyertown Junior High School East on March 29 beginning at 6:00 p.m. which will be posted on the Township’s website when confirmed; Solicitor Brant and Toby Kessler will be attending representing the Township. He advised that work on repairing the roof at the recreation center continues and that the Township will be receiving reimbursement by the Township’s insurance carrier. Recreation Master Plan meeting is scheduled for discussion on implementation of the plan and the appropriation of funding; a report is expected to be submitted by next meeting date. Preparation for installation of traffic light at Fagleysville Road and Swamp Pike continues with two easement issues needing to be resolved. TDS computer contract work is expected to be accomplished via remote. Mr. Tobias reported that he will be attending the MCATO conference.

**SOLICITOR’S REPORT** – Robert Brant and Associates L.L.C – Mr. Brant stated that a written report has been submitted.

**ENGINEER’S REPORT** – Gilmore and Associates – Mr. David Leh reported that he has reviewed the Zavitsanos subdivision plans and that FDEV is seeking preliminary plan approval and has submitted revised plans which are also being reviewed.

**BUSINESS FOR DISCUSSION OR ACTION:**

**Resolution No. 05-16** setting the wages and salary rates for all non-uniformed personnel was tabled.

**Resolution No. 11-16** accepting property of George E. Leidig Jr. and Eleanor Vallone located at 3221 Church Road, New Hanover Township into the New Hanover Agricultural Security District. Motion was made by Andrew Kelly, **seconded** by Ralph Fluharty and **carried 5-0**.

**Resolution No. 12-16 N.H.T.P.C. # 787 (Saras Partnership)** Mr. Robert Sprague was present seeking final land development plan approval for the construction of a day care center and stating that they are willing to pay a fee of \$4,686 in lieu of providing a recreation facility, a traffic impact fee in the amount of \$41,422.50 and a fee in lieu of bikeway of \$10,224. He stated that the nature garden will be constructed on a smaller scale than originally proposed and will have Boy Scout involvement. Charles Garner Jr. stated that he did not have knowledge of the waivers referenced in the resolution and stated that he prefer waivers be itemized in the text of the resolution, David Leh summarized the waivers previously granted. Andrew Kelly **moved** to grant final land development approval conditioned upon compliance with the consultants review letters, payment of fees and adoption of Resolution No. 12-16. Motion was **seconded** by Philip Agliano and **carried 5-0**.

**Resolution No 13-16** authorizing the execution of a note modification agreement between New Hanover Township and National Penn Bank relative to the general obligation note, series 2011 dated May 26, 2011 in the original principal amount of three million dollars (\$3,000,000.00) given by New Hanover Township to National Penn Bank and setting a fixed rate of 2.98% per annum through February 25, 2021 and thereafter at 65% of the Wall Street Journal Prime Rate per annum not to exceed 4% per annum nor less than 2.98% through May 25, 2031. Charles Garner Jr. **moved** to adopt Resolution No. 13-16. Douglas Muller **seconded** the motion and it **carried 5-0**.

**Resolution No. 14-16 N.H.T.P.C. # 788 (FDEV)** applicant was represented by Attorney Koch stating that his client is seeking preliminary plan approval for their 22.10 acre tract along Rt. 663 (North Charlotte Street). Applicant is willing to grade the bikeway along Rt. 663 and contribute a fee of \$21,024 in lieu of completing the bikeway; fee has been adjusted to exclude the frontage along the cul-de-sac street. Charles Garner stated that he is in favor of the proposal if the Township does not believe a bikeway is viable at this time and at this location; Douglas Muller and Ralph Fluharty were in agreement and Andrew Kelly and Philip Agliano were in favor of requiring the developer to complete the installation of the bikeway. Ralph Fluharty **moved** to grant preliminary plan approval conditioned upon compliance with the Township's consultants review letters and the contribution of \$21,024. in lieu of bikeway, \$2,820 in lieu of Recreation Fee and \$5,917.50 Traffic Impact Fee. Charles Garner **seconded** the motion and it **carried 3-2** with Philip Agliano and Andrew Kelly voting no.

**N.H.T.P.C. #762 Owl's Nest Lindalou Lopez (Reverse Subdivision)** Charles Garner **moved** that a letter be sent to the Recorder of Deeds office as reaffirmation of subdivision plan approval for N.H.T.P.C. #762. which has passed the ninety day time period for recording of the plan. Andrew Kelly **seconded** the motion and it **carried 5-0**.

**Little Road Trail Easement Agreement** – William Mann requested changes to the required long-term maintenance and care of an easement and trail through his subdivision. No action was taken on his request.

**Township Codified Ordinances** – The Board of Supervisors were notified that Keystone Publishers are ceasing operations on March 31, 2016. The Township has not completed its review of the draft ordinance as of this time. Kevin Tobias stated that Keystone has been paid in full and was asked to see if any reimbursement of funds from Keystone is possible since the codification had not proceeded past a draft copy. The Board was not willing to proceed with adoption without a full review to confirm accuracy and asked Mr. Tobias to research possibilities for a code company willing to complete the project.

**BUSINESS FOR ACTION ON 90 DAY TIME LIMITATION WAIVERS** – Philip Agliano **moved** to grant 90-day extensions of the time limit for approval of the subdivision applications as follows:

N.H.T.P.C. #754	Breinig	2 lots	02-23-2016
N.H.T.P.C. #767	Murianka	2 lots	02-24-2016
N.H.T.P.C. #782	Westwood MacGuire	65 lots	02-28-2016
N.H.T.P.C. #788	FDEV	4 lots	02-25-2016

Charles Garner Jr. **seconded** the motion and it **carried 5-0**.

## **CORRESPONDENCE**

New Hanover Township Authority Minutes December 16, 2015

New Hanover Township Planning Commission Minutes December 9, 2015

New Hanover Township Recreation Committee Re-Organization Minutes for January 6, 2016

MCATO Spring Convention, Friday, February 26, 2016 – Kevin Tobias will attend

Sassamansville Volunteer Fire Company 2012-2014 Audit – Fire Company Deputy Chief

William Moyer stated that the exit audit for Sassamansville prior to the merger of the two fire

companies accounted for most of the undocumented expenditures which were found in

equipment inventory; he stated the inventory should be clear going forward and that an audit is conducted every three years.

## **COMMENTS FROM THE FLOOR**

Ed Mullin – New Hanover Town Center Project – Solicitor Robert Brant agreed to write a letter confirming that preliminary plan approval had been granted previously and allowing the developer to proceed to final plan stage incorporating changes suggested by Township consultants.

Celeste Bish – of 2504 Finn Road asked if the upcoming meeting with DEP is a meeting or a public hearing. Mr. Brant stated that he had requested a public hearing.

Chairman Muller recessed the general meeting of the Board at 9:00 PM and reconvened in Executive Session at 9:10 PM.

**Executive Session** - After a brief discussion Chairman Muller adjourned the Executive Session at 9:35 PM and reconvened the general meeting.

**ADJOURN** - Having no further discussion and making no decisions, Andrew Kelly made a **motion** to adjourn the regular meeting at 9:40 PM.

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Kevin Tobias, Township Manager/Secretary