

**NEW HANOVER TOWNSHIP  
BOARD OF SUPERVISORS  
WORK SESSION  
May 9, 2016  
6:30 PM**

A work session of the New Hanover Township Board of Supervisors was held on Monday, May 09, 2016 at the New Hanover Township Municipal Building, 2943 North Charlotte Street, Gilbertsville, PA 19525. Present were Supervisors Philip Agliano, Ralph Fluharty, Marie Livelsberger and Charles Garner Jr. Andrew Kelly was absent. Township Manager Kevin Tobias, Solicitor Robert Brant, Engineer Joshua Hagadorn, and Eileen Pogany were also in attendance. Vice-Chairman Philip Agliano called the meeting to order at 6:33 PM.

**Review of Agenda** – no comments

**Review of Bill List** – Charles Garner, Jr. asked about the charges of Suburban Laboratories and was told the charges for testing are for the Sewer Authority and that testing is required under the NPDES permit for a stream discharge facility; certain testing is required weekly, monthly and annually.

Mr. Garner asked about the \$600. charge for rental of a backhoe loader and Dennis Flynn explained that there had been an equipment breakdown during a project and it was necessary to complete the job making it necessary to rent the equipment.

Solicitor Robert Brant reported on pending litigation for New Hanover Township vs. Lou Farrell and that a hearing had originally been scheduled for May 26, 2016 but that attorney Larry Sager, representing Lou Farrell, had agreed to continue the matter until the Township has retained a solicitor or possibly to July or August of 2016.

Solicitor Brant responded to a communication from Celeste Bish questioning whether Mr. Agliano can serve as a member of the Board of Supervisors and also as a Planning Commission member. Mr. Brant stated that Mr. Agliano's serving in both capacities is consistent with the Second Class Township Code. Mrs. Bish stated that she had received an opinion elsewhere which differed from Mr. Brant's opinion. Mrs. Bish then questioned Mr. Fluharty's taking a position on the Gibraltar Rock matter and his involvement.

Mr. Garner also stated that he is opposed to the Board of Supervisors recessing from the work session to convene in executive session during the work session meeting stating that it is unfair to the public and believes that executive sessions could be convened following the conclusion of the agenda items in the regular meeting agenda. No executive session was convened and the work session was adjourned at 7:00 PM.

**NEW HANOVER TOWNSHIP  
BOARD OF SUPERVISORS  
REGULAR MEETING  
MAY 9, 2016**

The regular monthly meeting of the New Hanover Township Board of Supervisors was held on Monday, May 9, 2016 at the New Hanover Township Municipal Building, 2943 North Charlotte Street, Gilbertsville, PA 19525. Present were Supervisors Vice Chairman Philip Agliano, Ralph Fluharty, Andrew Kelly (arriving at 7:40PM), Charles Garner Jr., and Marie Livelsberger. Also present were Township Solicitor Robert Brant, Engineer Joshua Hagadorn and Eileen Pogany. Vice-Chairman Philip Agliano called the meeting to order at 7:02 PM and led in a Salute to the Flag.

ANNOUNCEMENTS – Vice-Chairman Philip Agliano 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.

**REORGANIZATION**

Chairman – Charles Garner Jr. **nominated** Philip Agliano for the position of chairman. Marie Livelsberger **seconded** the motion and it **carried 4-0**.

Vice-Chairman – Ralph Fluharty **nominated** Charles Garner Jr.; Mr. Garner **declined** the nomination and **moved** to nominate Andrew Kelly for the position. Ralph Fluharty **seconded** the motion and Andrew Kelly was elected by **vote of 4-0**.

Treasurer - Charles Garner Jr. **moved** to nominate Ralph Fluharty as Treasurer; motion was **seconded** by Philip Agliano and **carried 4-0**.

Assistant Treasurer Cynthia O'Donnell and Assistant Secretary Andrew Kelly will continue to serve the remainder of the year.

**UPCOMING TOWNSHIP MEETING** - announced by Eileen Pogany

May 11	Planning Commission	6:30 pm
May 18	Sewer Authority- 2990 Fagleysville Road	6:30 pm
May 23	Board of Supervisors	6:30 pm

**PRESENTATION OF CURRENT BILLS**

**Bill List #09 –dated 05/04/2016**

General Fund 01	\$ 36,476.08
Fire Tax Fund 03	\$ 2,755.00
Sewer Operating Fund 08	\$ 18,777.35
Open Space 04	\$ 0.00
Sewer Capital Fund 10	\$ 0.00
Trans. Impact Fund 13	\$ 0.00
Capital Fund 19	\$ 0.00
State Liquid Fuels Fund 35	\$ 13,909.91
Escrow Fund 41	\$ 9,473.50
Recreation Fund 96	\$ 1,292.81
Total	\$ 82,684.65

Ralph Fluharty **moved** to approve payment of bill list #09 in the amount of \$82,684.65 and advance the treasurer the monies for utilities and payroll for the coming month. Charles Garner Jr. **seconded** the motion and the motion **carried 4-0**.

**MINUTES:**

*March 28, 2016* - Work Session and Regular Meeting Minutes - Charles Garner Jr. **moved** to approve the March 28, 2016 meeting minutes. Motion was **seconded** by Philip Agliano and **carried 3-0**.

*April 29, 2016* – Work Session and Regular Meeting Minutes – Philip Agliano **moved** to approve the April 29, 2016 meeting minutes, **seconded** by Charles Garner Jr. and **carried 3-0**.

**Public Works** – Dennis Flynn, Public Works Director requested approval to advertise employment opportunities for two seasonal, part time employees and also two full time employees; he added that he has budgeted for these positions. Charles Garner Jr. **moved** to authorize advertising for the positions in the Public Works Department. Ralph Fluharty **seconded** the motion and it **carried 4-0**. Hiring to be deferred until the Township’s updated pension plan ordinance is adopted.

**New Hanover Township Authority** – Greg Rapp seeking approval to hire two employees who have already been interviewed and are recommended to fill the operator and laborer positions. Mr. Rapp explained that it is important due to NPDES requirements that the positions be filled. Chuck Garner Jr. **moved** to extend a conditional offer of employment beginning May 24, 2015 and following the Township adopting the revised pension plan ordinance. Philip Agliano **seconded** the motion and it carried **4-0**.

**BUSINESS FOR DISCUSSION OR ACTION:**

**Resolution #16-19** – Ralph Fluharty **moved** to appoint James Butler to Zoning Hearing Board. Motion was **seconded** by Marie Livelsberger and **carried 4-0**. Celeste Bish asked if Lorene Little is a member of the Board and was told “yes”.

**Road Recycling:** Discussion regarding the pros and cons of a recycling method as opposed to an overlay were discussed. Dennis Flynn stated that having the road surface ground and recycled will provide a stronger base and is expected to last twenty years; an overlay provides a

less expensive solution but also a less durable surface. It was noted that the bridge on New Hanover Square Road will be replaced in the future. Engineer Joshua Hagadorn stated that specifications for the recycled road project have already been prepared and the Township may want to proceed to obtain bids and defer their decision until the costs are better known. Charles Garner Jr. **moved** to authorize advertising for the road recycling project. The motion was **seconded** by Marie Livelsberger and **carried 3-1** with Ralph Fluharty **voting negatively**.

**Windy Creek Development: (N.H.T.P.C. #638):** Philip Agliano **moved** to release an escrow amount of \$1,421.00 from the professional services account. Motion was **seconded** by Marie Livelsberger and **carried 4-0**.

Andrew Kelly arrived at this point (7:40 PM).

**Renninger Tract Phase B: (N.H.T.P.C. #710):** Marie Livelsberger **moved** to approve release of escrow release request #1 in the amount of \$189,419.81 as inspected and recommended by Engineer Joshua Hagadorn. Andrew Kelly **seconded** the motion and it **carried 5-0**. The remaining balance is \$451,734.95.

#### **Appointment of Township Solicitor**

Following the selection process agreed to by the Supervisors, the consideration was narrowed down to two individuals which were Eric Frey, Esq. and Andrew Bellwoar, Esq. for Township solicitor. Andrew Kelly **moved** to appoint Eric Frey, Esq. to serve as Township solicitor. Philip Agliano **seconded** the motion.

*Celeste Bish*, 2504 Finn Road asked how many candidates had applied; she was told eight had applied and five had been interviewed; she asked why Mr. Frey had been nominated.

*John Auman* of 3624 Church Road asked if Mr. Frey had any relationship with the Township. Mr. Garner replied that Mr. Frey had associations with developers Heritage and Gambone and would need to recuse himself from any votes if appointed. Mr. Garner added that an independent solicitor would need to be retained by the Township if an appointed solicitor was determined to have a conflict of interest.

A vote was taken on the motion to appoint Mr. Frey with Marie Livelsberger voting "no", Charles Garner Jr voting "no", Ralph Fluharty voting "no", Philip Agliano voting "yes", and Andrew Kelly voting "yes". The motion failed.

Marie Livelsberger nominated Andrew Bellwoar, Esq. to be appointed as solicitor. Charles Garner Jr. **seconded** the motion. John Auman asked if this applicant had any relationship with Township employees or developers and was told he did not. Mr. Garner mentioned that another candidate had been considered but subsequently eliminated whose fees would have been slightly less. Vote was taken with Marie Livelsberger voting "yes", Charles Garner Jr voting "yes", Ralph Fluharty voting "no", Philip Agliano voting "yes", and Andrew Kelly voting "no". Mr. Bellwoar was elected by **vote of 3-2**.

#### **CORRESPONDENCE - COMMENTS FROM THE FLOOR**

John Auman of 3624 Church Road, Perkiomenville spoke on behalf of the Paradise Watchdogs and stated that he does not think a person who serves on the Planning Commission should also

serve as Chairman of the Board of Supervisors. Ronald Sekellick of 281 Township Line Road, Frederick thinks it is tainted to have Mr. Agliano serving on both the Board of Supervisors and also the Planning Commission and in addition, having a trucking firm.

### **SUPERVISOR COMMENTS**

Charles Garner Jr. thanked the Township Manager for:

- Adding the Supervisor comment heading to the agenda
- Mr. Garner questioned the Township's procedure for paying invoices and stated that he does not like reviewing bill lists twice monthly and prefers a once a month listing; Kevin Tobias agreed that once a month is best.
- Mr. Garner suggested that the Township begin the regular meeting at 6:30 PM in order to be respectful of the public and that executive/personnel sessions be conducted following regular meeting agendas.
- Mr. Garner suggested that Board meetings be scheduled once monthly since he feels the agenda items do not warrant two meetings.
- Mr. Garner stated that he has become aware of ongoing citizen complaints regarding street conditions in the Windlestrae development and asked that the Township Manager research and report back to the Board of Supervisors on the matter. Mr. Greg Rapp, Superintendent of the wastewater treatment facility stated that sewer lines are being tested at this site and there are major issues resulting from the materials and installation of the sewer lines. It was noted that there is an estimate of \$298,000 remaining in the escrow account which likely will not be sufficient to cover the repairs.
- Mr. Garner asked Manager Tobias to check on the curbing and sidewalk installation and Mr. Hagendorn confirmed that money had been escrowed for these improvements.
- Mr. Garner stated that May 15 is designated as Police Officers Memorial Day and thanked Chief McKeon and the police department for doing a fine job; he encouraged everyone to remember the officers whose job it is to protect the public.
- Ralph Fluharty thanked Connie Garner and her team for an excellent job in organizing a fishing derby.
- Ralph Fluharty stated that he doesn't like signing checks when bill lists are prepared once monthly since he reviews the expenditures and signing take a long time.
- Chairman Agliano asked Manager Tobias to assure that the Board of Supervisors are made aware of citizen issues and to follow up on all discussion items.

Chairman Agliano recessed the regular meeting at 8:05 pm and announced an Executive Session to discuss personnel issues.

After a discussion among members of the board regarding personnel, Chairman Agliano reconvened the regular board meeting at 8:55 pm.

Charles Garner Jr. **moved** to terminate Public Works Director Dennis Flynn. There was no second to the motion, and therefore the motion died.

### **ADJOURN**

Andrew Kelly **moved** to adjourn the meeting at 9:03 pm

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Kevin Tobias, Township Manager/Secretary