

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

**July 25, 2016**

A work session of the New Hanover Township Board of Supervisors was held on Monday, July 25, 2016 at the New Hanover Township Municipal Building, 2943 North Charlotte Street, Gilbertsville, PA 19525. Present were Supervisors Philip Agliano, Andrew Kelly, Marie Livelsberger and Charles Garner Jr. Ralph Fluharty was absent. Township Manager Gregory Prowant, Solicitor Andrew Bellwoar, Engineer Dennis Leh, and Eileen Pogany were also in attendance. Chairman Philip Agliano called the meeting to order at 6:32 PM.

**Review of Agenda Items** – no comments.

**Review of Bill List** – no comments.

**Additional Agenda Items** – none.

**NEW HANOVER TOWNSHIP  
BOARD OF SUPERVISORS  
REGULAR MONTHLY MEETING**

**JULY 25, 2016**

The regular monthly meeting of the New Hanover Township Board of Supervisors was held on Monday, July 25, 2016 at the New Hanover Township Municipal Building, 2943 North Charlotte Street, Gilbertsville, PA 19525. Present were Supervisors Chairman Philip Agliano, Ralph Fluharty (arriving at 6:48 PM), Andrew Kelly, Charles Garner Jr., and Marie Livelsberger. Township Manager Gregory Prowant, Solicitor Andrew Bellwoar, Engineer Dennis Leh, and Eileen Pogany were also in attendance. Chairman Philip Agliano called the meeting to order at 6:36 PM and led in a Salute to the Flag.

**ANNOUNCEMENTS** – 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.

**PRESENTATION:** Mr. David Woglom, Associate Director of the Meyner Center for Local Government at Lafayette College was present and explained that he had previously served as a Township Manager and that the center's outreach to governments includes a wide range of services. He is willing to initiate a search for a manager for New Hanover Township and

believes he knows the best places to advertise for the right person. Marie Livelsberger asked how long it may take to complete the recruitment and was told it is possible within 60 days but also could take as long as 3-4 months. He said the first step is to determine what the Township is looking for and decide on a search process and time table. Andrew Kelly asked about the steps to be taken and was told first an advertisement needs to be placed allowing 3 to 4 weeks for responses followed by interviews which could take place before the entire Board or a search committee designated by the Board. Chuck Garner Jr. stated that he has worked with other municipalities and asked if the salary information should be front or back loaded. Mr. Woglom said salary should be discussed during the logistics meeting and should be provided up front. It was decided that all Supervisors will be included in the first meeting during the logistics phase with Andrew Kelly and Charles Garner Jr. assuming the lion's share during the remainder of the process.

UPCOMING TOWNSHIP MEETINGS SCHEDULED - announced by Eileen Pogany  
July 28 Zoning Hearing - FDEV Subdivision 6:30 pm  
Aug. 03 Recreation Committee – Recreation Center 6:30 pm  
Aug. 04 Gibraltar Rock Zoning Hearing (cont.) 6:30 pm  
Aug. 08 Board of Supervisors 6:30 pm

#### PRESENTATION OF CURRENT BILLS

##### **Bill List #14 –dated 07-20-16**

General Fund 01	\$ 81,140.03
Fire Tax Fund 03	\$ 179,873.90
Open Space 04	\$ 0.00
Sewer Operating Fund 08	\$ 40,345.91
Sewer Capital Fund 10	\$ 0.00
Trans. Impact Fund 13	\$ 1,150.00
Capital Fund 19	\$ 2,378.46
State Liquid Fuels Fund 35	\$ 164.83
Escrow Fund 40	\$ 38,757.52
Recreation Fund 96	\$ <u>5,466.58</u>

Total \$ 349,277.23

Ralph Fluharty **moved** to approve payment of bill list #14 less \$584.33, the amount paid to reimburse Connie Garner for purchases made for recreation purposes. Marie Livelsberger **seconded** the motion and it **carried 5-0**.

Marie Livelsberger **moved** to approve payment of \$584.33 to Connie Garner for reimbursement of recreation expenses. Motion was **seconded** by Andrew Kelly and **carried 4-0** with Charles Garner Jr. abstaining.

The finance department was asked to list funds for recreation reimbursement separately from the totals in the bill list.

#### MINUTES –

June 27, 2016 – Work session and regular meeting. Andrew Kelly **moved** to approve the minutes contingent upon a correction being made on page 4 of the June 27th meeting minutes. Charles Garner Jr. **seconded** the motion and it **carried 5-0**.

July 6, 2016 - Special Meeting - Charles Garner Jr. **moved** to approve the meeting minutes, Ralph Fluharty **seconded** the motion and it **carried 5-0**.

June 27, 2016 - Work session and regular meeting. Philip Agliano **moved** to approve the minutes of the June 27, 2016 meetings. Marie Livelsberger **seconded** the motion and it **carried 4-0** with Andrew Kelly abstaining since he had not been in attendance.

**TREASURER'S REPORT** – Ralph Fluharty stated that a Salary Board had been created that included administrative, public works and sewer authority representatives and had provided recommendations on employees' salaries. Church Garner Jr. and Philip Agliano thanked the board for their efforts and stated that there are outstanding questions regarding the change in the pension plan being offered to newly hired employees and wants to assure the new employees are compensated fairly following discussion at budget time; Ralph Fluharty disagreed stating that, in this instance, decisions on employee compensation should be made prior to budget time. Andrew Kelly stated that the Township has advertised a Pension Ordinance which will be adopted and included in the Township's codified code. Ralph Fluharty believes that non-uniform employees should know what is being discussed and that certain employees had become upset and invited a union representative to provide proposals for Township non-uniform employees. Charles Garner Jr. stated that he did not know when or how the salary structure was formulated and is not comfortable without having additional information. Andrew Kelly offered to meet with the non-uniform employees to discuss.

A lengthy discussion ensued regarding road improvements and paving projects with Ralph Fluharty being in favor of paving roadways, using reserve dollars if necessary since the cost of blacktop is low at the present time and roadways are in need of repairs. The Board of Supervisors were not willing to allocate more monies from the general fund or the Township reserves for projects which had not been budgeted. Exact dollars spent thus far and the funds from which they were taken could not be agreed upon. Dennis Flynn suggested the Township wait till September or October to see how the fund balances stand. Philip Agliano stated that he is not comfortable with the discussion taking place during the public meeting, stated that he is unwilling to repeat the discussion in public and that decisions made during budget time should be carried out through the year.

Andrew Kelly, Charles Garner Jr. and Philip Agliano asked for an accounting of the \$170,000 amount which had been previously approved for a road project. Dennis Flynn explained that one project had been completed under budget and that the budgeted amount remaining was used toward completing another project. Philip Agliano stated that he was prepared to move to freeze all project amounts until the Board is provided a line item accounting of all funds from the finance director. Marie Livelsberger agreed; manager Gregory Prowant offered to assist in resolving the matter.

Ralph Fluharty, at 7:40 PM, stated that he was resigning, mentioned his 31 years of service to the Township as a Planning Commission member and Board of Supervisors member and stated that he is concerned about the citizens in the Township and believes that decisions are not always in the best interest of the citizens. He said Township roadways are in bad shape, that the Township has money in the bank and he wants to see the roads fixed.

Chairman Agliano stated that he would like to allow some time prior to entertaining a motion to accept the resignation. Ralph Fluharty added that he would like the Board to get on top of the contamination problem at the former Swann Oil site along Route 663.

Philip Agliano asked Cindy O'Donnell to get on top of the expenditures, to make corrections and reprint the report and also asked Dennis Flynn to work closely with Kaleena Agliano to assure the accounting is accurate. Charles Garner Jr. stated that following a budget amount being set, a list of priorities should be established and if any budgeted funds haven't been used, determine a project needing attention and apply the remaining funds to that project. Charles Garner Jr. stated that residents of New Road had been promised oil and chip treatment this year and were later told there was no funding; Dennis Flynn stated that all oil and chip had been cut out of the budget.

## **ANNOUCEMENTS**

**Dennis Flynn** – is serving on a two-week assignment with the army unit at the Philadelphia Convention Center July 15 to July 29, 2016.

Jim Wozniak, Director of Code Enforcement is out of the office due to a recent injury.

## **DEPARTMENT REPORTS:**

**Finance Department** – Cindy O'Donnell reported that she is preparing budget amendment #1, that there had been an increase in income tax collected, reported on interest income, stated that legal expenses are over budget, that \$60,700 budgeted but not used was intended to be used to replace carpet in the municipal office and police department and stated that mowing costs have decreased from prior the year. She reported on actual and projected costs for road improvements as well as funding by state aid and Township general fund; discussion ensued in an attempt to answer questions of the Board of Supervisors; Mrs. O'Donnell will follow up.

**Code Enforcement** – Jim Wozniak – written report.

**Police Department** – Chief Kevin McKeon reported that there had been 346 calls for service, 6 reportable accidents and 9 non-reportable accidents, continued traffic enforcement, 25 criminal investigations with 24 arrests, continued vehicle maintenance with 7,496 miles traveled. Chief McKeon advised that his department will be needing to replace a vehicle next year and that he has instituted a rotation for replacement of a vehicle every two years. He stated that there had been one citizen complaint which involved a parking complaint and that the officer had been advised. Gregory Maskrey of Jane Lane asked how many traffic citations had been issued during the past month and was told 82.

**Public Works Department** – Jay Smith

***Fisher Road Culvert Joint project with Upper Frederick Twp.*** – Dennis Flynn explained that New Hanover and Upper Frederick Township share maintenance of Township Line and Fisher Road and that with approvals, assist each other on road projects. Upper Frederick Township has inspected the site and has obtained three proposals for improvements necessary at Fisher Road and as asking New Hanover Township to authorize the Public Works Department to assist

in the project. Supervisors asked that the Township Manager and Engineer be given the opportunity to review the proposals; work is expected to be performed in the spring of 2017.

**Public Works Department Promotions:** No decisions were made on promotions and raises for the Foreman and Crew Leader positions.

**Permission to Advertise** – Dennis asked for authorization to advertise for two additional employees to replace a newly hired employee who has terminated and also to fill a vacancy for an employee who is expected to retire in September.

**Recreation Department** – Connie Garner reported that the pool and her programs are going well and stated that 170 season passes have been issued for the Hickory Park Pool. She asked everyone to participate in the park contest at Swamp Creek Park and to also cast a vote. Upcoming activities include family night at the pool, book swamp, National Dog Day, Fall Frolic, and a Scavenger Hunt; details for all can be found on the Township's website and facebook.

**New Hanover Sewer Authority-** Greg Rapp reported that they have been working on the West Branch interceptor upgrade. He reported Digester 1 was taken off-line to create extra digester space and to allow for maintenance and repairs. Clarifier #4 was drained and cleaned and taken out of service for the time being. Additionally pumps were serviced and reinstalled.

**Solicitor's Report**– Andrew Bellwoar (Siana, Bellwoar, McAndrew)

Kingston Hill II Phases 2 and 4. - Prepared agreement with the Elliot Greenleaf law firm so that settlement proceeds from the bond can be placed in an escrow account and release of the Lexon bond will be paid directly to Metro.

Charles Garner Jr. **moved** to authorize the Chairman to enter into the agreements, motion was **seconded** by Marie Livelsberger and the motion **carried 4-0**.

Solicitor Bellwoar reported that appraisals have been received for the portions of two properties needed at the intersection of Swamp Pike and Fagleysville Road and that each was less than \$1,000.

**Engineer's Report** – David Leh reported that a Land Development plan was been submitted for the New Hanover Township Center and that a staff meeting has been scheduled for Thursday, July 28, 2016; he expects a revised plan submission prior to presentation to the Planning Commission. He also reported that a staff meeting has been scheduled with the principles of the Woodfield Development to discuss what items remain to be completed prior to construction beginning; preliminary earth moving has already begun.

Charles Garner Jr. asked David Leh about the status of improvements at Windlestrae and was told that a punch list has been created adding that the Gambone organization has retained counsel and is reviewing the punch list; Solicitor Bellwoar stated that the Township may ask for an escrow. Charles Garner Jr. added that he believes the sidewalks and non-sewer items need to be completed now providing the sewer items are not impacted. Andrew Bellwoar stated that it is especially important to complete the sidewalk along the frontage of the park. Chief McKeon added that it is unsafe for the residents and that Gambone needs to move on completing the improvements not affected by the work to be accomplished on the sewer system.

**Interim Manager's Report** – Gregory Prowant reported that he has and expects to spend three days a week at the office and that he has spent time meeting the staff and looking over projects.

**BUSINESS FOR DISCUSSION OR ACTION:**

### **Green Light-Go Grant:**

**Resolution # 28-16** - Resolution authorizing officials to enter into agreement with PennDOT regarding Green Light-Go grant. The proposed agreement for the traffic signal improvement grant must be signed and returned to PennDOT by August 10, 2016. Charles Garner Jr. **moved** to adopt Resolution 28-16, motion was **seconded** by Andrew Kelly and **carried 4-0**. It was noted that Act 209 monies will be used to supplement grand dollars.

**Mark John** –Chuck Garner Jr. **moved** to authorize Mr. Mark John to serve as backup Building Official/Inspector as needed, motion was **seconded** by Philip Agliano and **carried 4-0**. Gregory Prowant was asked to contact Mr. John and request he submit a proposal including compensation for his service.

### **BUSINESS FOR ACTION ON 90 DAY TIME LIMITATION WAIVERS**

Andrew Kelly **moved** to approve the 90-day waiver requests for N.H.T.P.C. Nos. 730, 754, 767, and 782. Marie Livelsberger **seconded** the motion and it **carried 4-0**.

### **CORRESPONDENCE**

Anthony Giamo of 2573 Wagner Road wrote regarding a drainage problem at his residence; complaint has been referred to Public Works Department and Dennis Flynn will follow up.

### **COMMENTS FROM THE FLOOR**

**Patricia Mest** of 3070 Middle Creek Road stated that the intersection of Middle Creek and Big Road (Route 73) has been the site of numerous accidents. She stated that the sight line to the west is difficult due to the elevated grade of roadway, “hump”, just above the intersection and also that there are many families from the new developments using Middle Creek Road, coming to the intersection causing a backup of traffic and anxious drivers. She has contacted Senator Mensch’s office and is aware that at one time a traffic light had been proposed at this location and is asking what residents could do to improve situation. Philip Agliano stated that the intersection had been studied previously and that PennDOT is involved in any changes proposed to an intersection on a State highway. Manager Prowant was asked to follow up with McMahon Assoc.

### **SUPERVISORS COMMENTS**

**Charles Garner Jr.** welcomed Gregory Prowant to the Township staff serving as interim manager. He commented about New Road improvements and stated that he advocates priority be given to this project and also that residents are notified when improvements are scheduled. Mr. Garner also asked if the Planning Commission and Zoning Hearing Board vacancies had been filled and it was confirmed that they have not. Interested applicants will be asked to attend the scheduled meetings with the intent that recommendations can be made to the Board of Supervisors and appointments made. Mr. Garner stated that it is very difficult to tract expenditures having two bill lists per month and it is his preference to have one bill list monthly. The finance department was directed to prepare one bill list only in the coming month and to have that bill list provided to the Board of Supervisors one week prior to the monthly meeting.

**Adjourned to Executive session at 8:50 PM**

**EXECUTIVE SESSION - discussion of litigation and personnel issues**

**Reconvened Regular Meeting**

Road Foreman promotion – Andrew Kelly **moved** to promote Jay Smith to the position of Road Foreman with an increase from the hourly rate of \$22.26 to \$23.76; motion was **seconded** by Marie Livelsberger and **carried 4-0**. Discussion ensued regarding the necessity of a crew leader position with Dennis Flynn agreeing that a crew leader is not a necessity.

Ralph Fluharty resignation as Board of Supervisor member – Charles Garner Jr. **moved**, with deep regret, to accept the resignation offered by Ralph Fluharty. Philip Agliano **seconded** the motion. The motion **carried 4-0**.

Question arose as to how the Board of Supervisors will be working with the Meyner Center to fill the manager position; Andrew Kelly and Charles Garner agreed to move the manager search forward. Vacancy supervisor position – Charles Garner Jr. **moved** to advertise to fill the vacancy and to solicit letter for letters of interest and resumes; parties having submitted interest in the prior vacancy will also be contacted. The motion was **seconded** by Andrew Kelly and **carried 4-0**.

August 8, 2016 Board of Supervisors meeting was cancelled by consensus of the Board.

**ADJOURN** – Motion by adjourn was made by Marie Livelsberger and **carried 4-0**.

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Andrew Kelly, Township Secretary