

NEW HANOVER TOWNSHIP
BOARD OF SUPERVISORS
WORK SESSION
August 22, 2016

A work session of the New Hanover Township Board of Supervisors was held on Monday, August 22, 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. Township Manager Gregory Prowant, Solicitor Andrew Bellwoar, Engineer Dennis Leh, Adam Supplee and Eileen Pogany were also in attendance. Chairman Philip Agliano called the meeting to order at 6:33 PM.

Interview opportunity for any applicant not interviewed previously for the Board of Supervisor position to fill the unexpired term of Ralph Fluharty. Eleven applicants were received by the Township with seven applicants interviewed previously at the meeting of August 10, 2016. Kurt Zebrowski was present and interviewed by the Board. Each member of the Board expressed their sentiments and felt that Kurt Zebrowski was suited for the position due to his long-term continued interest and involvement with the Township serving on the Planning Commission and also the Pottstown Metropolitan Regional Planning Commission. Charles Garner Jr. **moved** to appoint Kurt Zebrowski to fill the remainder of the term of Ralph Fluharty; motion was **seconded** by Marie Livelsberger and **carried 4-0**.

Review of Bill List – there were no comments by the Board of Supervisors.

Review of Agenda – agenda items to be added to the regular meeting agenda were approval of Resolution #31-16 for approval of minor land development plan at 2888 Fagleysville Road and discussion regarding the proposal of Yacono to secure a variance to allow for a woodworking shop/saw mill in the R-25 zoning district. Ralph Fluharty inquired as to the progress being made to obtain a wireless microphone to enable people speaking to be heard throughout the room.

Eagle Scout Proclamation - Brandon Robert Karcewski, Troop 36. Mr. Karcewski was recognized for his project involving planning, organizing, developing and overseeing the construction of a swing for the Township's Hickory Park. Proclamation was presented by Chairman Philip Agliano thanking him for his service to the community.

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

The regular monthly meeting of the New Hanover Township Board of Supervisors was held on Monday, August 22, 2016 at the New Hanover Township Municipal Building, 2943 North Charlotte Street, Gilbertsville, PA 19525. Present were Supervisors Chairman Philip Agliano, Andrew Kelly, Charles Garner Jr., and Marie Livelsberger. Township Manager Gregory Prowant, Solicitor Andrew Bellwoar, Engineer Dennis Leh, Adam Supplee and Eileen Pogany were also in attendance. Chairman Philip Agliano called the meeting to order at 6:55 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.

APPOINTMENT OF SUPERVISOR - Marie Livelsberger **moved** to appoint Kurt Zebrowski to fill the vacancy in the Board. Charles Garner Jr. **seconded** the motion and it **carried 4-0**.

**UPCOMING TOWNSHIP MEETINGS
SCHEDULED:**

Sept. 07 Recreation Committee – Recreation Center 6:30 pm
Sept. 14 Planning Commission 6:30 pm
Sept. 21 Sewer Authority – 2990 Fagleysville Road 6:30 pm
Sept. 26 Board of Supervisors 6:30 pm

PRESENTATION OF CURRENT BILLS

Bill List #15 – dated August 17, 2016

General Fund 01	\$	69,963.74
Fire Tax Fund 03	\$	2,755.00
Sewer Operating Fund 08	\$	65,202.23
Sewer Capital Fund 10	\$	0.00
Trans. Impact Fund 13	\$	748.10
Capital Fund 19	\$	0.00
State Liquid Fuels Fund 35	\$	64,394.07
Escrow Fund 41	\$	45,268.82
Recreation Fund 96	\$	<u>12,384.20</u>
Total	\$	260,716.16
Recreation Director Reimburse		<u>635.76</u>
Balance Minus Reimbursement	\$	<u>260,080.40</u>

Marie Livelsberger **moved** to approve payment of bill list #15 dated August 17, 2016 in the amount of \$260,080.40 and to advance the treasurer the monies for utilities and payroll for the coming month. Andrew Kelly **seconded** the motion and it **carried 4-0**.

Motion to approve \$635.76 reimbursement for the Recreation Director was made by Marie Livelsberger, **seconded** by Philip Agliano and carried 3-0 with Charles Garner Jr. abstaining.

MINUTES - Motion to approve the July 25, 2016 Work Session and Regular Meeting Minutes was made by Andrew Kelly subject to a correction on page 4. Charles Garner Jr. **seconded** the motion and it **carried 4-0**.

Motion to approve the minutes of the August 10, 2016 Special Meeting of the Board of Supervisors was made by Marie Livelsberger, **seconded** by Charles Garner Jr. and **carried 4-0**.

Treasurer's Report – Charles Garner Jr. expressed his willingness to serve as treasurer and was appointed by **motion** of Philip Agliano, **seconded** by Marie Livelsberger and **carried 4-0**.

ANNOUNCEMENTS - None

DEPARTMENT REPORTS:

Finance Department – Cindy O'Donnell reported on the budget actual vs. budget. She also provided a report on road projects itemizing the projects, the budgeted amount, the expenditure and which funds were used or state aid applied, transfers of dollars etc. Philip Agliano **moved** to rescind his prior action of the Board to allocate \$170,000 from reserves to be added to the Road Improvements Fund. Andrew Kelly **seconded** the motion. Ralph Fluharty of 2120 Little Road stated that cost of blacktop used for road improvement is increasing and he believes the Township is missing an opportunity. Vote to approve the motion **carried 4-0**.

Mrs. O' Donnell presented budget adjustments saying that Earned Income Tax figure is higher than anticipated since it accounted for more than a 12 month period, that professional services expenses have increased, that there are budgeted amounts for a few items which were not spent, and that the Township has approximately \$858,000 in reserves.

Charles Garner Jr. stated that he is hopeful the budget can be fine-tuned in future years. Andrew Kelly asked if Aqua Water Company had been contacted regarding expenditures for public water since he believes there is a credit due the Township.

Andrew Kelly **moved** to approve the two page schedule of budget amendments. Charles Garner Jr. **seconded** the motion and it **carried 4-0**.

Code Enforcement—Mr. Wozniak was not in attendance and is working from home part time while recovering from an injury.

Police Department – Chief Kevin McKeon reported that his department responded to 402 calls for service, had 21 assists to other departments and received assists in 11 instances, responded to 11 accidents, 6 of which were non-reportable, criminal investigations with 11 arrests, continue with vehicle maintenance, expect to replace a police vehicle next year, and

had no citizen complaints. He continues with Corporal interviews and a background check for a part time police officer.

Public Works Department – Dennis Flynn recommendations:

Traffic Signal Maintenance Agreement with Signal Service be approved for a two year period. He advised that Signal Service has provided service to the Township in the past and is familiar with our equipment and in addition, was the least expensive of the three quotes he received. Charles Garner Jr. **moved** to approve the two year contract. Andrew Kelly **seconded** the motion providing the 10 day response time for approval of the proposal is extended to 30 days. The motion **carried 4-0**.

Award of Fog Seal Coating Bid – Marie Livelsberger **moved** to award the bid to Martin's Paving, the apparent low bidder at \$43,115.50, conditioned upon review and approval by the Township solicitor. Charles Garner Jr. **seconded** the motion and it **carried 4-0**. Chelsea Hamilton of 144 Marisa Lane asked if low bidders are always awarded the bid and was told "yes" conditioned meeting all the requirements.

Report on New Hanover Square Road Recycling – Project is scheduled to begin Monday and paving is to be accomplished the second week of September, all residents will be advised.

Montgomery County Roads and Bridges projects – Swamp Pike to be milled from the Limerick Township Line to Ridge Pike: paving to begin August 29 between 6PM and 7AM Millings will be given to the Township Public Works Department.

Penn DOT will be milling Rt. 663 from Hill Road to Quakertown beginning early September.

Problem reported at the Anthony Giamo residence will be resolved within a week.

Recreation Department – Connie Garner reported that she has been contacted regarding approving the possible use of the Township Building parcel, Swamp Creek Park, New Hanover Recreation Center, or Hickory Park for the setup and takeoff of balloons. Sergeant Moyer stated that it had been allowed previously with some problems. Andrew Kelly requested that a written agreement be submitted to the Township for consideration detailing the operations and insurance coverages.

She again thanked Eagle Scout Brandon Robert Karcewski for project at Hickory Park and stated that the swing is being used. She also stated that Scout Troop 367 would like to adopt Hickory Park and the troop has already voluntarily been picking up trash and keeping the park tidy. The troop would also like to have two campouts each year; scouts were requested to provide a written proposal.

Mrs. Garner reported that the Hickory Park pool has done very well this year and has reached the income projected. Mark Walther questioned the Township as to why pool personnel would not allow his family members to purchase a daily pass to the pool on a weekend when the pool appeared empty. Philip Agliano and Andrew Kelly advised that employees at the pool do not authority to deviate from Township policy which has been put in place to avoid exceeding the maximum numbers of persons allowed in the pool at one time.

New Hanover Sewer Authority- Gregory Rapp stated that flow monitors are being used to monitor I & I suspected to be attributed to storm water and sump pump discharge. He also stated that he is researching a company which sells super bugs to reduce sludge accumulation.

Solicitor's Report– Andrew Bellwoar (Siana, Bellwoar, McAndrew) – Solicitor Bellwoar stated that the RFP's for Pension consultants are being reviewed.

Sonnie Property – Mr. Bellwoar stated that the on-site maintenance agreement for the Sonnie property on Schaffer Road is ready for adoption and that once approved and recorded, the agreement will run with the property. Charles Garner Jr. **moved** to approve the agreement and authorize entering into the agreement. Philip Agliano **seconded** the motion and it **carried 4-0**.

DePallo Subdivision – Mr. Bellwoar prepared a resolution for approval in preliminary/final form following much discussion regarding fees in lieu of. Charles Garner Jr. **moved** to adopt Resolution 31-16 for N.H.T.P.C. No.786 subject to conditions of approval being met. Andrew Kelly **seconded** the motion and it **carried 4-0**.

Kevin Tobias Settlement Agreement – Andrew Kelly **moved** to approve the settlement agreement and pay the amount of \$15,228 determined to be owed to him. Maria Livelsberger **seconded** the motion and it **carried 4-0**. Charles Garner Jr. stated that he does not agree with the Township paying the settlement amount but that the contract was approved prior to the new members coming on the Board.

Frank Yacono of 2486 Rhoads Road has made application to the Zoning Hearing Board seeking a variance to allow for a second address to operate a commercial woodshop and sawmill as required by his insurance company; he has agreed to revise his application to apply for the use as a home occupation. Mr. Bellwoar stated that he believes the home occupation use will reduce the impact to the community and the Board was asked if they would like to take a position on the application. The Board was generally in agreement to the change if the applicant is willing to agree to the conditions. Andrew Kelly expressed a concern about the noise associated with the operations and was advised that the Township could enforce the Noise Ordinance.

Update Regarding Receipt of Non-uniform Pension Plan RFP's

Engineer's Report – Gilmore and Associates –

Kingston Hill - David Leh reported progress on Kingston Hill Phases 2 and 4; finishing up on Phase 2 and then will move on to Phase 4 concrete work. He reported that a number of residents are upset with the installation of the trail and that he has encouraged them to approach the Board of Supervisors. He is recommending release of \$39,362.51 escrow with a remaining balance of \$780,000. Mr. Bellwoar advised that an Improvements and Maintenance Agreement will need to be executed prior to the release of the \$39,362.51. **Motion** to enter into an Improvements and Maintenance Agreement and release the \$39,362.51 as recommended by the Township Engineer was made by Marie Livelsberger, **seconded** by Charles Garner Jr. and **carried 4-0**.

Hanover Woods and Layfield Park – Metropolitan is working on modifications to the stormwater basin.

Windlestrae – Gambone Organization is making progress on sidewalk concrete work and also making repairs to the macadam trails. Chief Kevin McKeon stated that conditions on Chalet Road are unsafe, Engineer Leh said this area is next on the list.

Celeste Bish of 2504 Finn Road asked when Town Center plans are expected and was advised that the developer may attend the September Planning Commission meeting to update the Planning Commission on their progress and may have plans ready for review at the October meeting.

Interim Manager's Report – Gregory Prowant

Liaison appointments – will be needing to fill vacancies.

Roof Repairs - has received two proposals for township building roof repairs and is waiting to receive a third proposal.

Budget Process – need to discuss and establish a schedule.

Charles Garner Jr. asked about Planning Commission recommendations on filling the vacancy on the Commission and Kurt Zebrowski stated that he expects a recommendation to be decided upon at the September 14 meeting. Ralph Fluharty reminded the Board that the Township has a policy of each applicant to attend two meetings prior to being appointed. Gregory Prowant stated that he will provide specific instructions. Charles Garner Jr. stated that applicants should be advised of the policy. Keith Leonard of 559 Kulp Road stated that the policy to attend two meetings was adopted to confirm a person's interest in serving and suggested that the rationale was to assure applicants know what is expected when submitting applications to the Board of Supervisors.

BUSINESS FOR DISCUSSION OR ACTION:

Resolution # 29-16 – Andrew Kelly **moved** to adopt Resolution #29-16 approving the Sonnie Planning Module at 2372 Schaffer Road; motion was **seconded** by Philip Agliano and **carried 4-0**.

Resolution# 30-16 – Marie Livelsberger **moved** to approve the adoption of Resolution 30-16 authorizing the manager to serve as agent for submitting forms and documents to secure PEMA funds for 2016 winter storm event. Andrew Kelly **seconded** the motion and it **carried 4-0**.

Resolution #21-16 - Motion to re-adopt a resolution approving Saras Partnership Land Development Plan was made by Charles Garner Jr., **seconded** by Andrew Kelly and **carried 4-0**. Charles Garner Jr. stated that Montgomery County will accept a letter from the Township authorizing the recording of a plan past 90 days. Solicitor Bellwoar stated that counties are becoming stricter.

Land Development Waiver – Mr. Sprague, applicant for the Saras Partnership project, was present requesting a waiver to allow for a change in location of the trash disposal area in order to allow it to be located partially inside the buffer area of the parcel and believes relocating the disposal area provided for better accessibility for the trash trucks and provided more safety in the parking lot and traffic areas. Philip Agliano believes that the trash truck would have difficulty navigating and would block the driveway for any emergency vehicles. Engineer David Leh stated his concern about the truck maneuvering a 3-point turn. Adam Supplee stated his opposition and believes the Planning Commission would object since they do want encroachment into the buffer area. Waiver request was denied, there was no motion.

Middle Creek and Rt. 73 intersection Discussion - McMahon Associates were asked to investigate and stated that traffic studies had been performed prior to the construction of the homes in the Windlestrae development. Mrs. Pat Mest of 3070 Middle Creek Road was present suggesting that an additional study should be performed due to the additional traffic coming from the Windlestrae development creating congestion at the intersection or in the alternative, additional signage may be helpful. McMahon Associates will monitor the site.

CORRESPONDENCE - None

COMMENTS FROM THE FLOOR

Ralph Fluharty of 2120 Little Road expressed his concern about the contamination at the site known previously as the Swann Oil site. He is concerned because of the ill health effects reported resulting from contamination leaching into area wells and wants assurance that adequate testing is being performed. Philip Agliano said that the matter is in the hands of the DEP and that the Township has requested to be notified; Ross Snook confirmed that the DEP is testing. Celeste Bish of 2504 Finn Road stated that the DEP knew of the contamination in 2008 but did not acknowledge until 2011 when testing began on a monthly basis on monitoring wells and that after public water had been provided, some testing was discontinued. Andrew Kelly said the Township will request monthly reports. John Auman stated that he believes it is good for the Township to have a pro-active attitude. Jeanette Moll inquired as to when microphones will be available for the public and was told they are in the process of being ordered; she also asked about the bridge repairs/replacement on Eichele and Deep Creek Road in June 2017.

SUPERVISOR COMMENTS – Charles Garner Jr.

Manager Search – Charles Garner Jr. reported that the search is going well and that eleven applications have been received for the position, the deadline is September 3.

Planning Commission – recommendation for a new member was expected but no recommendation was made during the August meeting.

Kudos were given to Gregory Prowant and the law office of Andrew Bellwoar for improving on the functions of the municipal office.

Advertising – Charles Garner Jr. encourages advertising in the *Town and Country Newspaper* since it is less expensive than *The Mercury*.

Yacono Zoning appeal – asked why Supervisors did not get notified of the zoning appeal application to allow for discussion and asked that Supervisors receive copies of applications to the Zoning Hearing Board in the future.

Regular Meeting adjourned to executive session at 9:10 PM advising the public that there may be a vote taken upon reconvening the regular public meeting.

EXECUTIVE SESSION - Legal/Personnel

Assistant Secretary - Charles Garner Jr. **moved** to appoint Eileen Pogany as assistant secretary. Motion was **seconded** by Andrew Kelly and **carried 4-0**.

Manager - Motion to amend the agreement with Gregory Prowant to extend the maximum number of hours from 20 hours per week to 30 hours per week was made by Charles Garner Jr., **seconded** by Marie Livelsberger and **carried 4-0**.

Board of Supervisors meeting of September 12, 2016 was cancelled by **motion** of Andrew Kelly, **seconded** by Charles Garner Jr. and **carried 4-0**.

ADJOURN - meeting was declared adjourned at 10:05 PM.

Gregory Prowant, Township Manager