

**NEW HANOVER TOWNSHIP  
BOARD OF SUPERVISORS  
WORK SESSION  
OCTOBER 24, 2016**

A work session of the New Hanover Township Board of Supervisors was held on Monday, October 24, 2016 at the New Hanover Township Municipal Building, 2943 North Charlotte Street, Gilbertsville, PA 19525. Present were Supervisors Philip Agliano, Marie Livelsberger, Charles Garner Jr. and Kurt Zebrowski. Andrew Kelly was absent. 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 6:30 PM.

REVIEW BILL LIST – Cindy O’Donnell stated that she had one additional expense to add and one refund to be added.

ADDITIONAL AGENDA ITEMS - Appointment to the Environmental Advisory Board.

EAGLE SCOUT RECOGNITION – Chairman Agliano presented a Proclamation recognizing Nicholas Klobusicky of Troop 50 for his accomplishment in completing a required Eagle Scout project which encompassed planning and managing the construction of a landscaping bed at the New Hanover Township Recreation Center.

**NEW HANOVER TOWNSHIP  
BOARD OF SUPERVISORS  
REGULAR MONTHLY MEETING  
OCTOBER 24, 2016**

The regular monthly meeting of the New Hanover Township Board of Supervisors was held on Monday, October 24, 2016 at the New Hanover Township Municipal Building, 2943 North Charlotte Street, Gilbertsville, PA 19525. Present were Supervisors Chairman Philip Agliano, Charles Garner Jr., Marie Livelsberger and Kurt Zebrowski. Andrew Kelly was absent. 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 6:37 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 was taping the meeting.

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

Nov. 02	Recreation Committee – Recreation Center	6:30 pm
Nov. 03	Zoning Hearing – Gibraltar Rock	6:30 pm
Nov. 07	Budget Meeting—Supervisors	6:30 pm
Nov. 09	Planning Commission	6:30 pm
Nov. 14	Budget Meeting--Supervisors	6:30 pm
Nov. 16	Sewer Authority – 2990 Fagleysville Road	6:30 pm
Nov. 28	Board of Supervisors	6:30 pm

**PRESENTATION OF CURRENT BILLS**

Bill List #17 – dated October 19, 2016

01 General Fund	\$681,289.02
03 Fire Tax Fund	\$ 2,755.00
04 Open Space	\$ 0.00
08 Sewer Operating Fund	\$ 88,943.23
10 Sewer Capital Fund	\$ 2,441.50
13 Trans. Impact Fund	\$ 0.00
19 Capital Fund	\$ 0.00
35 State Liquid Fuels Fund	\$ 16,441.82
40 Escrow Fund	\$ 36,508.36
96 Recreation Fund	\$ <u>15,141.45</u>
Total	\$843,520.38
Recreation Director Reimburse	<u>124.80</u>
Balance Minus Reimbursement	\$843,395.58

**Motion** to approve payment of bill list No. 17 dated October 19, 2016 in the amount of \$843,520.38 was made by Marie Livelsberger, **seconded** by Charles Garner Jr. and **carried 4-0**.

**Motion** to approve \$124.80 reimbursement for the Recreation Director was made by Marie Livelsberger, **seconded** by Kurt Zebrowski and **carried 3-0** with Charles Garner Jr. abstaining.

Kurt Zebrowski **moved** to advance the treasurer the monies for utilities and payroll for the coming month, motion was **seconded** by Marie Livelsberger and **carried 4-0**.

Marie Livelsberger **moved** to approve payment of \$4,952.80 to Seven Oaks and to issue a refund of \$133.00 to William and Patricia Mest of 3070 Middle Creek Road for an overpayment of a sewer tapping fee. Charles Garner Jr. **seconded** the motion and it **carried 4-0**.

MINUTES – Kurt Zebrowski **moved** to approve the September 24, 2016 minutes of the work session and regular meetings. Marie Livelsberger **seconded** the motion and it **carried 4-0**.

## DEPARTMENT REPORTS:

**Finance Department** – Mrs. O'Donnell provided the budget vs actual report and stated that the department heads and their liaisons have been meeting preparing budget requests for the scheduled budget meetings. She also stated that the Township is in receipt of State Aid Pension Funds in the amount of \$157,487.26; 18 units for each non-uniform and uniform employees.

**Code Enforcement**—Jim Wozniak reported that permits have been issued for three new homes, three mechanical permits, eight electrical permits, five plumbing permits and twelve zoning permits. He stated that building permit applications for new homes are expected to increase as subdivision plans are approved in the near future. Marie Livelsberger asked about the follow-up on the tree removal issue at Hidden Lane and was told that the conservation easement is being looked into.

**Police Department** – Chief Kevin McKeon reported that his department responded to 345 calls for service, had 13 assists to other departments and received assists in 9 instances, responded to 16 accidents, 12 of which were non-reportable, conducted 24 criminal investigations with 9 arrests, continue with vehicle maintenance, and had no citizen complaints. One police vehicle was involved in an accident with an \$11,283 insurance payout providing a replacement car is purchased. Chief McKeon recommended that a 2008 Lincoln be purchased as a replacement and stated that several cars had been considered and that this car seemed to be preferred by himself and other officers. Kurt Zebrowski **moved** to purchase the 2008 Lincoln at a cost of \$9,200 from David Faust; motion was **seconded** by Charles Garner Jr. and **carried 4-0**.

**Public Works Department** – Dennis Flynn reported that the public works department will be removing underbrush at the Wassmer Park to a ten-inch height and that he would like permission to rent equipment to accomplish this. He stated that this project is not a budgeted project and that the equipment rental cost would be \$10,000 monthly or \$3,500 weekly and stated that the project is estimated to take two weeks. Charles Garner Jr. **moved** to authorize an expenditure for the rental of \$3,500 to be taken from the Open Space Fund. The motion died. Philip Agliano **moved** to authorize an expenditure not to exceed \$7,000 from the Open Space Fund for the rental of the equipment, Marie Livelsberger **seconded** the motion and it **carried 4-0**. He also requested permission to place Truck 1, year 2003, and the grader on munici bid stating that repairs needed for the current equipment were costly and that he would propose to either rent or share equipment with an adjoining municipality when needed in the future. Charles Garner Jr. asked that Mr. Flynn provide an estimate for the needed repairs to the Board of Supervisors prior to the next meeting.

**Recreation Department** – Connie Garner reported that a golf outing, a craft show/yard sale, and a New York City bus trip had taken place during the month of October. Upcoming events planned include a Halloween Safe House, A Thanksgiving Coloring Contest, a What I'm Thankful for Essay Contest. She stated that work is being done at the Windlestrae Park to improve the parking lot and the trail. She also asked for permission to include a beer garden in the food truck event being planned for May 2017 and was asked to check with the Township solicitor to assure there would be no liability risks to the Township

**New Hanover Sewer Authority-** Greg Rapp reported that his crew has begun inspecting vents since it is expected that defective vents contribute to I & I and since requesting that property owners inspect them has proven to be non-productive. He stated that an unannounced DEP inspection had taken place that morning with no findings and that he had met with Kurt Zebrowski to discuss the 2017 budget. Marie Livelsberger asked about the BB&T bank receiving payment and Mr. Rapp stated that they are not willing to received payments for the Township's sewer payments but that the Authority is working toward being able to accept payment via the website.

**Solicitor's Report**– Andrew Bellwoar (Siana, Bellwoar, McAndrew) reported on the Farrell settlement agreement for the 32,000 square feet for construction at the Rt. 73 - Rt. 663 intersection at a cost of \$58,573 and attorney fees of \$4,000 for a total of \$62,573. Charles Garner Jr. **moved** to execute the agreement and authorize payment of the \$62,573 to Mr. Farrell; motion was **seconded** by Marie Livelsberger and **carried 4-0**.

**Zavitsanos Subdivision Financial Security Agreements** – Solicitor Bellwoar is requesting revisions to the Zavitsanos bond documents to protect the Township and is working on resolving issues with the financial security agreement. Mike Tulio was present representing the Zavitsanos development stating that the Municipalities Planning Code states that bonds are acceptable security and that Metropolitan Development Company currently has fifteen active developments with bonds. Mr. Tulio also stated that his company takes pride in doing what they say they will do and has cooperated with the Township in resolving issues left by a prior contractor who defaulted. Mr. Tulio requested that the Township accept the bond since the bond company is not willing to issue a bond with the changes suggested by the Township solicitor. Solicitor Bellwoar stated that while he appreciates Metropolitan's reliability, he needs to protect the Township and is not willing to accept the bond as proposed. Mr. Tulio explained that they already have five million dollars invested in construction work on the site, 95% of what is included in the bond has already been completed, and wants Ryan Homes to be able to secure building permits and begin construction of homes and asserts that there has been a change mid-stream with regard to the Township requirements. Mr. Bellwoar advised that the Township had spent time and money chasing after a bond from a prior contractor and does not want expose the Township to another like situation and that the bond company is refusing to sign a tri-party agreement or change the language in the bond. Mr. Bellwoar suggested that a bond be posted for 50% of the amount and that the remainder of 50% be cash and that the Metropolitan could draw down on the bond amount for construction already completed. Charles Garner Jr. stated that he wants to protect the Township and that no one expected to prior contractor to go broke.

Ronald Brown spoke up mentioning that he resides at 521 Courtside Avenue and that when his home was purchased from Rouse Chamberlain, he was fully expecting the construction of the development would be completed. In the meantime, the Corner Stone Bank defaulted and the development was not completed. Recently UGI passed thru marking sidewalks with yellow paint. Engineer David Leh stated that he had attempted to find out why the markings were made but the One-Call organization would not disclose any information to him and he suspects that the twelve homes were marked in error. Mr. Brown stated that he believes residents should be notified when things are happening on their properties. Philip Agliano stated that the Township will follow-up to find out if there were PA One-Calls made to 521 Courtside Avenue.

Mr. Bellwoar mentioned that a 90-day review period is allowed for a decision on a subdivision/land development plan which becomes an administrative nightmare since a decision can rarely be made within that time period. Alternately a blanket exemption of the time period for approval by the applicant could be offered to eliminate tracking the 90-day time period. The Board did not have any objection providing the applicant is willing to sign the blanket exemption.

Request for Proposal Pension Consultant – Marie Livelsberger requested that the discussion be deferred to executive session.

**Transportation Engineer, McMahan Associates**—Sandra Koza P.E. stated that she has a formal proposal for the survey and easement work needed for the additional traffic lane at the intersection at Rt. 663 and Rt. 73. Philip Agliano **moved** to approve the proposal for Phase 1 of the intersection improvement to include lane widening at Rt. 663 and Rt. 73. Charles Garner Jr. **seconded** the motion since funds are available. The motion **carried 4-0**. John Auman of 3624 Church Road asked if the intersection would be impacted by the proposed quarry operation and was told the improvement is 1<sup>st</sup> phase of the improvements.

**Planner, KMS Design Group**—Adam Supplee stated that he is working on an outline for 2017 recreation projects which include bike trail discussion through Kingston Hill, Zavitsanos, and Rhoads Road and is also seeking opportunities for grant funding. He advised that requirements for NPDES MS-4 tracking for water pollution at outfalls and pipes requirements will be stepped up in 2017. Other projects for the upcoming year include the codification of ordinances, Wassmer Park, GIS mapping and budgeting.

**Engineer's Report** – Gilmore and Associates - David Leh reported that roadways have been paved in the Kingston Hill Development, Phases 2, 3, and 4. He added that additional paving and concrete work has been accomplished in the Windlestrae Development and that he is awaiting confirmation of sewer work being completed prior to releasing escrow. He has authorized the release of escrow for the Renninger Tract. Charles Garner Jr. asked Mr. Leh if he agrees with Mike Tulio that he has been very responsive and Mr. Leh said he would agree.

**Interim Manager's Report** – Gregory Prowant reported that Barbara Aikens has submitted a proposal for preparation of the audit report for 2016 at a cost of \$10,650 and for an audit of the tax collector at a cost of \$350.00. Mr. Prowant was asked to inquire as to the cost of an audit showing advanced detail to be provided for the Board's review during budget review. Charles Garner Jr. asked if the auditor would be willing to make a presentation before the Board. John Auman of 3624 Church Road asked if the Board of Auditors were in the loop of selecting an auditor and was told that the Township follows the 2<sup>nd</sup> class Township rules. Mr. Prowant stated that the Township has received three proposals for repair of the roof on the municipal building, at three levels of cost with the least expensive under \$20,000 and the most expensive in the neighborhood of \$40,000; option would be to band-aid the roof for the winter or wait until spring. Charles Garner Jr. **moved** to have a seal coat repair by D. H. Moore at a cost of \$19,310. and authorizing the Township Manager to approve any additional costs, if necessary, as an emergency repair. Marie Livelsberger **seconded** the motion and it **carried 4-0**. Mr. Prowant also suggested the Board should consider adopting a Local Services Tax to support emergency services. Procedure for adoption would require drafting and advertising text of the ordinance three separate times for adoption in late November. Charles Garner Jr. stated that he is not in favor of a new tax and will be voting "no" if a vote is taken. Philip Agliano called for a motion

and **motion** was made by Marie Livelsberger, **seconded** by Philip Agliano to prepare and advertise an ordinance three times, proceeds of which would be deposited in a separate fund for emergency services protection. John Auman commented that he believes the numbers could be crunched to determine if the additional tax is needed. Celeste Bish of 2504 Finn Road asked where the OPT tax revenue is deposited and was told in the general fund. The motion **carried 3-1**.

**BUSINESS FOR DISCUSSION OR ACTION:**

**Resolution 35-16**--Motion to approve, adopt and place into effect the Emergency Operations Plan – request of Emergency Management Co-ordinator Matthew Brown. Mr. Brown explained that the Emergency Management Plan is mandated by state law in a format provided by the Pennsylvania Emergency Management Agency which names the members of the Board of Supervisors. Marie Livelsberger **moved** to adopt Resolution 35-16, motion was **seconded** by Charles Garner Jr. and **carried 4-0**.

**Renninger Tract** – Charles Garner Jr. **moved** to release escrow funds in the amount of \$35,770.80 subject to the approval of the Township Engineer. Marie Livelsberger **seconded** the motion and it **carried 4-0**.

**Windlestrae VI**- Charles Garner Jr. **moved** to release escrow funds in the amount of \$96,683.67 subject to the approval of the Township Engineer. Kurt Zebrowski **seconded** the motion and it **carried 4-0**.

**Kingston Hill** - Charles Garner Jr. **moved** to release escrow funds in the amount of \$182,891.50 subject to the approval of the Township Engineer. Marie Livelsberger **seconded** the motion and it **carried 4-0**.

**Environmental Advisory Board Applicant** – Philip Agliano **moved** to appoint Ross Snook to the Environmental Advisory Board to fill a term expiring January 1, 2018. Charles Garner **seconded** the motion and it **carried 4-0**.

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

Marie Livelsberger **moved** approve the 90-day time limitation waiver requests for the following:

N.H.T.P.C.#730	Bart Golf	135 lots	10-31-2016
N.H.T.P.C.#754	Breinig	2 lots	11-05-2016
N.H.T.P.C.#767	Murianka	2 lots	11-05-2016
N.H.T.P.C.#782	WestwoodMacGuire	65 lots	11-08-2016

Kurt Zebrowski **seconded** the motion and it **carried 4-0**.

**CORRESPONDANCE**

**Celeste Bish** asked if a copy of the October 14, 2016 letter regarding Hoff VC/PaDEP Consent Order was provided to the Township solicitor and to Robert Brant and was told by Solicitor Bellwoar that Mr. Brant is reviewing it and that the agreement is between Mr. Good and the PaDEP

**COMMENTS FROM THE FLOOR**

Ralph Fluharty inquired about the upcoming budget meetings asking if work sheets will be submitted with line items and referenced the mention of work sheets in Resolution 19-15. Manager Prowant stated that budget preparation is being handled differently this year.

Prosper Guerre-Chaley expressed a concern for the safety of the Police Officers since he observed two officers walking along Swamp Pike who were not wearing reflective clothing and were difficult for motorists to see.

Celeste Bish also asked for an update on the Township manager search and was advised by Mr. Agliano that the Township is working thru the process for hiring.

### **SUPERVISOR COMMENTS**

Charles Garner Jr. thanked all Township personnel who assisted at the golf outing which earned \$2,300 toward improvements to Windlestrae Park. Mr. Garner also mentioned that he has heard complaints from residents who have experienced changes being made in their communities after they have **moved** in and without any notification; Mr. Garner Jr. suggested that signage such as No Parking should be installed prior to persons taking residency so that they can be aware of the regulation; David Leh agreed to be more pro-active in having signs posted. Mr. Garner Jr. also suggested that the Township's website be updated to be more informative, interactive and simple to use.

Regular meeting adjourned to executive session at 8:57 PM.

### **EXECUTIVE SESSION - Legal and Personnel**

Return to regular meeting at 9:00 PM

There were no action items and the meeting was declared adjourned at 9:05 PM.

**ADJOURNED – 9:05 PM**