

**NEW HANOVER TOWNSHIP
BOARD OF SUPERVISORS
WORK SESSION
FEBRUARY 27, 2017**

A work session of the New Hanover Township Board of Supervisors was held on Monday, February 27, 2017 at the New Hanover Township Municipal Building, 2943 North Charlotte Street, Gilbertsville, PA 19525. Present were Supervisors Philip Agliano, Andrew Kelly, Charles Garner Jr., Marie Livelsberger and Kurt Zebrowski. Township Manager Jamie Gwynn, Township Solicitor Andrew Bellwoar, Planner Adam Supplee, Engineer Dennis Leh and Eileen Pogany were also in attendance. Chairman Philip Agliano called the meeting to order at 6:35 PM.

Review of Agenda – there were no additions nor corrections.

Review of Bill List – No. 02 dated February 22, 2017 – no questions or changes.

Cub Scouts Presentation – Marie Livelsberger read a proclamation honoring Troop 73 and specifically the Bear Den, who built a beautiful Free Little Library for the Swamp Creek Park. Eleven members of the Bear Den under the supervision of two troop leaders worked diligently building the library while working to achieve their “Baloo the Builder” belt loop. The boys learned tool safety, tool handling, designing and project skills. The hard work and dedication of Troop 73 Bear Den and leaders is appreciated by the Board of Supervisors, the Recreation Committee and the Recreation Department who would like to thank the scouts and their leaders for their hard work and thoughtful donation. In addition Troop 73 collected over 400 books to fill the library and replenish three other libraries in the Township. Each Bear Den Scout was presented with a “Thank You” pin.

Pension Plan–Non-Uniform - Mr. Ronald Bittner presented an overview of the provisions of the Defined Contribution Pension Plan for non-uniform employees hired after June 1, 2016 and working a minimum of 35 hours per week. The plan provides for individual accounts for each employee and provides an option to voluntarily add additional dollars to their account. Contributions are invested in mutual funds with Uninvest associates being available to educate employees with respect to risks associated with the profile created. Ralph Fluharty of 2120 Little Road asked if there is a listing of pros and cons with respect to the plan change and was told that it had been discussed numerous times, that it affects non-uniform employees only and that there is no listing of pros and cons.

West Branch Interceptor Project Update – Jamie Schlesinger of PFM presented a proposal for financing two million dollars at a rate of 2.67% which requires a guarantee

from the Township. The present interceptor is undersized for the volume it carries. Inflow and infiltration being discharged into the collection system contributes to the volume; lines will be televised to identify sump pump discharge.

Stormwater Management Agreement – agreement is being prepared for approval at the March 27 meeting for requiring developers to maintain stormwater management and expense as required by PennDOT for developments along state maintained highways.

Comcast Grant – A balance of \$25,000 is remaining from the 2013 Comcast agreement which has been earmarked to provide funding for the Township's website update and TV and projection equipment for the meeting room to be utilized by staff and also to provide visuals during public meetings.

Mailbox policy during snow events was described as the Township agreeing to replace any mailbox destroyed by a witnessed direct hit by a Township vehicle or blade of plow. The replacement mailbox offered will be a standard mailbox, chosen by the Township, and assistance by the Township for installation if needed. The policy **does not** include mailboxes damaged by snow discharging from the plow blade. Anyone needing assistance is encouraged to contact the Township as soon as possible.

Wassmer Tract Discussion – Charles Garner Jr. questioned the follow-up on the wetland discovery in the park and also inquired about the presentation of the Valley Forge Tourism group which was attended by Township representatives. Adam Supplee explained that the Tourism group had reached out to him stating that they are conducting a County wide feasibility study to determine where a large recreational complex might be a possibility and wanted to learn more about each Township but not expecting any commitments. Mr. Supplee apologized that the invitation had not reached each Board member. Mr. Garner asked what is being proposed for the tract and stated that the Recreation Committee should be kept in the loop. Philip Agliano also apologized saying there were no specific discussions and that he will assure everyone is included in the future. Kurt Zebrowski stated that he believes it was originally thought that the property was designated as passive recreation and that plans for the tract have changed and that the public is unaware. Adam Supplee stated that no plan has been adopted and that the combined Layfield Park and Wassmer tract have potential for intensive recreation. Mr. Supplee added that long range plans are living documents and need to be reviewed periodically. Kurt Zebrowski also expressed concerned regarding increase in traffic associated with a large complex. Charles Garner, Jr. stated that it was his understanding that the tract had been purchased with open space funding, that a 500,000 square foot building with 1,400 parking spaces is a commercial project, believes it should remain open space, that the public has not been advised of planning and believes it would have an impact on the community. Mr. Garner asked about the wetland study proposal and stated it was previously identified as priority No. 4 and that priority Nos. 1-3 had not been budgeted for; he believes the Township should focus on the priority list. Andrew Kelly stated consideration is in the exploratory phase and that he agrees that commercial recreation should not be situated in open space. Manager Jamie Gwynn stated that he reports back to the Board after he

attends meetings and assured that no action was taken; Mr. Agliano stated that it will continue to be an agenda item.

Peter Lukens of 911 Henning Road stated that he is the Chairman of the Open Space Committee and that he does not think a sprawling recreation center is appropriate for this tract. Philip Agliano stated that he thinks conversation is good and that local sports groups are interested in more fields, both indoor and outdoor. Connie Garner, Recreation Director stated that she is consulting with Solicitor Bellwoar for guidance as to what could be done on the Wassmer property.

John Auman of 3624 Church Road asked why Valley Forge Tourism has done a feasibility study and was told that their study was intended to bring people from the various communities together to find a suitable location.

Celeste Bish, 2504 Finn Road asked why trees had been removed from the site and was told that only the underbrush was cleared and nothing greater than 6-8' height was removed.

Robert Thomas of 521 Kulp Road stated that he is on the Montgomery County Open Space Board and that ten years ago he also served on the Township Open Space Committee. He asked about the source of the money to purchase the Wassmer Tract and whether it was purchased with the .15% additional earned income tax earmarked for purchase of open space which was approved by referendum for open space and trails. He stated that Township personnel had visited a recreation complex in the Lancaster area and recommended against allowing construction of one in New Hanover; he asked who would be responsible for real estate taxes if a complex were approved.

Bridge Improvement at Rt. 663 near Swamp Pike – Ben Goldthorp is asking the Supervisors for their support in drafting a letter to PennDOT supporting bridge improvements, increasing the three additional lanes to five additional lanes due to the projected increases in traffic since the previous study.

BOARD OF SUPERVISORS Regular Meeting

The regular monthly meeting of the New Hanover Township Board of Supervisors was held on Monday, February 27, 2017 at the New Hanover Township Municipal Building, 2943 North Charlotte Street, Gilbertsville, PA 19525. Present were Supervisors Philip Agliano, Andrew Kelly, Charles Garner Jr., Marie Livelsberger and Kurt Zebrowski. Township Manager Jamie Gwynn, Township Solicitor Andrew Bellwoar, Planner Adam Supplee, Engineer Dennis Leh and Eileen Pogony were also in attendance. Chairman Philip Agliano called the meeting to order at 7:45 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.

SPECIAL PRESENTATIONS

Police Department Commendations – Sergeant Moyer, Officers Dekkar Dyas, Dennis Psota, and Michael Salvo participated in an arrest and investigation following a report to the police department of two men making a suspicious sales call at a home located on Kulps Road in the Township. Officers were congratulated on the arrest and follow-up which resulted in additional prison terms for two persons on parole from prior offenses.

DEPARTMENT REPORTS

Finance Department – Kaleena Breitbarth reported that the audit of Township records for 2016 had gone well and should be available for the March 27, 2017 meeting.

Police Department - Chief McKeon reported 365 calls for service, 12 assists to other departments, received 13 assists from other departments, reported 16 accidents 8 of which were reportable, 16 criminal investigations, 11 arrests, 8,486 patrol miles estimated at a cost of \$1,472., continued vehicle maintenance and had no citizens' complaints.

Public Works Department – Public Works Director Dennis Flynn reported on sales of grader and roller, replaced 51 lights in the municipal building, assisted in clean-up of Hickory Park, finished preparation of gravel roads for oil and chip, prepared bids for fog seal and oil and chip and announced a listing of roadways scheduled for maintenance and upgrading during this year.

Recreation Department – Director Connie Garner thanked the Public Works Department for their assistance during the installation of the new pavilion at Hickory Park. She stated that fencing is being provided at the Windlestrae Park. Upcoming events include: Small Business Showcase April 25, Coloring Contest April 1-14, Egg Hunt April 15, Fishing Derby May 13, Food Truck Fest May 20, and Pool Opening May 27.

Sewer Authority – Superintendent Rapp reported that the biological “Super Bug” project would not be appropriate for the New Hanover facility. He stated that they continue with the clean-up of ditches and have been added to the scada system.

Zoning Department – Director James Wozniak reported that four new homes were permitted during this period and that he had inspected the pavilion at Hickory Park. Annual inspection letters have been sent out for residents having stormwater systems

and alternate on-site septic systems. He continues to update the Township's GIS program.

BOARDS, COMMISSION AND COMMITTEE REPORTS

Recreation Committee – Connie Garner reported that the Recreation Committee had discussed the offer for purchase of the Jacobs property and are not in favor of the purchase since it was determined that the tract was not of value to the Township for recreation purposes; Adam Supplee was in agreement. Mr. Jacobs is to receive a letter thanking him for providing the Township an opportunity to purchase.

Environmental Advisory Board – Ross Snook welcomed John Auman and Lisa Nolan to the Board. He stated that the committee has been discussing clean-up after pets in the parks, household waste collection, reviewing the burn policy, and methods for maintaining an environment for everyone to enjoy.

Engineer's Report – Engineer David Leh reported that he had attended a staff meeting for the Patterson and Trotter's Gait developments which has since been submitted for Planning Commission review. The Planning Commission is generally in favor of the revised plans which will reduce the numbers of new homes from a total of 63 units originally to 37 single homes.

Planner's Report – Adam Supplee reported that he had participated in staff meetings for the Patterson and Trotter's Gait developments, stated that they are assisting the Township in meeting the MS-4 requirements including monitoring of outfalls, assisting in the review of the codification of ordinances and providing mark-ups for corrections. Charles Garner Jr. questioned references regarding off-street parking in both Zoning and Subdivision and Land Development Ordinances and mentioned the need for notes to be added on record plans if a waiver request has been granted.

Solicitor's Report – Andrew Bellwoar mentioned that an executive session had been held prior to the work session for the discussion of personnel and litigation matters. Mr. Bellwoar stated that there are outstanding improvements needed in the Hanover Greene and also in the Courtside Preserves development. In the case of the Hanover Greene development, the developer became bankrupt prior to the sales of all lots and that Township is expecting to receive the \$58,000 but the estimated cost if completed by the developer was \$90,000. Philip Agliano suggested that some of the remaining work could be accomplished by the Public Works Department at a lesser cost and the Public Works Department expects to be able to accomplish the remaining work with the \$58,000. Charles Garner Jr. stated that the work should have been accomplished by the developer, hopes the cost does not exceed the \$58,000., stated that it may be best to wait for warmer weather since concrete work will be needed. Kurt Zebrowski **moved** to authorize the expenditure for the improvements providing the bidding requirements are met. Philip Agliano **seconded** the motion and it **carried 5-0**. Michael Starr of 2214

Holly Drive stated that he appreciates the Board taking action to address the safety issues including the five manhole covers.

In the case of the Courtside Development, both the developer and their bank failed with the FDIC named as the receiver. Andrew Kelly **moved** to expend the dollars needed to complete the outstanding improvements for the benefit of the residents in the development providing bidding requirements are met. Kurt Zebrowski **seconded** the motion and it **carried 5-0**. Mr. Charles Garner Jr. stated that he is interested in how long it may take to get an answer from the FDIC and was told 90 days; the expenditure has not been budgeted for and funds will be taken from Township reserves hoping for reimbursement from FDIC. The Township will be reviewing escrow agreements annually going forward to assure there is sufficient funds to complete the required work. Ralph Fluharty of 2120 Little Road stated that he wants the Township to be sure taxpayers dollars are not used for this purpose again.

Manager's Report – Jamie Gwynn stated that the Township is a great community and is working hard to address outstanding issues and move forward. Mr. Gwynn reviewed a number of concerns reported previously and his responses to them. He is working toward having the Township's website rebuilt, technology updates, improving transparency, and offered kudos to the Public Works Department for starting their snow plowing operation at 1:00 AM in order to provide safer roadways for the traveling public.

Charles Garner Jr. thanked Mr. Gwynn for following up on citizen concerns brought to his attention; he appreciates follow-up. It was noted that uncompleted improvements at the Hanover Green Developments began during the tenure of a prior manager.

CONSENT ITEMS

Approval of Minutes–January 23, 2017 - Charles Garner Jr. **moved** to approve the Work and Regular Meeting Minutes, **seconded** by Marie Livelsberger. The motion **carried 4-0** with Andrew Kelly abstaining since he had not been in attendance at the meeting.

Motion to approve Bill List #2 dated February 22, 2017 in the amount of \$296,444.78 was made by Andrew Kelly , **seconded** by Charles Garner Jr. and **carried 5-0**. Marie Livelsberger noted finance charges and was told that the Township will make an effort to negotiate terms for payment for invoices where finance charges were imposed.

NEW BUSINESS

- **Motion** to accept the resignation of Sue Saylor from the Environmental Advisory Board was made by Charles Garner Jr., **seconded** by Andrew Kelly and **carried 5-0**.
- **Motion** to approve **Resolution 17-08** to appoint John Auman to the Environmental Advisory Board to fill an unexpired term through December 31,

2018 was made by Kurt Zebrowski, **seconded** by Charles Garner Jr. and **carried 5-0**.

- **Motion** to approve **Resolution 17-09** to appoint Lisa Nolan to the Environmental Advisory Board to fill an unexpired term through December 31, 2017 was made by Andrew Kelly, **seconded** by Charles Garner Jr. and **carried 5-0**.
- **Motion** to appoint William Snook as Chairman of the Environmental Advisory Board through December 31, 2017 was made by Charles Garner Jr., **seconded** by Philip Agliano and **carried 5-0**.
- **Motion** to approve the proposal from **Underwriter Inspection Services** to provide services as an alternate Code Enforcement Officer at a rate of \$65 per hour for residential plan reviews and inspections, \$75 per hour for commercial inspections and \$85 per hour for commercial plan reviews was made by Charles Garner Jr., **seconded** by Marie Livelsberger and **carried 5-0**.
- **Motion** to approve **Metropolitan Development Group's** escrow release request #5 for Kingston Hill II (Phases II & IV) in the amount of \$94,177.16 was made by Andrew Kelly, **seconded** by Kurt Zebrowski and **carried 5-0**.
- **Motion** to approve **SARAS Partnership's** escrow release request #2 in the amount of \$69,134.03 was made by Philip Agliano, **seconded** by Marie Livelsberger and **carried 5-0**.
- **Motion** to approve **Resolution 17-10** to establish a non-uniformed employee hiring process was made by Andrew Kelly, **seconded** by Charles Garner, Jr. and **carried 5-0**.
- **Motion** to approve the advertising of the recommended job description for the position of **Finance Director** was made by Marie Livelsberger, **seconded** by Kurt Zebrowski and **carried 5-0**.
- **Motion** to approve **Resolution 17-11** suspending an employee was made by Charles Garner Jr., **seconded** by Andrew Kelly and **carried 5-0**.
- **Motion** to approve **Resolution 17-12** terminating an employee was made by Marie Livelsberger, **seconded** by Charles Garner Jr. and **carried 5-0**.
- **Motion** to approve a 5-year proposal from **Revize** to perform a website update and provide annual maintenance was made by Andrew Kelly, **seconded** by Kurt Zebrowski and **carried 5-0**.
- **Motion** to adopt **Ordinance 17-02** incurring debt in the maximum principal amount of \$2,000,000. Such debt shall be incurred as lease rental debt to be evidenced by its guaranty, under a guaranty agreement, of a Guaranteed Sewer Revenue Note, Series of 2017 **motion** made by Marie Livelsberger, **seconded** by Charles Garner Jr. and **carried 5-0**.
- **Motion** to authorize an advertisement for the consideration of an ordinance to adopt a consolidated, recodification and revision of the Township's **Code of Ordinances** was made by Marie Livelsberger, **seconded** by Andrew Kelly and **carried 5-0**.
- **Motion** to authorize an advertisement for the consideration of an ordinance to amend the **Township's non-uniformed pension plan** to establish a defined contribution pension plan was made by Andrew Kelly, **seconded** by Philip Agliano and **carried 5-0**.

- Bridge Improvements—Swamp Pike & Rt. 663 - Andrew Kelly **moved** to authorize Mr. Gwynn to provide a letter to Senator Rafferty supporting the expanding of the bridge structure adjacent to the Rt. 663 at Swamp Pike intersection to a five-lane cross-section and providing pedestrian and bicycle connections in order to meet the long-term goals of the Township. Kurt Zebrowski **seconded** the motion and it **carried 5-0**.

PUBLIC COMMENT

Mike Starr of 2214 Holly Drive and Nicholas Kolodziej of 2218 Holly Drive thanked Mr. Gwynn and the Board of Supervisors for addressing the issues at Hanover Greene Development.

Ross Snook spoke with regard to the proposed Gibraltar Rock quarry application stating that that berms have been constructed along the road and do not meet the required set-back, that the higher court upheld the original plan but not the plan currently being reviewed by the Planning Commission. Mr. Snook stated that he believes a permit may be issued in 60 days and believes the Board of Supervisors needs to follow thru quickly. He stated that the Earth Res documentation of January 16 states that contaminated water will be diluted to achieve water quality and that no treatment is proposed, Mr. Snook believes the water needs to get treated and that the berms need to be moved. Philip Agliano stated that the information has been passed along to Robert Brant, Esq. who sent a revised comment letter and will be asked to attend the next Board of Supervisors meeting. Mr. Snook referred to the listing of conditions in Resolution 15-15 adopted on June 8, 2015.

Upcoming Township Meetings – Announced by Eileen Pogany – all meetings to begin at 6:30 PM.

March 01 – Recreation Committee
March 02 – Zoning Hearing Board
March 08 – Planning Commission
March 14 – Environmental Advisory Board
March 15 – Sewer Authority
March 27 – Board of Supervisors

Chairman Philip Agliano announced that the March 13 meeting of the Board of Supervisors has been cancelled.

Board Announcements

Kurt Zebrowski reported on the Pottstown Metropolitan Regional Planning Commission stating that certain areas within the region are growing, that the traffic study is being updated and participation in a Uniform Construction Board of Appeals was discussed by several entities currently not participating on a Board.

Charles Garner Jr. stated that he is glad to see residents attending Township meetings. He stated that early in January the DEP had issued a letter regarding the Gibraltar Rock application and that the Township had not received a copy, he will be contacting Representative Toepel. He also noted that the berms constructed over ten years ago were to have been relocated and have not been relocated and that the Board of Supervisors needs to look carefully and do a thorough job in the review. He also stated that the Township needs to protect residents and not developers and cited a problem due to lack of provision for adequate parking at the Hanover Woods development.

ADJOURNMENT – Andrew Kelly **moved** to adjourn the meeting and the meeting was declared adjourned.

Jamie Gwynn, Township Manager/Secretary