

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

A work session of the New Hanover Township Board of Supervisors was held on Monday, March 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 – Jamie Gwynn stated that the settlement agreement between the Police Department and the Township is removed from the regular agenda.

Review of Bill List – There were no questions or changes to Bill List No. 03 dated March 22, 2017.

**NEW HANOVER TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
MARCH 27, 2017**

The regular monthly meeting of the New Hanover Township Board of Supervisors was held on Monday, March 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 7:37 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. Celeste Bish stated that she would be taping a portion of the meeting. Chairman Agliano asked everyone to please remember to be courteous during the meeting.

**UPCOMING TOWNSHIP MEETINGS – Announced by Eileen Pogany -
all meetings begin at 6:30 PM**

April 5 – Recreation Committee
April 6 – Zoning Hearing Board
April 10 – Board of Supervisors
April 11 – Environmental Advisory Board
April 12 – Planning Commission
April 19 – Sewer Authority

SPECIAL PRESENTATIONS

Robert Brant, Esq. provided an update on the Gibraltar Rock Quarry application before the Zoning Hearing Board. He stated that the ongoing 15 years of litigation have resulted in three items pending. The hearings are coming to a close with the hydrogeologist completing his testimony and the public being given opportunity to speak; he anticipates an additional three-four month time frame for a decision to be announced. He stated that the GR No.4 Hoff VC site is related to the special exception for the quarry operation being applied for. He added that the NPDES may be issued, that permit conditions will be reviewed and an appeal to the Environmental Advisory Board is a possibility due to the concerns related to treatment of chemicals. The Land Development application has been approved in preliminary form with the applicant waiving the time frame for a decision. There is an issue with the location of the berms which have already been installed and at some point the Board of Supervisors will need to make a decision as to whether the berms will need to be relocated. The Board of Supervisors will be provided a written summary on pending matters as needed.

663/73 Project Update – Brian DiBiase of McMahon Associates provided an update on the improvements being proposed for the intersection of Rt. 73 and Rt. 663. Phase 1 will include an addition of a left hand turn lane on the North side of Rt. 73. Phase 2 will include left and right hand turn lanes and a traffic signal. The Township will proceed with securing all property acquisitions necessary for phases 1 and 2 initially and will proceed with submitting a permit application in the fall of 2017. Thomas Miskiewicz suggested that, comparing this project to another he is familiar with, the project could be estimated at a cost of \$900,000. Ralph Fluharty of 2120 Little Road stated that markings along the roadway which prohibit a left hand turn into Ludwig Road by traffic traveling east are not clear and that a double yellow line should be painted on the roadway to alert motorists of the no left hand turn.

DEPARTMENT REPORTS

Finance Department – no one was available to provide a report.

Police Department – Chief McKeon reported 289 calls for service, 6 assists to other departments, reported 19 accidents 9 of which were reportable, 18 criminal investigations, 21 arrests, patrol miles totaled 7, 515, continued vehicle maintenance, had no citizens' complaints and will provide a written report for the Board.

Public Works Department – Dennis Flynn reported that the blacktop plants have opened and that his department will be patching potholes. He is planning on correcting drainage

issues and begin road paving in May. Bids for fog and seal, oil and chip and road striping will be opened April 3. Road sweeping will be take place along curbed roadways by an outside contractor and along non-curbed roadway by Township crew. Oil and chip is scheduled for June and fog sealing of entire length of Turnbury is scheduled to take place in August. Mark Walther of 2151 Little Road stated that his mail box had been knocked over during snow plowing operations.

Recreation Department – Thomas Miskiewicz reported that the Business Expo had taken place at the Recreation Center Saturday, March 25, that a fish derby is scheduled for May, that fences and benches have been installed at Windlestrae Park and that sign-up/applications are being received for the swimming pool and summer camp at Hickory Park.

Sewer Authority – Gregory Rapp reported that he has lost a talented operator and that he is in the process of hiring an operator. Charles Garner Jr. asked if an exit interview had been conducted and was told that it.

Zoning Department – James Wozniak reported that he had issued permits for only three new homes during the past month.

BOARDS, COMMISSION AND COMMITTEE REPORTS

ENVIRONMENTAL ADVISORY BOARD – Ross Snook reported that the March meeting had been cancelled and that the EAB is working on making suggestions to the burn policy, working on maps to locate fishing areas, communicated with DEP Colin Wade with regard to the Hoff VC site, and invited residents to join the EAB. Philip Agliano suggested the EAB communicate with the Fire Marshall regarding the burn policy.

Charles Garner Jr. asked Manager Gwynn about communication with boards, commissions, and committees and suggested that copies of meeting minutes be distributed to Board of Supervisors members.

ENGINEER'S REPORT – David Leh reported that bids had been posted for road work and that "No Parking" signs had been posted Hanover Woods and Hanover Pointe/Zavitsanos.

PLANNER'S REPORT – Adam Supplee reported that the Township will be entering its fifth and final year of the MS-4 program and will need to be renewing the permit for 2018; he asked for authorization to continue water sampling during dry weather. He reported continuing to explore grant opportunities for continuation of the Township's master trail plan; has reviewed Chapters 22 and 27 of the codified code and reestablished parcel data for the GIS system.

SOLICITOR'S REPORT – Andy Bellwoar reported that he is addressing the issue of developers needing to maintain stormwater management systems associated with developments installed along State highways. Manager Gwynn stated that prior managers had entered into agreements to maintain the stormwater drainage systems and that it should be a developer responsibility rather than the Township. Thomas Miskiewicz of 2444 New

Hanover Square Road suggested that the developer also be required to establish an escrow account. Celeste Bish of 2504 Finn Road asked Mr. Bellwoar if he had a report with regard to the use of the Wassmer Tract and was told that the Board had not requested Mr. Bellwoar to report on this matter.

MANAGER'S REPORT – Manager Gwynn reported that he, along with James Wozniak and Engineer David Leh, is working on updates to the Township's Subdivision/Land Development application and also on the Township's fee schedule for the coming year. He is also working on resolving issues with the unfinished developments at Holly Drive and Courtside Avenue, establishing time lines and costs. He stated that he is looking forward to launching the new website with a target date of June 5, 2017, which will enable the Township to launch alerts to notify residents as needed. Bid documents for the traffic light installation at the Swamp Pike/Fagleysville Road intersection are about to be mailed. Marie Livelsberger asked who the Right-to-Know officer is and was told it is Sergeant Moyer at the present time. Mr. Gwynn stated that this responsibility typically defaults to the Township Manager and that he has experience and that provisions allow for up to a five day response time.

CONSENT ITEMS

Approval of Minutes – February 27, 2017- Marie Livelsberger stated that the minutes incorrectly stated that Philip Agliano presented the proclamation to the Cub Scouts when she had made the presentation. Kurt Zebrowski stated that an appeal before the Uniform Construction Board of Appeals had mistakenly been reported under his report of the Pottstown Metropolitan Planning Commission. Kurt Zebrowski **moved** to approve the minutes to include the corrections noted. Charles Garner **seconded** the motion and it **carried 5-0**.

Approval of Bills List #3, March 22, 2017 – Charles Garner Jr. **moved** to approve Bill List #3 in the amount of \$215,194.20, motion was **seconded** by Marie Livelsberger and **carried 5-0**.

OLD BUSINESS – None

NEW BUSINESS

- **Motion** to approve Resolution 17-13 ratifying a snow emergency declaration beginning on Tuesday, March 14, 2017 and ending on Wednesday, March 15, 2017 was made by Philip Agliano, **seconded** by Kurt Zebrowski and **carried 5-0**.
- **Motion** to approve Resolution 17-14 rescinding and establishing terms of Gregory Maskrey, Anastasia Meder and James Butler of the Zoning Hearing Board was made by Charles Garner Jr., **seconded** by Marie Livelsberger. Ralph Fluharty of 2120 Little Road asked how approval of Resolution 17-14 would affect the Gibraltar Rock ongoing hearings and was told it would not. The motion **carried 5-0**.
- **Motion** to adopt Ordinance 17-03 to consolidate, recodify and revise the Township's Code of Ordinances was made by Kurt Zebrowski, **seconded** by Charles Garner Jr. and **carried 5-0**.

- **Motion** to adopt Ordinance 17-04 to amend the Township's non-uniformed pension plan to establish a defined contribution pension plan was made by Charles Garner Jr., **seconded** by Kurt Zebrowski. Charles Garner Jr. commented that the plan has been discussed for several months and he thanked everyone for getting it completed. The motion **carried 5-0**.
- Philip Agliano **moved** to authorize an advertisement for the consideration of an ordinance to amend Chapter 16, Parks and Recreation of the Code of Ordinances, revising Section 109, Use of Motor Vehicles Prohibited Except in Designated Areas, to include parking at Layfield Park's designated parking area at any time by the members, guests and invitees of the Hanover Woods community. Kurt Zebrowski **seconded** the motion and Charles Garner Jr. asked how the designated area will be identified to allow for passenger vehicles only. Thomas Miskiewicz asked about snow plowing of the parking area and trails. Philip Agliano **withdrew** his motion to allow for further discussion. Edward Swagzdis of 425 Buchert Road stated that he did not want to see the Board of Supervisors giving gifts to developers.

PUBLIC COMMENT

Ross Snook stated that he is running to become a member of the Board of Supervisors and asked Philip Agliano if he is aware of the improprieties with respect to submitting of necessary documents by the candidates and suggested that one candidate should excuse himself to bring integrity to the process and offered his apology to Marie Livelsberger. In addition, he asked the Board of Supervisors to consider asking for a resignation of the person he referred to.

Craig Edwards of 1 South Main Street Sellersville spoke representing the Woodfield Development stating that he had discovered issues with the development which had been unknown to him previously and found himself in the midst of confusion. Construction of basins began under the assumption that final plan approval had been granted. He is asking for consideration of a waiver to allow for a 5% slope for driveways, which he considers to be minimal, where a 4% slope had previously been approved. Solicitor Andy Bellwoar advised that the settlement agreement was conditioned upon compliance with the consultants review letters and that Sandy Koza of McMahon Engineering is requiring that elevation points be shown on the plan. Mr. Bellwoar suggests that granting of the 5% elevation be subject to it being shown on the plan and recorded. Developer has proceeded with his NPDES permit at his own risk; Manager Gwynn stated that work is to cease until all issues have been resolved and the plan approved and recorded. Andrew Kelly **moved** to allow for up to a 5% grade from street for the driveway providing elevations are shown on the plan in compliance with the review letter of Ms. Koza, Traffic Engineer and all other requirements have been satisfied. Kurt Zebrowski **seconded** the motion and it **carried 5-0**.

Frederick Jeffery of 608 Jays Lane stated that he purchased his property in October 2016 and had no knowledge that the road was a private road. He believes that the construction at the Zavitsanos Tract is creating erosion and pooling of water at Jays Lane creating a "hole" and a drop from Moyer Road at Jays Lane; he suspects water will seep under Moyer Road and damage the roadway. Mr. Jeffery stated that he wants the Township to improve, maintain and

plow snow when needed and added that an ambulance will not travel over Jays Lane to provide emergency service. Philip Agliano stated that the Jays Lane issue has been an ongoing problem over the years. Charles Garner Jr. stated that he is hearing this issue for the first time and would like the Township Manager to provide an update for him; he also asked if the deed identified the roadway as private. Andrew Kelly stated that the road had not been built to Township specifications and had never been dedicated. Philip Agliano stated that Manager Gwynn would follow up and contact the Township Solicitor.

Russell Oister of 590 Jays Lane stated that he is a defunct co-owner of Jays Lane and that he purchased a fifteen acre unimproved lot on Jays Lane and wants to know what can be done with the roadway. Solicitor Andrew Bellwoar was asked to research information regarding the tract.

Elaine Holloway 606 Jays Lane is asking for an improved road stating that the residents living there had been promised that they could look forward to improvements. She is asking for an improved surface but does not want curbing and sidewalk along Jays Lane.

Eric Knight of 2416 Jessica Drive asked that if a parcel purchased with open space funds were developed, would the cost of the parcel be refunded to the open space funds.

Ralph Fluharty of 2120 Little Road questioned the housing of fire apparatus at 2153 Hoffmansville Road and questioned if the north end of the Township is covered by a fully equipped fire service. Philip Agliano stated that the fire companies are in litigation with regard to the original building on Hoffmansville Road and that the fire company is committed to providing Township-wide service.

BOARD ANNOUNCEMENTS

Marie Livelsberger stated that she had been appointed to serve as a member of the Board of Supervisors and agreed to do so with no personal agenda nor ties. She stated that she is disheartened and disappointed that this (election) process has brought out people's true colors and personal agendas.

Charles Garner Jr. stated that he would like a motion adding the Township Manager as the Right-to-Know Officer on the April 10, 2017 agenda.

Philip Agliano stated that the next upcoming meeting of the Board will take place on April 10, 2017.

ADJOURNMENT

Kurt Zebrowski **moved** to adjourn at 8:37 PM and the meeting was declared adjourned.

Jamie Gwynn, Township Manager-Secretary