

NEW HANOVER TOWNSHIP
BOARD OF SUPERVISORS
WORK SESSION
MAY 22, 2017

A work session of the New Hanover Township Board of Supervisors was held on Monday, May 22, 2017 at the New Hanover Township Municipal Building, 2943 North Charlotte Street, Gilbertsville, PA 19525. Present were Supervisors Andrew Kelly, Charles Garner Jr., Marie Livelsberger and Kurt Zebrowski. Philip Agliano was absent. Township Manager Jamie Gwynn, Township Solicitor Andrew Bellwoar, Planner Adam Supplee, Engineer Dennis Leh and Eileen Pogany were also in attendance. Vice Chairman Andrew Kelly called the meeting to order at 6:35 PM.

Review of Agenda – Jamie Gwynn stated that two items have been removed from the agenda which are approvals to hire Jeffrey Stypinski and Rylee Fluharty and also for removal of authorization for McMahon Associates to perform highway occupancy services for the Renninger/Gambone development.

Review Bill List – Billing of Ross Snook was brought to the Board's attention since 24-75 hours has been billed without documented authorization and that billing at \$90. per hour was submitted for reading a book and time spent relative to researching artifacts. Charles Garner stated that the manager at the time should have assured that an executed agreement was on file in the Township office. Mr. Snook presented correspondence between himself and prior manager Kevin Tobias and stated that 88 hours of work had been donated and not been billed. Marie Livelsberger suggested that Manager Gwynn provide a listing of bills submitted by Mr. Snook showing what is being paid and what is not being paid since what the Board authorized him to do is not clearly documented. Mr. Snook stated that he was hired in August 2015 to review the Gibraltar Rock application and that Messrs. Muller and Tobias wanted him to update other Board members; later bills became a problem with Messrs. Kelly and Agliano. William Holloway of 606 Jays Lane, Pottstown suggested that the Board talk with Mr. Snook. Andrew Kelly stated there are nine line items subsequent to August 3, 2016 and that he wants transparency. Mr. Kelly then asked Mr. Snook if he knew he was not authorized to perform services after August 3, 2016 and Mr. Snook admitted that he was aware.

2016 Municipal Audit Review – Barbara Aikens, CPA was present stating that she is in her third year of auditing the Township records. She stated she had prepared the DEP report, the DCED report, newspaper audit report, tax collector audit and audit of the financial statements. She stated that she is always on the lookout for potential problems and had suggestions on eleven points which should be incorporated including better record keeping of large pieces of equipment, changes as to who performs certain tasks, and assuring developers replenish escrow funds. Kurt Zebrowski stated that he learned a lot by the report and was stunned at what he saw and suggesting it was due to bad management. It was noted that the accounting software being used is good and that it can be used to generate many reports including reports which will be helpful during budget preparation. Mr. Gwynn stated that he reviews line items descriptions provided on invoices, relies on department heads and stated that a report will be

prepared monthly of developers who are late for payments. Mr. Gwynn thanked Ms. Aikens for her hard work. Marie Livelsberger asked that the Board of Supervisors be advised if adjustments are made.

Marinari Subdivision/Hanover Meadows – Development plan was originally submitted by Heritage and has a court ordered settlement for approval. Mr. Craig Edwards represented a developer interested in developing the project, wants to improve the plans including proposing four story apartments, eliminating the age restrictions on certain phases. He stated that it is a very expensive project due to the required intersection redesign/improvements on Rte. 663 and Rte. 73. Phasing changes are proposed, along with a proposal to sell the life care facility or have it managed by others. Developer proposes to develop one-half of project and then construct road improvements; likely will not be accepted by the Board of Supervisors. Charles Garner Jr. stated that units not age restricted may impact on the Boyertown school census. Adam Supplee mentioned that four story buildings will have a 35' height limitation, the developer responded by saying one level could be underground in order not to exceed the 35' height restriction. Mr. Supplee also suggested that the developer consider a donation of open space to the Township's Hickory Park. Marie Livelsberger stated that she is concerned about the impact to the school system and the fire company. Mr. Gwynn stated that road improvements should be included in phase 1. Andrew Kelly suggested that a certain dollar amount could be set aside for road improvements as each home is developed. Ronald Sekellick of 281 Township Line Road asked if the developer was aware of the Gibraltar Rock Quarry proposal and the concerns regarding noise and water; Mr. Edwards stated the quarry is not an issue.

REGULAR MEETING

The regular monthly meeting of the New Hanover Township Board of Supervisors was held on Monday, May 22, 2017 at the New Hanover Township Municipal Building, 2943 North Charlotte Street, Gilbertsville, PA 19525. Present were Supervisors Andrew Kelly, Charles Garner Jr., Marie Livelsberger and Kurt Zebrowski. Philip Agliano was absent. Township Manager Jamie Gwynn, Township Solicitor Andrew Bellwoar, Planner Adam Supplee, Engineer Dennis Leh and Eileen Pogany were also in attendance. Vice Chairman Andrew Kelly called the meeting to order at 6:42 PM and led in a Salute to the Flag.

ANNOUNCEMENTS:

Vice Chairman Andrew Kelly 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. There was no one taping the meeting.

UPCOMING TOWNSHIP MEETINGS – announced by Eileen Pogany
All meetings beginning at 6:30 PM -

June 7 – Recreation Committee
June 13 – Environmental Advisory Committee
June 14 – Planning Commission
June 15 – Zoning Hearing Board
June 21 – New Hanover Township Authority
June 26 – Board of Supervisors

SPECIAL PRESENTATIONS - None

DEPARTMENT REPORTS

Finance Department – Kaleena Breitbarth stated that she has received interceptor payment and created a profit and loss and cash balance statement for the Board.

Police Department - Police Department - Chief McKeon reported 465 calls for service, continued traffic control, 16 assists to other departments, received 3 assists, 14 DUI's, 12 criminal investigations with 7 arrests, patrol miles estimated at a cost of \$1,140 continued vehicle maintenance and no citizens' complaints.

Public Works Department – Dennis Flynn reported that he will be paving Swamp Picnic Road in the coming week and stated that Sassamansville Road has been broken up by a developer. He stated that all paved roads will be swept and reviewed the paving, oil and chip and fog sealing schedule. Charles Garner Jr. asked if residents will be notified of road work being done and was advised by Mr. Gwynn that the Township's intern is preparing notices to be distributed on door hangers.

Recreation Department – Connie Garner reported that the May 20 Food Truck Fest had been a huge success, that the May 13 Fishing Derby was attended by 21 fishermen fishing in rainy weather and had a good time. She continued to report that the pool is being prepared for the summer swim season and registrations have filled for the first summer camp season and registrations are being accepted for the second session. Upcoming events include a New York bus trip scheduled for June 10 at a cost of \$30. and a "Touch a Truck" event scheduled for June 24. She also advised that reservations are being accepted for pool passes, pavilions and community Park barn rentals.

Sewer Authority – Gregory Rapp stated that the West Branch interceptor upgrade is underway. Mr. Rapp added that he is having a problem with staff turnover due to persons being hired,

staying a year receiving training and subsequently leaving to accept a job with better compensation elsewhere.

Zoning Department – James Wozniak reported that he had issued 104 permits including 10 new home permits and that he is working on upgrading ordinances.

BOARDS, COMMISSION AND COMMITTEE REPORTS

Environmental Advisory Board – Ross Snook reported that the EAB has been studying the Township's burn policy, is researching the effects of spraying of chemicals, welcomed John Auman to the committee, reviewed the Wagner Tract subdivision and is committed to assist with MS 4 water sampling.

Recreation Committee – Connie Garner stated that the committee is suggesting that the Township purchase the Hickory Park Restaurant. Work is being done on bike trail.

Engineer's Report – David Leh reported that Gambone has finished walking paths in the Windlestrae Development and has begun paving.

Planner's Report – Adam Supplee reported that he has completed the year end MS-4 report and will review with the Environmental Advisory Board; review of the New Hanover Town Center is underway.

Solicitor's Report –

Courtside

Mr. Bellwoar reported working on acquiring the Courtside Development escrow funds and reported that payment has been received to finance repairs for the Hanover Green development.

Jay's Lane

Mr. Bellwoar reported that all documentation regarding Jays Lane indicate that it is a private property but a title search may provide more details; the Township could proceed with repairs but it the responsibility of the homeowners to improve the lane; the question is whether or not the Board of Supervisors is interested completing a property search to understand who owns the road before discussing whether it is interested or not in financing the improvements. Kurt Zebrowski asked if it would set a precedent if the Township decided to make the improvements and asked Dennis Flynn to provide an estimate of costs for repair; Mr. Flynn responded by estimating \$35,000-\$50,000 to improve and \$70,000 to bring the road up to Township specification. Mr. William Holloway of 606 Jays Lane was present describing the poor condition of the roadway, stating that vehicles have been using the road as a turn-around, asking for repairs to be made, stating that emergency vehicles are unwilling to travel on the roadway due to the condition and requesting that at a minimum the Township fix the road at

the juncture of Moyer Road to avoid further damage to Moyer Road. Mr. and Mrs. Fred Jeffries of 608 Jays Lane stated that they recently purchased their home and that they and their realtor had attempted to do their due-diligence and found nothing recorded about a private road. Marie Livelsberger asked Solicitor Bellwoar how much time would be needed in order to do a property search and was told approximately three months. Andrew Kelly moved to authorize the Solicitor to move forward with a property search to determine ownership. Charles Garner Jr. seconded the motion and it carried 4-0. Charles Garner Jr. suggested that the Township Manager and Public Works Director check into the cost to fix the drainage problem. Russel Oister of 2418 New Hanover Square Road asked what good a property search would do and Mr. Holloway stated that Mr. Oister is not a part of Jays Lane.

Hanover Pointe –Mr. Rob Gundlach, representing the developer, was present representing this development stating that the plan had received preliminary approval in 2006 and Phase 1 approval in 2016. He stated that site improvements for Phase 1 are in process and the developer would like to continue site work into Phase 2. The Township is requiring security to be posted in order for improvement into Phase 2. The developer offered to post bond and cash collateral in order to continue but the Township was unwilling to allow the work since the Highway Occupancy Permit for the N. Charlotte Street access has not been issued, DEP sewer allocation has not been approved and additional EDU's are needed. Ms. Koza, Traffic Engineer reported that two easement agreements are needed along N. Charlotte Street for temporary access. Applicant will need a 90-day extension for review and approval for Phases 1B and 2 with escrow provisions. No building permits will be issued until planning module approval is obtained including the additional lots. Andy Bellwoar stated that a draft resolution for phasing agreement has been prepared but that all agreements need to be in place prior to its approval. Engineer Leh stated that Phases 1A and 1B could be approved if the Highway Occupancy Permit had been issued. Charles Garner Jr. moved to extend the time period 90 days in order to allow the developer to continue completing site plans for Phase 1B and 2. Kurt Zebrowski seconded the motion and it carried 4-0. Andrew Kelly moved to approve phases 1B and 2 to include the notations made May 22, 2017 and specifying that the DEP Planning Module had not been approved and no building permits would be issued. The motion died. Kurt Zebrowski expressed his concern regarding his vote being perceived to have been influenced by contributions by certain developers to a candidate for Board of Supervisors position preceding the primary election. Mr. Zebrowski advised everyone that his vote will not be influenced by campaign contributions received by an opponent. Ross Snook of 2395 Sanatoga Road pointed out that Supervisor Kelly contributed to Brian Hemmingway's campaign. Charles Garner Jr. stated that conditions of approval given in 2015 have not been met and that when the outside approvals have been received he will support moving forward. Mr. Gundlach asked if the Township would allow them to move forward without phasing but with inspections from the Township regarding site work, but Mr. Gwynn stated that all permits agreements are needed in order for the Township to allow continued work and inspections by the Township Engineer's office. Developer stated they may pursue litigation.

Manager's Report – Jamie Gwynn reported that two interns will be joining the Township during the summer months; Michael Millman will be assisting in the administrative office and Morgan Schriver will be serving an internship with the recreation department. Mr. Gwynn stated that

he, Philip Agliano and Kurt Zebrowski had attended the PA State Association of Township Supervisors (PSATS) convention and learned about developing best practices and assuring honesty; he thanked both the Board of Supervisors and the citizens of the Township for making it possible for them to attend.

Charles Garner Jr. asked Jamie Gwynn to review the Zoning Hearing Board appeal to consider uses for a property at 2406 N. Charlotte Street and stated that he is in favor of development but wants to be assured it will be adequately buffered from the adjoining residential properties.

CONSENT ITEMS

Charles Garner Jr. moved to approve of minutes of the April 10, 2017. Marie Livelsberger seconded the motion and it carried 4-0.

Bill List #4 dated April 24, 2017 was approved by motion of Charles Garner Jr., seconded by Marie Livelsberger and carried 4-0.

Bill List #5 dated May 22, 2017 was approved by motion of Charles Garner Jr. seconded by Andrew Kelly conditioned upon reducing the invoice of April 10, 2017 by 24.75 hours since there was to be no billing subsequent to August 3, 2016 and subject to review by Manager Gwynn. Payment of the Robert Brant, Esq. invoice approved conditionally subject to review by Manager Gwynn.

OLD BUSINESS - None

NEW BUSINESS

- A) David Reinhart was present seeking permission for Aqua Pennsylvania's request to install a fill station at the Hunter's Run Pump Station to provide water to landscapers temporarily until Aqua constructs its own facility. Mr. Rinehart stated that they want to avoid contamination of water by landscapers connecting to fire hydrants and that water will not be drawn for swimming pools. Kurt Zebrowski moved to permit use of the fill station at Hunter's Run for a period of twelve months. Charles Garner seconded the motion and it carried 4-0.
- B) Renninger Tract Phasing Plan Change Request – Mr. Mike Clement was present explaining that a Highway Occupancy permit is needed to connect to Swamp Pike and that they propose to construct Middle Creek Road, Phase D, up to the intersection at Swamp Pike and will escrow separately or combine escrows once Highway Occupancy permits have been issued by the County. Phases A and B have been approved in final for but final approval on Phases C, D, and E have not been finalized; developer committed to escrow funds for completion of Phase C and will build as soon as Highway Occupancy Permits are issued. Charles Garner Jr. moved to grant approval for building Phases C & D together, posting an escrow and building the intersection when the Highway Occupancy Permit has been issued. Kurt Zebrowski seconded the motion and it carried 4-0.

- C) Charles Garner Jr. moved to approve a DEP Planning Module on behalf of the 2481 Romig Road Development. Andrew Kelly seconded the motion and it carried 4-0.
- D) Charles Garner Jr. moved to approve a bid from A1 Traffic Control for line striping materials at a base bid of \$22,500. Marie Livelsberger seconded the motion and it carried 4-0.
- E) Motion to approve recommended job description for the position of Administrative Clerk in the New Hanover Township Authority, recommended job description for the position of Operator III in the New Hanover Township Authority and recommended job description for the position of Zoning Clerk in the Zoning Department was made by Charles Garner Jr., seconded by Marie Livelsberger and carried 4-0.
- F) Marie Livelsberger moved to approve the hiring of the following persons for the seasonal position of lifeguard at \$9.25 per hour: Lauren Flack, Jeremy Glasner, Julianna Glasner, Sean Morris, and Marcus Sobetsky. Kurt Zebrowski seconded the motion and it carried 4-0.
- G) Kurt Zebrowski moved to approve the hiring of Aaron Harris for the seasonal position of Laborer II at \$14.00 per hour; motion was seconded by Marie Livelsberger and carried 4-0.
- H) Marie Livelsberger moved to approve the hiring of Lisa Beck for the part-time position of Administrative Clerk in the Authority office beginning at \$13.00 per hour; motion was seconded by Kurt Zebrowski and carried 4-0.
- I) Andrew Kelly moved to approve the hiring of Matthew John for the full-time position of Operator II beginning at \$17.50 per hour; motion was seconded by Marie Livelsberger and carried 4-0.
- J) Kurt Zebrowski moved to approve the hiring of Mary Ann Nagel for the full-time position of Finance Director beginning at \$65,000 on an annual basis. Marie Livelsberger seconded the motion and it carried 4-0. It was noted that Cindy O'Donnell last day will be June 5.
- K) Charles Garner Jr. moved to approve the promotion of Justin Lathrop from a part-time position to a full-time position of Police Officer E beginning at \$53,000.00 on an annual basis. Andrew Kelly seconded the motion and it carried 4-0.
- L) Motion to deny an escrow release request in the amount of \$21,042.53 by Gladys Kulp was made by Marie Livelsberger, seconded by Andrew Kelly and carried 4-0. Denial was based upon incomplete improvements associated with the 3-lot subdivision at 2944 N. Charlotte Street.
- M) Kurt Zebrowski moved to approve a nine-year license agreement with the Optimist Club of Boyertown to license the Gambone Complex concession stand. Marie Livelsberger seconded the motion and it carried 4-0.

Linda Swagzdis of 425 Buchert Road asked where the Gambone Complex is located and was told it is in the Windlestrae development.

- N) Charles Garner Jr. moved to authorize an advertisement for the consideration of an ordinance to amend Chapter 22, Subdivision and Land Development, of the Code of Ordinances, to revise, add or delete language in sections 301, 402, 502, 602, 702 and 705. Kurt Zebrowski seconded the motion and it carried 4-0.
- O) Andrew Kelly moved to authorize an advertisement for the consideration of an ordinance to amend Chapter 16, Parks and Recreation, of the Code of Ordinances, to revise, add or delete language in sections 103, 105, 106, 109, and 113. Charles Garner Jr. seconded the motion and it carried 4-0.
- P) McGee Tract Subdivision - Charles Garner Jr. moved to approve an additional 90 day extension of the time period to satisfy the conditions of approval according to Resolution 18-15 with the exception to satisfy the Engineer's review letter dated July 1, 2015.
- Q) Charles Garner Jr. moved to execute an extra work authorization in the amount of \$2,900 for McMahon Associates to cover additional design services related to the PA Route 73/663 project. Kurt Zebrowski seconded the motion and it carried 4-0.

EXECUTIVE SESSION -The Board of Supervisors recessed to conduct an executive session at 10:40 PM to consider potential litigation.

The Regular Meeting reconvened at 10:50 PM with the Board announcing that no action had been taken.

PUBLIC COMMENT - None

BOARD ANNOUNCEMENTS

Kurt Zebrowski announced that he had attended the PSATS Convention including a session updating attendees on the requirements for the stormwater management requirements associated with the MS-4 program. Adam Supplee stated that along with stormwater management run-off, water chemistry is being monitored, I & I of rain water into the stormwater system requires extra treatment and that good use of open space can help with stormwater recharge.

Charles Garner Jr. thanked all volunteers for their assistance for the food truck event at Hickory Park on May 20 and also thanked all who voted on May 16 and encouraged everyone to vote in local elections since important things are happening.

ADJOURNMENT

Marie Livelsberger moved to adjourn at 10:53 and the meeting was declared adjourned.

Jamie L. Gwynn, Township Manager/Secretary