

The Hanover Township Board of Supervisors held their **Regular Meeting on February 18, 2010 at 7:30 p.m.** at the Municipal Building. Those present were Donald Winkler-Chairman, David Duerr-Vice Chairman, Herbert Grubbs-Supervisor, Nancy Voelker-Supervisor, Alfred Contumelio-Supervisor, Lane Turturice-Solicitor and Janis Krawchyk, Secretary/Treasurer.

Mr. Winkler called the meeting to order.

Pledge of Allegiance:

Approval of Minutes:

Mr. Duerr motioned to approve the minutes as written. Mr. Contumelio seconded the motion.

Vote on motion.

Mr. Winkler-yes, Mr. Duerr-yes, Mr. Contumelio-yes, Mrs. Voelker-yes, Mr. Grubbs-yes.

Motion carried.

Questions on Agenda Items:

None

Supervisors Report:

Mr. Grubbs wanted to report on the wages of the road department since the snow has begun. Total wages for the four previous weeks was \$10, 132.00 and \$4,875.00 was liquid fuels.

Mr. Winkler called for a moment of silence in memory of a dear resident, Mr. Carl Sabatasse, who passed away last Friday.

Public Safety Reports:

1. Animal Control Report: There were thirteen calls received and 13 calls answered. She issued one citation with nine warnings. One animal bite with one animal quarantined. She worked ten hours.

There were three dogs picked up and taken to the humane society. One dog was returned to the owner

2. Fire Dept. There was not a report for this month for they have been busy.

3. Police Report: There were twenty-three traffic citations issued. There was one non-reportable accident and no reportable accidents. There were fifty-eight incidents. Patrol mileage for the month was 2,317 miles. Check received from the magistrate was \$9,316.18 and the check from the clerk of court was \$380.07. Chief Geho informed the public that the PGP has been renamed First Niagara Pavilion. The first concert is to be on May 14, 2010. There will be advertisements for part time seasonal officers in three papers.

Approve Expenses:

Mr. Winkler said there are two bills to be added to the bills list. One was for mileage for Mr. Winkler for the trips to Pittsburgh for \$60.50 and the other bill was for N C Sanitation for \$23.38.

Mr. Duerr asked Mr. Turturice if the township was supposed to receive free internet from Comcast in the Franchise Agreement that had been signed. Mr. Turturice agreed that was the terms. Mr. Duerr motioned to pay the expenses excluding the Comcast bill. The total expenses would be \$11,531.81.

Mr. Contumelio seconded he motion.

Vote on motion.

Mr. Winkler-yes, Mr. Duerr-yes, Mr. Contumelio-yes, Mrs. Voelker-yes, Mr. Grubbs-yes.

Motion carried.

New Business:

1. Resolution 2010-3 declaring a State of Emergency due to the snowstorm on February 5, 2010. Mr. Winkler motioned to approve Resolution 2010-3. Mrs. Voelker seconded the motion.

Vote on motion.

Mr. Winkler-yes, Mr. Duerr-yes, Mr. Contumelio-yes, Mrs. Voelker-yes, Mr. Grubbs-yes.

Motion carried.

Mr. Turturice explained that Resolution 2010-4 was extending the State of Emergency Resolution set to expire on February 13, 2010. This will extend the resolution for seven days. Mr. Winkler motioned to approve Resolution 2010-4. Mrs. Voelker seconded the motion.

Vote on motion.

Mr. Winkler-yes, Mr. Duerr-yes, Mr. Contumelio-yes, Mrs. Voelker-yes, Mr. Grubbs-yes.

Motion carried.

2. Mr. Grubbs motioned to advertise for road material bids to be opened at the meeting of March 18, 2010. Mr. Contumelio seconded the motion.

Vote on motion.

Mr. Winkler-yes, Mr. Duerr-yes, Mr. Contumelio-yes, Mrs. Voelker-yes, Mr. Grubbs-yes.

Motion carried.

3. Tia Zaney/Weirton Ambulance Service was requesting an address list for the residents of Hanover Township so flyers could be mailed for membership. These are available under the Sunshine Act.

4. Mr. Grubbs motioned to approve Dale Handick to get quotes for the street sweeping. The cost is not high enough to require a bid proposal. Mr. Contumelio seconded the motion.

Vote on motion.

Mr. Winkler-yes, Mr. Duerr-yes, Mr. Contumelio-yes, Mrs. Voelker-yes, Mr. Grubbs-yes.

Motion carried.

5. Cell phone quotes. At the last meeting it was approved for Mr. Winkler, to receive quotes on three new cell phones for the road department. Mr. Winkler reported there are two phones that are heavy duty. The first was a Samsung for \$179.00 and the second was a Motorola for \$229.00. These prices are with a \$50.00 rebate on each phone. The ATT plan would have to be extended to get these phones. Mr. Winkler said the maximum cost would be approximately \$540.00. Mr. Winkler motioned to buy the Motorola Tundra. Mr. Grubbs seconded the motion.

Vote on motion.

Mr. Winkler-yes, Mr. Duerr-yes, Mr. Contumelio-yes, Mrs. Voelker-yes, Mr. Grubbs-yes.

Motion carried.

6. Two supervisors need to be appointed to attend the meeting with DEP on February 23, 2010. Mr. Winkler said this meeting is with Hanover Sewer Authority, Hanover Supervisors and their respective engineers and solicitors. Mr. Duerr wanted to know why only two members could attend: he would like to hear first hand what was discussed at the meeting. Mr. Turturice said there would be issues discussed that would eventually have to be deliberated. Mr. Turturice said the board has a decision to make to continue to uphold the resolution that the board previously passed in October, addend it or approve the financing question the authority has requested. The DEP has requested to talk to you about that particular decision. They know you have taken a vote of no confidence in the sewer authority and the Board of Supervisor has publicly said they will not approve any financing. The Sunshine Law specifically refers to the discussion of an agency's business held for making a decision. That meeting will directly affect how you will make a decision in respect to approve the financing or not. Discussion continued among residents, board members and Representative Jesse White. A number of residents and board members were in favor of Mr. Winkler attending the meeting. Mr. Duerr and Mrs. Voelker also volunteered to attend. Mr. Grubbs motioned to have Mr. Winkler and Mr. Duerr attend the meeting. Mr. Duerr seconded the motion.

Vote on motion.

Mr. Winkler-no, Mr. Duerr-yes, Mr. Contumelio-no, Mrs. Voelker-no, Mr. Grubbs-yes.

Motion was defeated.

Mr. Winkler said he does not have to go because it is a cut and dry meeting. We have to make the decision of honoring the resolution that was passed or tell them we are going to fund the plant. Mr. Duerr said than just call and tell them we are not going to fund the plant. Mr. Turturice's opinion from the first meeting was that the DEP does not care how it is paid for. DEP does not care if it is a good financial decision for Hanover Township. They just want it built. Mr. Winkler said the DEP has a project and they do not even care if it works. Mr. Grubbs wanted to know if they are not interested in what we have to say, why is there another meeting. With regard to the meeting earlier this day Mr. Winkler explained that since the supervisors never had a chance to meet on their own with the DEP, Mr. White quickly got this meeting set up so we could present our case. The authority was not there;

just two supervisors, Mr. Turturice and John Mowry, engineer for Hanover Board of Supervisors. Mr. Mowry made a nice presentation for the supervisors, and the DEP scheduled another meeting for Tuesday to get this funded. The township can appeal the DEP decision. That could take six to seven months.

Mr. White explained his office wanted a meeting with DEP for months and had been in touch with Donna Davis. She is not with them anymore. We had to start over with someone new. The purpose of the meeting was to get a few people in a room and get a consensus. Mr. White said he is in favor of building sewer projects but only if they are affordable. That is the question here-is this project affordable? There are some serious issues as to how the numbers add up. DEP has said a 537 plan was approved five years ago (2005) by the board of supervisors at the time. The authority was tasked with implementing that plan; once it was started, there was no stopping of the project. The DEP is concerned that if this is not moved on quickly some of the funding components may be lost. The components consist of the Penn Vest loan (4.2 million); Penn Vest grant (961,000) and H2O grant (5 million). This H2O grant is the first time this money has been allocated and they do not know how it will work with regard to any delays. A DCED grant has a shelf life of three years. DEP is telling the supervisors to underwrite the 4.5 million dollars needed or lose the one million dollar grant for sure and possibly lose the other 5 million dollar grant. If the supervisors do not approve the loan, DEP will take an enforcement action. They will tell the authority they have to do the project no matter what. The figures are out of control if you take away some of the funding and the board does not underwrite the 4.5 million dollars. If the board does not underwrite the loan because they do not believe the project is a good idea, they can appeal to the Environment Hearing Board and the Environmental Hearing Board would make the determination. Mr. White thought if the cost comes back being astronomical because the funds are not there, is it still a viable project. He believes the hearing board would take a long hard look at that. In addition, we could lose funding by the appeal process taking too long. This board of supervisors is the only people that underwrite the funding for this project. The DEP cannot force them to take on this debt. He believes they sent a message today. The representatives from the board and the engineer did a fantastic job. He questioned a lot of the figures and assumptions being made by the sewer authority. Mr. White is afraid it might have fallen on deaf ears. Mr. White supports whatever decision the supervisors make. Further discussion by Representative White, Mr. Duerr and Mr. Winkler covered the debt underwriting, grinder pump system, errors in calculating EDU's, possible loss of grant monies, the 50% failure rate in Florence, Burgettstown alternative, etc. If money is lost, making the project unaffordable, Mr. Crislip of the DEP indicated there was a possibility Starpointe would have to build their own plant and let everyone else use it.

Mr. White explained several bills he has in the legislature to address some of the problems with the lack of accountability of municipal authorities in the state. Mr. Winkler read a letter received from the DEP stating we must move ahead with Phase II of the Hanover Township sewer project as originally designed. Mrs. Voelker motioned that she and Mr. Winkler attend the meeting with DEP on February 23, 2010. Mr. Contumelio seconded the motion. Mr. Contumelio was asked to withdraw his second. Mr. Winkler asked the board members if there is anyone that wants to rescind the resolution that states this board will not finance the plant as designed. No motion was made; therefore, to anyone attending the meeting with DEP, that would be the answer. Mrs. Krawchyk repeated Mrs. Voelker's motion. Mr. Contumelio seconded the motion.

Vote on motion.

Mr. Winkler-yes, Mr. Duerr-no Mr. Contumelio-yes, Mrs. Voelker-yes, Mr. Grubbs-yes.

Motion carried.

Mr. Winkler asked the residents, if they understood what the board just voted on doing. This is very serious, we need solidarity and we need the residents to understand we will not be funding the sewer project as designed. Mr. Duerr said he is not against the project of the sewer plant as long as it is affordable to the people of Hanover Township. This project is not affordable. The figures for the cost of this project are never the same.

8. Mr. Winkler motioned to transfer \$20,000.00 from the Capital Reserve to General Fund, if needed, to cover any expenses. Mr. Duerr seconded the motion.

Vote on motion.

Mr. Winkler-yes, Mr. Duerr-yes, Mr. Contumelio-yes, Mrs. Voelker-yes, Mr. Grubbs-yes.

Motion carried.

Mr. Duerr said about two weeks ago he gave every board member and the solicitor a summary of time sheets and pay checks (which the solicitor agreed was public knowledge but the discussion would not be) to review. Mr. Duerr motioned to have Mr. Turturice look into the situation and come back with some recommendations. Mr. Grubbs asked Mr. Turturice if he did not already look into this matter. Mr. Turturice said very briefly. Mr. Morra asked if what was being talked about was just for the board. Mr. Duerr said it falls under the Sunshine Law. He verified this with Mr. Turturice. Mr. Turturice said the documents are public, not the allegations. Mr. Grubbs commented that he thought it was a dead issue. Mr. Grubbs said to give them to Mr. Turturice; you do not need a motion. Mr. Turturice said if you want me to investigate, it would have to be a motion. Mr. Duerr said this is his word (investigation) I just wanted him to review it, come back, and let us know if it warrants an investigation or warrants something else. Mr. Grubbs thought it was in the past. Mr. Duerr did not believe it had been settled. Mr. Winkler said we should not even be talking about this because it is a personnel issue.

Motion died from the lack of second.

Mr. Mills wanted to compliment the board for all the work they have done and decision they have made about the sewer project and he also wanted to compliment the road department on the work they have done throughout the snowstorm and additional snow.

Mr. Duerr motioned to adjourn. Mr. Contumelio seconded the motion.

Vote on motion.

Mr. Winkler-yes, Mr. Duerr-yes, Mr. Contumelio-yes, Mrs. Voelker-yes, Mr. Grubbs-yes.

Motion carried.

Donald Winkler, Chairman

Davie Duerr, Vice Chairman

Herbert Grubbs, Supervisor

Nancy Voelker, Supervisor

Alfred Contumelio, Supervisor

ATTEST:

Janis Krawchyk, Secretary/Treasurer

Date