

New Garden Township

Board of Supervisors

General Meeting

April 5, 2010

7:30 p.m.

PRESENT:

Bob Norris, Chairman

Adam Mowery

Bob Perrotti, Vice Chairman

Ed Hill

Barclay Hoopes

Bill Romanelli

Betty Gordon

Peg Jones

Warren Reynolds

Neil Land, Esquire (Solicitor)

A. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairman Norris called the meeting to order and a pledge to the flag was recited.

B. NEW GARDEN NEWS

Landenberg Bridge

Chairman Norris announced that the Landenberg Bridge has been delisted from the National Register of Historic Places. A letter was received from Carol Lee of the PHMC stating that the bridge would no longer be considered eligible to remain on the National Register of Historic Places because the reconstruction did not maintain the historic nature of the structure. Chairman Norris also stated that the Board of Supervisors, David Hawk and Dr. Peg Jones are working with elected officials to seek a reconsideration based on the fact that the most visible and recognizable part of the structure had been maintained in its original form. Dr. Jones said bridge was source of pride for the community and encouraged those in attendance to contact their local officials.

Dr. Jones asked about the placement of the historic markers. Dr. Jones stated that Sandy Martin, the official Township liaison, would have been responsible for reviewing and approving the plans. She also stated that Mr. Hawk had taken pictures and drawn detailed diagrams for PennDOT showing proper placement of the markers.

Chairman Norris asked Secretary Willis for an update on the PREIT project. Secretary Willis reported that she spoke to Kristin Baker from PREIT who advised her that they still have intentions of developing the property, however, because of time delays and the economy, their original tenants were lost and they are now actively recruiting new ones. With respect to the cleanup

of the property, PREIT said they will ask the Land Crew to remove the two debris piles on the Mr. Mulch side. Additionally, Ms. Baker stated that the concrete and cinderblock on site would be recycled and used for the project. She agreed to speak to Doug Grayson about what they could do now to clean up the property. Secretary Willis requested a walk-through with the Manager and Supervisor(s) so that PREIT and the Township can visually inspect the property and agree on the best course of action to improve its current condition.

Chairman Norris announced that there would be a personal shredding and electronics recycling event on May 8th in the Digital Direct parking lot in Honeybrook.

Vice Chairman Perrotti announced that Phase I of the construction of Wollaston Park has begun. He stated he met with the contractor 2 weeks ago and expects to receive periodic reports on the progress of the project.

C. OPPORTUNITY FOR RESIDENTS TO ADDRESS THE BOARD

No residents addressed the Board.

D. NEW BUSINESS

1. Approval of minutes for March 1st, 8th & 9th, 2010

Chairman Norris asked for comment, edits and/or approval of the minutes of the Board of Supervisors Meeting held on March 1, 2010. *Supervisor Reynolds motioned to approve the Minutes of the Board of Supervisors Meeting held on March 1, 2010. Supervisor Gordon seconded the motion. Carried by unanimous vote.*

Chairman Norris asked for comment, edits and/or approval of the minutes of the Board of Supervisors Meeting held on March 8, 2010. *Supervisor Reynolds motioned to approve the Minutes of the Board of Supervisors Meeting held on March 8, 2010. Supervisor Gordon seconded the motion. Carried by unanimous vote.*

Chairman Norris asked for comment, edits and approval of the minutes of the Board of Supervisors Meeting held on March 9, 2010.

Chairman Norris noted that on Page 5 requested that the word "minimart" be removed and replaced with "suggested future facilities". Chairman Norris also requested that the word "honesty" on Page 9 be changed to "openness".

Supervisor Hoopes read the minutes taken on March 9, 2010 under the heading New Business, Item C2: Cost Overrun by Airport.

Under Section C.2., second paragraph. "He stated that the change in location of the borrow site may have merit...." Supervisor Hoopes asked: borrow site may have merit FOR WHAT?

Under Section C.2., third paragraph. "...if additional compensation is required because of mistake, the Township would bear responsibility". Supervisor Hoopes noted that Mr. Strause did not say whose mistake it is. Hoopes questions Mr. Strause's statement that township would bear responsibility and asked for clarification as to why.

Under Section C.2., fourth paragraph. "...then the deleted items could be rolled into next Phase...". Supervisor Hoopes questioned how you roll over expenses from each phase?

Under Section C.2., fifth paragraph. Supervisor Hoopes stated that the phrase "...no merit for arbitration demand by Technivate" seems contradictory.

Under Section C.2., sixth paragraph. Supervisor Hoopes questioned who sent requests to PAOne? He asked why this occurred. Supervisor Hoopes also stated it was imperative to find out who made the first call.

Under Section C.2., paragraph seven. Mr. Strause's statement that "...it may be necessary to request an increase in the budget." due to changes and delays seems that since he has to look at information that is coming in on change orders or mistakes, he thinks Kimball wants to get paid for his own oversight.

Under Section C.2., paragraph seven. Mr. Strause stated increase is due to reviewing each request by contractor. Supervisor Hoopes stated they cannot fumble the ball and expect to make yardage.

Supervisor Hoopes stated that the Motocross is a potential extra cost. He feels the project was bungled from the start.

Vice Chairman made a motion to approve the minutes, with amendments as noted of the March 9, 2010 Board of Supervisors Work Session meeting. Supervisor Gordon seconded the motion. Carried by unanimous vote.

2. Approval of April 2010 Disbursements

Manager Hill outlined the breakdown of the new server and upgrades to the server software. He noted that there is a check to Ridge Technology for \$2,160 which represents half the labor costs for installing a new server. Ridge Technology will assist us in ordering parts through CoStars to get better price for the hardware and software.

Vice Chairman Perrotti asked about the charges that were being paid and current arrangements for cleaning services at the Township building. Manager Hill stated that the charges were for invoices that were sent but never paid. He also stated that the cleaning services were being handled in-house through the Public Works Department.

Supervisor Hoopes noted the charge on page 13 in the amount of \$36,568.87 for Kimball. He wanted to make sure that their charges were for new work and not work that was performed to correct mistakes. Manager Hill stated that the Bureau of Aviation approves bills and disburses funds.

Supervisor Reynolds noted the item on page 1 in the amount of \$11,000 to resolve 2007 statement issues. Manager Hill said it was for the 2008 audit; the auditors had to go back and reconstruct prior audits in order to perform a proper audit. There was an understanding in 2009 that there may be extra charges and the final cost represents a negotiated fee. Chairman Norris said it was a huge undertaking. Separately, Chairman Norris verified that an appraisal fee was for Open Space issues. *Supervisor Reynolds made a motion to approve the April 2010 Disbursements. Supervisor Gordon seconded the motion. Carried by unanimous vote.*

3. Sign Engagement Letter for Auditor

Chairman Norris asked if the letters from the auditors were fair and in order. Manager Hill stated they were and the prices shown were the ones quoted in fall 2009. *Vice Chairman Perrotti made a motion authorizing the Township, under Chairman Norris' signature, to sign the engagement letters for auditing services for 2009 for the Township and the Sewer Authority. Supervisor Gordon seconded the motion. Carried by unanimous vote.*

4. Review Chester County SPCA Annual Contract

Chairman Norris explained that there were two options available under current SPCA guidelines: pay an annual fee which includes all animal issues, law/ordinance enforcement, and bite issues or pay on a "per incident" basis charged at the rate of \$100 per incident. Manager Hill recommended accepting the contract with the annual fee and noted for the record that the SPCA had been doing work without a contract for the Township since January 1st. *Chairman Reynolds made a motion to accept the contract from the SPCA and pay the annual fee for animal services as outlined. Supervisor Hoopes seconded the motion. Carried by unanimous vote.*

5. Discussion regarding purchase of new police car

Manager Hill stated this was prompted by last year's budget study which authorized the police to purchase 1 car in March and one in October. Vice Chairman Perrotti suggested they purchase a car off the lot in Harrisburg. *Vice Chairman Perrotti made a motion permitting the Police Department to purchase one squad car now and one in October 2010. Chairman Norris seconded the motion. Carried by unanimous vote.*

6. Sign KCSD Flasher Maintenance Agreement

Manager Hill presented the Agreement and asked the Board to authorize him to sign the Agreement. *Vice Chairman Perrotti made a motion to approve the Flasher Maintenance Agreement and to allow Manager Hill to sign on behalf of the Township. Supervisor Gordon seconded the motion. Carried by unanimous vote.*

E. Other Business

1. Presentation by Adam Mowery, Chester County Conservation District
Mushroom Farm Environmental Management

CHAIRMAN NORRIS ALLOWED MR. MOWERY TO MAKE HIS PRESENTATION BEFORE CONDUCTING OTHER BUSINESS.

Adam Mowery, from Chester County Conservation District, presented information on Mushroom Farm Environmental Management Plan and his work with mushroom farmers in area.

His main function is to develop an MFEMP. These Plans outlines proper management to prevent pollution and improve conditions of soil, water and air.

An MFEMP is required if you grow mushrooms, make fresh substrate or process spent substrate. Mowery reviews all MFEMP plans prepared by consultants and/or the Conservation District and noted they require review every 3 years. He has no authority to enforce plan requirements or development of a plan. He works with farmers who request his assistance. He does refer certain cases to the DEP. He stated that these systems work only as well as the operator wants them to work. Even the best system fails if the farmer fails to maintain and use the system correctly. Their services are at no cost to farmers. He stated only 25% percent of farmers have an MFEMP.

Chairman Norris asked Mr. Mowery for suggestions to keep the streams clean, however, Mr. Mowery had no suggestions. Chairman Norris thanked Mr. Mowery for his presentation.

2. Funding Request for Kennett Area Parks & Recreation Board

Joe Meola, Treasurer and Mark Piacentino were present. Mr. Meola gave a presentation. He read from the KAPRB by-laws into the record which stated in part that each of the Townships participating in the KAPRB should have 2 members on the Board of Directors. Mr. Meola stated that after the last meeting with the Board, he felt compelled to address the disconnect he felt.

Mr. Meola also outlined the various programs hosted by KAPRB. He said programs are getting so full and gym time is being reduced by school district. Using different schools for different programs.

Chairman Norris encouraged more communication between New Garden and KAPRB and suggested that Barb Underwood, New Garden's Parks & Recreation Coordinator, could attend the KAPRB meetings. He also stated that we should be working together; not competitors but compatriots. Chairman Norris reiterated his suggestion that any funding requests be presented to the Board in the fall, when monies are being allotted for the next budgetary year.

Supervisor Reynolds thanked Mr. Meola for the efforts to help kids and stated he would love to see KAPRB use our facilities more often in the future.

3. Hazard Mitigation (Hill)

Manager Hill stated each municipality was invited to participate and asked that the Board adopt a resolution to be a party to this effort and provide a list of areas where possible improvements could be made to reduce flooding and other issues. *Vice Chairman Perrotti made a motion to approve adoption of the Chester County Multi-jurisdictional Hazard Mitigation Plan. Supervisor Hoopes seconded the motion. Carried by unanimous vote.*

4. Report of Historical Commission (Christie)

No report. Mr. Christie provided an update on the Lyceum House. Manager Hill provided draft copy of proposal to move the house and would like to write an invitation for bids, submit it for Solicitor Land's approval and publish it. The Board agreed to put the move up for bid and see what the pricing looks like.

Dr. Jones discussed the designation of Landenberg Day. Dr. Jones suggested the Saturday of Labor Day weekend might be a good weekend since school starts the week prior and many families would be back in town. Dr. Jones thinks the Historical Commission and the Parks & Recreation Board should work together to coordinate everything. Dr. Jones stated that the showcase has been

updated. The photos in the showcase were deemed that the quality was too poor to publish in the book. Expected release date is July 19th. Author Keith Craig expects book profits only on Landenberg Day to be given to Historical Commission.

5. Report of Parks & Recreation Committee (Perrotti)

Vice Chairman Perrotti reported on the activities of the Parks & Recreation Department. A complete report can be viewed at www.NewGarden.org.

6. Soil Investigation Recommendation – Panell Property

Mr. Andress suggested expenditure of no more than \$1800.00 for a water study on the Panell property to determine its suitability for a spray field. *Vice Chairman Perrotti made a motion to approve expenditure of not more than \$1,800.00 to DelVal Soil to perform necessary tests to determine suitability of Pannell property for a spray field. Supervisor Gordon seconded the Motion. Carried by unanimous vote.*

DISCUSSION: Reynolds said it's a good place to spray; natural field. Would be good to acquire land to relieve current capacity issues but did not want to create new capacity to facilitate additional intensive development. Reluctant to agree that it will affect capacity. Perrotti noted this year was harder; east end can ship 100,000 to Kennett. Cannot ship from south end plant; must spray whenever possible; fields are saturated because of rain and spraying. Reynolds would like to see developers contribute if they use any new capacity.

F. OLD BUSINESS

1. Update on PREIT payment (Reynolds)

Supervisor Reynolds said Solicitor Land has been trying to reach them; still waiting for response

2. Discussion of Berkheimer services (Hill)

Manager Hill said the prior administration had contacted Berkheimer about collection of the hydrant and light tax. The bottom line is that it is not cost effective to engage Berkheimer to collect the tax. Manager Hill feels the tax should either be raised or stopped. Manager Hill suggested we do it in house and change the procedure next year. Manager Hill wrote two resolutions to exonerate bills under \$10.00. Chairman Norris concurred with Manager Hill's recommendation. Manager Hill will provide final information at next meeting.

Supervisor Reynolds asked about more energy efficient lighting heads on the street lights. Vice Chairman Perrotti said LED lights cobra head light is \$700-900 per head; burns 20% less than mercury vapor. PECO said grants were supposed to be available for retrofit of lights, however, PECO would like the Township to buy the lights from them and maintain them. Vice Chairman Perrotti stated this is a separate undertaking. Supervisor Reynolds said as general matter, we should move toward energy efficiency. Issue was tabled pending discussion with the proper individuals. Chairman Norris requested Manager Hill look into or appoint someone to look into the matter of purchase of street lights.

3. Discussion on Policy of Use and Possession of Building Keys (Hill)

Manager Hill said he wants to consider it further before presentation. Issue was tabled until 4/13/10 Board of Supervisors Work Session.

Manager Hill requested authorization for Secretary Willis to sign a traffic light application for Chambers Road/Baltimore Pike light and submit to McMahon Associates. *Vice Chairman Perrotti made a motion to authorize Secretary Willis to sign the Traffic Light Application for the Chambers Road/Baltimore Pike light. Supervisor Hoopes seconded the motion. Carried by unanimous vote.*

MISCELLANEOUS ITEMS

Manager Hill handed out a Stormwater Management Practice Maintenance Agreement for CREI property to be discussed at the April 13, 2010 Board of Supervisors Work Session.

Chairman Norris stated there was no line-item in the budget for 2010 for a newsletter. He stated the dilemma was putting the newsletter on the website without any notification to the residents that they would not receive a hard copy. Dr. Jones stated it was too much money to print and mail the newsletters. Dr. Jones also suggested we gather email addresses at Township functions like New Garden Day and Landenberg Day. Manager Hill suggested having a sign-up on Election Day. Mr. Meola stated that they would share their email database with New Garden Township.

Manager Hill stated that Chief Dampman asked that process for his replacement be restarted. The applications currently on file will be reviewed to determine continued interest in the position.

Chairman Norris stated he got a note from Mr. Olpere stating he was ready to provide the Board with his recommendations for Township Manager.

Chairman Norris' concerns about missing landscaping in Harrogate North have been handled by Manager Hill and Nate Cline of Pennoni Associates.

G. ADJOURNMENT

A motion was made by Vice Chairman Perrotti and seconded to adjourn the meeting at 9:45 p.m.

Respectfully submitted,

**Pam Willis
Township Secretary**