

**New Garden Township**  
*Board of Supervisors*  
Combined General/Land Development  
Subdivision Meeting  
June 7, 2010  
7:30 p.m.

**Minutes**

Supervisors:

Bob Norris, Chairman  
Bob Perrotti  
Barclay Hoopes  
Betty Gordon  
Warren Reynolds

Others:

Ed Hill, Interim Manager  
Pam Willis, Secretary  
Neil E. Land, Esq. (Solicitor)  
Stacey Fuller, Esq.  
Chief Larry Dampman  
Peg Jones  
Nate Cline  
Mark Padula  
Peter Temple, Esquire  
Frank Manfredi

**A. Call to Order and Pledge of Allegiance**

The meeting was called to order at 7:30 p.m. by Chairman Bob Norris. A pledge to the flag was recited.

**B. New Garden News**

Supervisor Meetings will now be taped to assist the Secretary in preparing accurate minutes. The recordings will be erased once the Minutes are approved and adopted by the Board of Supervisors.

The New Garden Air Show is this weekend. It's the first time in the history of the air show that it has spanned over 2 days.

New Garden Township and the New Garden Historic Committee will receive awards for their ongoing efforts on the Landenberg Bridge at a Volunteer Recognition Dinner on June 23<sup>rd</sup>. Supervisor Warren Reynolds and Mr. Ted Christie will be on hand to receive them.

New Garden is expected to receive \$1.2 million from the Bureau of Aviation to fund the completion of the extended taxiway.

**C. Adoption of Resolution #639: Use of Audio Recording Device**

The Board held a discussion of the use of an audio recording device during Board of Supervisor Meetings. Solicitor Land stated that the recordings would be used solely as a tool by the Secretary in forming accurate minutes, would not be for public consumption and would be destroyed once the Minutes are approved by the Board. *On Motion by*

*Reynolds and second by Hoopes, the Board unanimously approved the use of an audio recording device to assist the Secretary in preparation of the meeting minutes.*

**D. Opportunity for residents to address the Board**

No residents addressed the Board.

**E. New Business**

1. Award of Public Works Vehicle Bid: Hill recited the amounts of bids received, stated they had been checked for accuracy and declared Winner Ford the low bidder at an amount of \$22,222. *On Motion of Perrotti and second of Hoopes, the Board unanimously voted to accept the low bid of Winner Ford in the amount of \$22,222 for purchase of a 2010 Ford Transit Connect XLT.*

2. MS4 Report: Hill shared the MS4 Report with the Board and stated that a great deal of work and daily preparation goes into completing the annual report.

3. Kimball Supplement: Tabled. To be added to Work Session agenda.

4. Approval of Minutes of May 3<sup>rd</sup>, May 10<sup>th</sup> and May 11<sup>th</sup> Meetings  
May 3, 2010 Minutes: *On Motion by Perrotti and second by Hoopes, the Board voted unanimously to approve the Minutes of the Board of Supervisors General Meeting held on May 3, 2010.*

May 10, 2010 Minutes: Reynolds asked that the following be added to Item C3: J.D. Mushrooms – Request for Waiver of LD Application. “Reynolds asked if a contingency plan is involved with wastewater disposal during periods of heavy rainfall. Applicant said no. Reynolds stated that although the proposal may be generally beneficial, we should still honor the land development process and include the Planning Commission and the Township Engineer for a basic review. Norris asked that on Page 3, Paragraph 6, the word “that” be changed to “at”. *On Motion by Reynolds and second by Gordon, the Board voted unanimously to approve the Minutes of the Board of Supervisors Subdivision Land Development Meeting held on May 10, 2010, as edited.*

May 11, 2010 Minutes: Gordon asked that Page 3, Paragraph 4 be changed to read: “Gordon thinks it is superior to the previous plan she has seen”. Norris noted that on Page 2, Paragraph 7, the word “a” should be changed to “at”. Norris noted that on Page 3, Paragraph 1, the word “southern” should be changed to “northern”. *On Motion by Reynolds and second by Gordon, the Board voted 4 yes and 1 recusal (Perrotti) to approve the Minutes of the Board of Supervisors Work Session held on May 11, 2010, as edited.*

5. Approval of 5/28/10 and 6/4/10 Disbursements

After discussion, it was agreed to table the GTS invoice. *On Motion by Hoopes and second by Gordon, the Board voted 4 yes and 1 recusal (Reynolds) to approve the disbursements of 5/28/10 with the exception of the GTS invoice in the amount of \$2,176.00.*

*On Motion by Hoopes and second by Perrotti, the Board voted 4 yes and 1 recusal (Reynolds) to approve the disbursements of 6-4-10.*

**F. Other Business**

5. Resolution 640: Snokes/Township Line Dispute: Norris provided a brief overview of the dispute. Stacey Fuller, Esq., attorney for Christian and Jay Snoke, before the Board. She stated the Snokes' house was the only house in Highland Glen not in the Kennett School District (KCSD). Fuller has attempted to resolve this issue between the school boards without success. The homeowners will assume all costs associated with the line change. A 4' discrepancy in the Township line was discovered after examination of the historic legal description and gives the homeowners a legal basis to petition the township for the line change. Solicitor Land stated that he had not had a chance to review the current Stipulation; said he will do so and get back to Hill with his comments and recommendations. Fuller asked for expedience in review, as time is of the essence; they need to get this approved by London Grove before the school year starts or the child will be excluded from KCSD. Norris stated that this issue is about the child and not the taxing authority and believes New Garden can set an example by supporting the Snokes' Petition. *On Motion by Norris and second by Reynolds, the Board unanimously voted to approve Resolution #640 resolving a dispute to the location of the Township line as it pertains to the property of George Jay Snoke, Jr. and Christine M. Snoke conditioned upon review and approval by the New Garden Solicitor.*

1. Police Department Update: Norris announced Chief Dampman's impending retirement and thanked him for his many years of service to the Township. Chief Dampman provided a report of recent activity and stated that park patrols have been increased for the season. He reported that the new police car had been ordered and is expected to arrive in 3 months. A resident asked if there was any movement by the township to add additional hours to our police force. Norris stated that the challenge is providing additional services without requesting additional revenues from the residents. Hoopes pointed out that New Garden Township supports the largest police force of any in the surrounding municipalities. He also stated that New Garden's police force subsidizes the state police during the hours of 6:00 a.m. to 2:00 a.m. and feels the State Police should provide more consideration and rapid response times in return during the hours of 2:00 a.m. and 6:00 a.m.

2. Peter Dicce, a member of the Planning Commission has submitted his resignation. He will be assuming a position at NYU/Abu Dubai. Norris offered thanks and congratulations on behalf of the Township. He encouraged residents to inquire about the vacancy if they are interested.

3. Parks & Recreation Report: Perrotti reported on the success of several park programs, including New Garden Day. Perrotti thanked Barb Underwood and the Public Works Department for all their hard work to make New Garden Day a success. Upcoming events include Family Fun Nights each Tuesday evening in the park. Perrotti reported that the Park project is moving forward as scheduled.

4. Historical Commission Report: Peg Jones reported that Landenberg Day will be held on October 3, 2010 from 1:00 p.m. to 4:00 p.m. A Planning Committee has been formed and is led by Michael Leja. Hill reported that shiny guardrails will be installed to complete the bridge so it can be opened but will be replaced with the rustic ones by Public Works.

6. Township Property Master Plan: Moved to end of agenda for possible discussion or to be tabled.

7. Baltimore Pike Corridor Study Engineering Agreement: Hill stated that the Agreement had been received from PennDOT. Land advised signing the agreement and stated that McCormick needs to be reminded that they are not permitted and will not be paid for any work done that is not listed in the agreement. *On Motion from Perrotti, and second from Hoopes, the Board unanimously decided to accept the Solicitor's recommendation to sign the Engineering Agreement for the Baltimore Pike Corridor Traffic Study.*

#### **G. OLD BUSINESS**

1. Comcast Franchise Agreement: Solicitor Land stated that agreement, which contains the same terms as the prior agreement, provides current service and is due for renewal. Solicitor Land recommended approval of the agreement. *On Motion of Perrotti and second of Hoopes, the Board unanimously voted to approve the Comcast Franchise Agreement as presented.*

2. Purchase of Street Lights: Hill recommended the Board take no action pending the outcome of PECO's determination.

3. Candlewyck Update: Solicitor Land provided an update regarding the current status of Orleans bankruptcy. Land stated that he had been in contact with the bonding agencies and two have acknowledged the Township's claim and requested additional information. He said if the bonding companies accept the claims, the needed and covered improvements would be taken care of. Land reminded everyone that is not going to be a fast process and warned that it will take some time to achieve the end that everyone is looking for. Land advised against the Township doing any work out-of-pocket. Norris requested that Land provide a monthly update to the Board.

Nate Cline, of Pennoni, performed a cost analysis using GTS' punchlist (\$380,000) and the HOA punchlist (\$495-520,000). Cline's concerns included not having enough funds to complete the punchlist items, determining what items from the original punchlist had been completed and compiling a final punchlist that everyone

agrees on. Cline reminded everyone of other cost factors, including surveyors, road crews, review of previous data, etc.

Solicitor Land stated that because of bankruptcy proceedings, no action can be taken against Orleans without approval from the Court. Mr. Wetzel feels it would be more prudent to work with the bonding companies rather than try to force Orleans to do the work at this point and stated he has been successful in previous situations like this. In response to a homeowner concern, Norris asked Land to research whose responsibility it is to address safety issues in a timely manner.

4. Change to Zoning Ordinance amending Sign Requirements: Chester County's recommendations have been given to Land, who will schedule and advertise a public hearing on the matter in July.

5. Capital Budget Plan: Norris reminded Manager that request was outstanding. Hill reminded the Board that the Mr. Gay would be present at next month's meeting to present his quarterly report.

## **SUBDIVISION/LAND DEVELOPMENT**

### **A. New Business**

1. Pano Development Sketch Plan – Newark Road (Regester): Mark Padula, of Regester, appeared before the Board on behalf of Pano Development. Proposed development on Newark Road, just south of Landenberg Road, leaving one of the existing structures and adding 5 additional lots which would be served by on-site water and septic. There would be 2 access points to Newark Road. The Board agreed that the development was too dense and presented several traffic safety issues. Perrotti suggested Padula thoroughly research any restrictions on the property. Hoopes stated New Garden has enough residential development and feels we need more commercial development to generate revenue.

2. S&P Conveyors: Tabled until after conditional use hearing.

Comprehensive Plan Update: Amendment to the Comprehensive Plan to include the Greenways Trail Plan has been submitted to the Township and Chester County Planning Commissions and the surrounding municipalities for review and comment. The Township has received comment from each planning commission. The Board authorized the Solicitor to advertise the public hearing. Reynolds stated that eminent domain is not to be used for open space, and similarly, should not be used to facilitate private development.

3. Agricultural Security Area: Hill stated the Township received a request to add 73 acres of the Brokaw property to the Agricultural Security Area and reviewed the guidelines for responding to the request.

DiBello Property Lease: Hill reported that a lease had been signed and rent had been paid one year in advance. The Township installed a dishwasher and cleaned out the shed and basement. Hill noted the barn and garage are not included in the lease, however, grass cutting and snow removal are included.

Sewer Department Pump Purchase: Hill reported that three bids were received for a standby pump; the low bid was received from Square One electric for \$4,500.00.

**MEETING ADJOURNED AT 8:30 P.M. FOR TOMAZINE CONDITIONAL USE HEARING**

Meeting reconvened at 9:44 p.m.

2. S&P Conveyors Sketch Plan: Peter Temple, Esquire, on behalf of S&P Conveyors, gave a brief overview of the project. Mark Padula, of Regester, appeared on behalf of S&P Conveyors as well. He stated the property, located west of Baltimore Pike off Newark Road, on Reese Street, would be subdivided into 4 lots: The log cabin (to be used as a restaurant), the ranch (to be used as small professional office), the existing home and the existing business. This plan will require some variances. After making a presentation to the New Garden Planning Commission, they were instructed to come before the Board, before proceeding to the Zoning Hearing Board. Reynolds recused himself. Gordon stated she was present for the PC presentation and reiterated her thought that it was a lot of activity on the parcel and her concern regarding the preservation of the stone ranch house. Hoopes stated that he appreciated the positive impact S&P has had in the community and supports the plan. Perrotti recused himself.

Padula stated the variances, listed on the front page of the sketch plan, were being requested by S&P. They are as follows:

- LOT #1: Section 200-102.A.(3)  
Section 200-102.D(1).(c)  
Section 200-102.D.(2)  
Section 200-102.A.(3)  
Section 200-102.A.(4)  
Section 200-102.A.(7)  
Section 200-102.C
  
- LOT #2: Section 200-34.B  
Section 200-34.B(3)
  
- LOT #3: Section 200-34.B  
Section 200-35.A  
Section 200-36.A  
Section 200-100  
Section 200-107.C.(11)
  
- LOT #4: Article VII H/C Highway commercial District (§200-33 to 37)  
Article VI R-3 Toughkenamon Residential District (§200-26 to 32)  
Section 200-129

The Board agreed to get more information from the Zoning Officer. Additionally, the Board will visit the property and talk to neighbors about proposed development. Padula offered to set up a meeting with the neighbors. Item to be placed on July Agenda.

Manfredi Sketch Plan: Mr. Manfredi wants to build a temporary berm and move some existing screening from in between two of his buildings. Until construction on his property and the road improvements of Baltimore Pike are complete, it is difficult to establish correct height of berm and screening necessary. He also stated the fence would be renovated so the neighbor's view of the operation is totally obstructed. The Board said they were okay with the plan. Norris stated the Planning Commission would need to look at the plan and it would have to be revised and recorded. Manfredi was instructed to wait to begin any work until the plan was recorded.

Other Business:

Hoopes noted the KARPC meeting coincides with the Board of Supervisors meeting and requested that Hill compile a list of accomplishments for submission.

On Motion, meeting adjourned at 10:50 p.m.

Respectfully submitted

Pam Willis  
Township Secretary