

New Garden Township
Combined Sewer and Work Session
January 12, 2009

Supervisors Present

*Bob Norris, Chairman
Bob Perrotti, Vice Chair
Barclay Hoopes
Betty Gordon
Warren Reynolds

Others Present

Spence Andress
Ed Hill, Interim Manager
Mrs. Nunan
Rosie Nunan
Jon Martin
Mark Padula

I. CALL TO ORDER

Vice Chairman Perrotti called the meeting to order at 6:30pm with a pledge to the flag.

II. OPPORTUNITY FOR RESIDENTS TO ADDRESS THE BOARD

With none the Board moved to discuss Sewer Business

III. SEWER BUSINESS

A. Sewer Department updates-- Mr. Andress brought the Board up to date on the transition of the Sewer Department. Vice Chairman Perrotti and he have spent a lot of time working with the department and are continuing to make progress

B. Storage Lagoon Issues- Mr. Andress stated that the volume of water in the storage lagoons at the East End and South End have been high due to the extremely wet conditions which have also limited spray days. The potential to connect to Kennett Borough is encouraging for the East End and will be ok unless there is a cold snap in February or March. The South East plant is marginal. URS has set up a spread sheet to track levels vs. gallons that need to be discharged in order to stay below the maximum depth of the lagoons. If there is another wet summer the Board may need to rethink the approach and possibly consider approaching DEP for an application of emergency or seasonal stream discharge which would allow an opportunity of relief if the lagoons do get too high.

Mr. Andress stated that he is in the process of re-permitting for the south plant and looking to spray in different directions and more directions at one time. They are also looking to maximize spray days. This process needs intensive management all year long. Vice Chairman Perrotti stated that there was a need for Mr. Andress to be involved with the sewer functions in order to bring Mr. Gantt to date on the daily activities. He stated that Don Suckstorf is taking over the MS4 and MIPPS will continue for Mr. Gantt. They currently are meeting

once a week. Mike Stewart of the sewer department is also very helpful. Mr. Gantt has an operator's license and is always on call. Joe Yakscoe has also been helpful and is assigned to do all maintenance.

The Board discussed how cutting hay can have an effect on spraying and that they are exploring contingency plans. Vice Chairman Perrotti stated that the Township is actively pursuing a piece of property to do further studies for potential spraying.

The Board discussed that Don Suckstorf will be taking over the stormwater report to DEP and that he will be in a good position given the good example of last year's report.

Supervisor Reynolds expressed his concern of stream discharge and questioned the alternatives. Mr. Andress informed that additional storage and spraying would be an option.

C. I & I Issues- Vice Chairman Perrotti stated that there has been a large increase in daily flow of the Avondale line and that there is an existing I & I problem along that line. The Township has a video truck which is one way to find flow problems. A result of the issue is that the stormwater is costing the Township to be treated but is not being billed. Supervisor Reynolds questioned ground water monitoring. Mr. Andress informed that DEP requires groundwater monitoring as part of their permit and all has been good. He stated that these things are also included in the Chapter 94 report. Mr. Andress offered to tour the plant with interested Supervisors.

Mr. Andress stated that due to other priorities and budget, the I & I investigation of the East End/ Toughkenamon situation was not done but the Township is now seeing the effects and it has moved up on the list of priorities.

D. Avondale and Kennett- Mr. Andress stated that they are continuing to have regular meetings with both Avondale and Kennett which have been constructive. Avondale has been doing I & I corrective work in the Borough and in May or June they will feel comfortable to present to DEP that additional capacity be released to New Garden. He stated that Kennett has been a regional effort underway and there are ongoing discussions of capacity to suit the Township.

E. Capital Projects- Mr. Andress distributed a Capital Projects List with the intent to keep the Board informed of what is under consideration and it does reflect priorities. They are getting engineers' estimates and looking to discuss priorities in further detail.

*Chairman Norris arrived and joined the meeting.

F. Consideration of approval of URS invoices- Mr. Address stated that he reviewed the invoices and recommended approval of payment.

Chairman Norris motioned to approve payment of URS invoice number 4172660 for Wilkinson to be reimbursed by the developer in the amount of \$203.91.

Supervisor Gordon seconded to a unanimous vote.

Chairman Norris motioned to approve payment of URS invoice number 4172648 for Non-project support for the East End in the amount of \$7,233.00, which will not be reimbursed. Supervisor Gordon seconded to a unanimous vote.

Chairman Norris motioned to approve payment of URS invoice number 4172649 for Non Project support in the South End in the amount of \$2,215.54. Supervisor Gordon seconded to a unanimous vote.

G. Consideration of URS Annual Engineering Services Agreement- Mr. Address stated that the Board reviewed the agreement and had concern of language in paragraph 9 which has been clarified that the Township owns the documents. The rates have also been provided for those that work on New Garden projects and reflect a slight increase. URS provides a proposal for each individual project prior to commencement. Chairman Norris stated that the rate increases are higher than hoped for at over 4% from 2009 which indicates that they may be trying to make up for the 2009 non-increase. Mr. Address stated that the rate increases are not atypical for the industry but he will go back for a discussion. Chairman Norris stated that the rates are extreme in this economy and would hope to see rates closer to 2.5% over the 2009 rate. The approval was tabled until next month. Mr. Address is to relay to URS.

IV. RECESS

The meeting was recessed at 7:25 to reconvene for a Work Session at 7:30pm.

WORK SESSION

V. RECONVENED

The meeting was called back to order by Chairman Norris as 7:30pm.

VI. NEW BUSINESS

A. Airport Bureau of Aviation Inspection- Mr. Jon Martin, Airport Manager was present with a presentation of the Bureau of Aviations findings during their inspection. There were found to be tree obstructions of the runways which penetrate the approach surfaces. The tree obstructions require removal or a displaced threshold which would decrease the usable runways. Mr. Martin

requested the Board's consideration to have the trees removed by the company that is already on site. To cut down and clean up would cost \$4,800 and for them to cut down and the Township clean up would cost \$2,500. There is a line item in the budget for \$5,000 that this work would fall under.

Supervisor Reynolds stated that some trees are important as vistas and requested alternatives. Mr. Martin stated that it is a safety issue and a wing tip comes close. The trees could be topped but would require the work be done again in four years.

Vice Chairman Perrotti questioned what type of trees and Mr. Martin informed that they are scrub trees. Chairman Norris questioned if the Public Works department could do the work and Mr. Martin informed that they do not have the equipment to do it safely. There is an advantage to having the equipment already on site.

Supervisor Perrotti motioned to move forward with the on-site company and negotiate the price not to exceed \$4,400. Supervisor Hoopes seconded and the motion was carried by Chairman Norris as Supervisors Reynolds and Gordon opposed. Supervisor Hoopes recommended cutting the trees down and have a distinct line of maintenance so that they do not grow back.

Chairman Norris requested that Mr. Martin also look at a tree on the Jenkins property as may also be safety factor.

B. Manfredi/ OPPY Property escrow- Mr. Manfredi stated that there was oversight of posting his letter of credit. He requested the Board's consideration to reduce his letter of credit since 65% of the work has been completed. He stated that the Township Engineer reviewed the proposal and work done proposed a letter of credit in escrow for \$319,443.81 to complete the job. Supervisor Hoopes motioned approve the escrow letter of credit be set at \$319,443.81 for the OPPY/ Richards Parcel located on West Baltimore Pike. Supervisor Gordon seconded and the motion was carried by all excluding Vice Chairman Perrotti as he recused.

C. Discussion regarding the Nunan Zoning application- Don Patrosa, Esq. and Mark Padula, of Regester Associates were present on behalf of the Nunan's to discuss the land development plan of the vacant lot north of their existing location on Newark Road. Mr. Petrosa stated that the idea is to combine the two lots. He stated that they previously met with the Board to identify and narrow the issues. Their impression was that the Board was comfortable with the plan and had advised them to move forward with ZHB relief. Solicitor Land advised

at the Zoning Hearing that the Board had concerns; therefore, he and Mr. Padula were present to address those concerns.

Mr. Padula gave an overview of the project outlining that the proposed is a 9,000 sq ft building on the vacant lot which would consist of six rentable 1500 sq ft spaces and a conference facility in the upstairs of the building. The conference facility would be used approximately five times per year. Because the ordinance, plan and conditions do not match up, the plan was taken before the ZHB.

Mr. Padula presented a current site location. Vice Chairman Perrotti stated his concern of the safety of the entrance and parking lot across the street and of the buffer along the train tracks. The parking does not align with the building and there are no sidewalks. He stated that there may not be as much concern if there were more parking on the vacant lot and less building. He also stated concern that the entrance and exit are close to other buildings and proposed the same entrance be used as the existing lot. Additionally, there is little concern of buffering the train tracks but that trees should be a buffer to the residential areas. Vice Chairman Perrotti continued that the parking lot is in an R-1 Zoning District and the lot in CI and does not want the R-1 use to become a CI use.

Mr. Padula stated that the parking has been used as a parking lot for many years and will continue to be used only 4-5 times per year. The required parking is 56 spaces and there are 54 on the site. Mr. Padula stated that Penndell has an easement through the property which has occupied the proposed entrance at least since the 60's but would explore accessing through Willow Street. A 20ft screening buffer is required for residential use but given the location of the building and that the area is currently paved, would not easily allow for a 20 ft vegetative buffer.

Vice Chairman Perrotti questioned the possibility of moving the building back in order to improve the driveway. Mr. Padula stated that the plan would then not comply with set back requirements. Vice Chairman Perrotti suggested then going for a building set back variance. He also suggested that they consider improving safety and implementing sidewalks across the front of the property and street lighting.

Supervisor Hoopes stated that he looked at the Comprehensive Plan regarding the vision improvements of Toughkenamon and it speaks of traffic calming improvements because of accidents in the area. He suggested the possibility of a potential road alignment and limiting accesses on major roads. He also suggested considering making the area more pedestrian friendly as traffic will only continue to increase. He proposed negotiating the easement to come out on Willow as opposed to Newark.

Supervisor Gordon stated her concern of making sure that screening is implemented for beautification of Toughkenamon.

Supervisor Reynolds questioned if there is a loading berth in the rear of the property as opposed to the front or side. Mr. Padula stated that is correct. Supervisor Reynolds agreed that buffering should be implemented as it will add to the value of the property and Toughkenamon as time goes on. Mr. Padula stated that there is a 20ft buffer required but there is only 22ft from the building to the railroad tracks. Supervisor Norris suggested speaking with the homeowners to the east and see if they mind that the Nunans put a buffer on their property. Supervisor Reynolds questioned issues outlined in a review letter of the Zoning Officer and questioned stormwater testing. Mr. Padula stated that he is not aware of and has not seen the letter. He stated that they are confident that there is not an issue and they are getting a good perk. Supervisor Reynolds requested that Nunan provide Don Suckstorf with a proof of long time parking use. Mr. Padula stated that there are old aerial photos.

Vice Chairman Perrotti questioned if the parking lot exits to Newark Road and Mr. Padula stated that it does but will explore other possibilities. Vice Chairman Perrotti stated that the ordinance requests that exits go to secondary roads. Mr. Padula stated that the existing parking area was not factored into the stormwater as it is to remain in its current condition. Supervisor Reynolds noted that the placement of the loading berths would have less impact on neighbors and the Township was satisfied with that.

Chairman Norris stated that he is thrilled with the development that the Nunans are doing in Toughkenamon and would like to see sidewalks and linking of roads. Chairman Norris summarized for the Nunans the Board's comments in that they would like to see it greener with a buffer, more pedestrian friendly with sidewalks and would support a variance to move the building back to get more greenery. He stated that that the Board would in principal support the project and should move forward to the Zoning Hearing Board.

D. Police Department relocation- Chairman Norris stated that it was the Board's understanding that the staffing for the conversion of the 1st floor of the administrative building was budgeted for the police department relocation. Manager Hill stated that he is unable to locate it in the budget. It was approved at the December meeting for an expenditure of \$10,000 but was not listed in the budget. Chairman Norris requested that the Manager see where 10,000 can be taken from the budget.

VII. ADJOURNMENT

By a unanimous vote the Board adjourned to an Executive Session for personnel.

Respectfully Submitted,
Kathryn Parlier,
Township Secretary