

**New Garden Township  
Board of Supervisors  
Work Session  
November 10, 2009**

**Supervisors Present**

James Neal, Chairman  
Stephen Allaband, Vice Chair  
Barclay Hoopes  
Bob Norris  
Robert Perrotti

**Others Present**

Carmen Raddi, Manager  
Neil Land, Esq.  
Spencer Andress  
Betty Gordon  
Warren Reynolds

Bernie McKay  
Bill Romanelli

**I. CALL TO ORDER**

Chairman Neal called the meeting to order at 7:30pm with a pledge to the flag.

**II. OPPORTUNITY FOR RESIDENTS TO ADDRESS THE BOARD**

With none the Board moved to discussed New Business.

**III. NEW BUSINESS**

**A. Approval of October 13, 2009 Minutes-** *Supervisor Norris requested minor edits. Vice Chairman Allaband motioned to approve the minutes as amended with a second from Supervisor Norris to a unanimous vote.* Supervisor Perrotti questioned if Kennett Consolidated School District paid their share of \$5,000 toward the McMahon study and Manager Raddi stated that they did.

**B. Approval of October 20, 2009 Minutes-** *Vice Chairman Allaband motioned to approve the minutes as submitted. Supervisor Norris seconded to a unanimous vote, excluding Supervisor Perrotti as he was not present that meeting.*

**C. Sewer Issues**

**A. Manfredi fill dirt-** Mr. Andress stated that he provided a break down of the charges for dirt from the OPPY property that will be used for the second lagoon and will be a credit against tapping fees for his land development. Six EDUs are required, which equals \$48,675.54 due to the Township for tapping fees. The value of the dirt is \$46,346.00; therefore, there is still a small amount due to the Township. After a year of monitoring use, Manfredi will pay the difference if there is an increase in EDUs or the Township will give a refund if there is less. Supervisor Perrotti stated that the Township should wait the year to reconcile the difference. *Vice Chairman Allaband motioned that a year after the certificate of occupancy is issued for the OPPY property a determination is made as to the actual flow used and either Manfredi or the Township pays the difference. Supervisor Norris seconded to a unanimous vote excluding Supervisor Perrotti as he recused.*

**B. Route 41 final payment request-** Mr. Andress stated that the payment request is for \$10,921.20. Supervisor Perrotti stated that in the past week there was an issue with a meter in a pit. He had called Katzmire who informed him that the the warranty expired in May. Supervisor Perrotti questioned if costs of this repair could be deducted from the final payment. Mr. Andress stated that that the maintenance bond ran out on August 9<sup>th</sup>. Solicitor Land stated that it is hard to say but he will look into it. Solicitor Land questioned the cost of the work and Supervisor Perrotti stated that it should be less than \$1,000. *Supervisor Perrotti motioned to pay the Route 41 final payment request in the amount of \$10,921.20. Vice Chairman Allaband seconded to a unanimous vote.*

Mr. Andress stated that there were two change orders and the project came in \$75,000 less than the original contract. Supervisor Perrotti requested the cost per pit. Vice Chairman Allaband stated that he would not have a problem with getting flow meters and suggested someone take samples. Spence suggested URS get pricing. He stated flow meters will get the true idea of flows and then take samples to get organic load.

**C. PREIT Pump Station O & M Agreement-** Mr. Andress stated that he and the Solicitor reviewed the Agreement and recommended approval. After discussion *Vice Chairman Allaband motioned to approve the O & M Agreement between PREIT and New Garden Township. Supervisor Perrotti seconded to a unanimous vote.*

**D. KCSD Pump Station O & M Agreement-** Solicitor Land stated that it was approved previously contingent on the approval of the Solicitor and Mr. Andress. He stated that an agreement was reached and he, Mr. Andress and the Chairman approved the final form. The Agreement is to go before the Sewer Authority and to DEP in the next several days.

**E. Meyer Day Care-** Solicitor Land stated that the issues have been resolved and the Township has received payments of 3 outstanding amounts which makes Mr. Meyer paid in full for outstanding issues. Solicitor Land stated that there is a question of an agreement of two \$25,000 payments for offsite road improvements. Manager Raddi stated that they have been paid.

Supervisor Hoopes questioned where the contribution is to be spent. Supervisor Perrotti suggested a mechanism to earmark which projects offsite improvement funds should go towards. Manager Raddi stated that contributions go to the general fund but can be segregated. The Board agreed and Supervisor Norris suggested a spread sheet be kept.

**F. Sewer Usage Charges Aging Receivables Report-** Mr. Andress stated that Mr. Gay keeps the report up to date. Solicitor Land stated that he has helped with more problematic accounts but he and the Manager believe that there is an easier way to collect where Joanne will be set up to do it, much like the Hydrants. Solicitor Land stated that by placing a lien on 90 day balances it brings security in the event that there is a change in owner. Chairman Neal stated that it should be looked at as a case by case basis. Supervisor Perrotti stated that it is right to have compassion but as a Supervisor it is a responsibility to maintain a legal method but only after reconciliation has been attempted. He suggested that the process include a conversation with the individual prior to a lien. Manager Raddi stated that in the past he has contacted delinquent accounts and offered to waive 10-15% if they pay. Mr. Andress stated that there are eight accounts over 90 days that are over \$1,000 and one account at \$12,000. Solicitor Land stated that some of those accounts have existing liens which should also be considered. There is a total of \$50,000 delinquent in sewer bills and if a 10% discount and legal fees are factored in it would be around \$8,000.00. The Board agreed to move forward with collections.

**G. DiBello Property Survey-** Solicitor Land stated that the matter should be resolved in the next couple of weeks. Supervisor Perrotti questioned if a real estate agent has been contacted for renting the house and suggested that public works paint the house and clean out the barn as that could also be rented. Vice Chairman Allaband requested that the brush be cleared as it restricts sight of the one lane bridge. Supervisor Norris questioned if the Township is subdividing the property. Supervisor Perrotti stated that it would be attractive to sell the barn and house and suggested starting the subdivision process to be prepared to sell when the market recovers. Solicitor Land stated that the Township may need to engage an engineer to help with the assessment. Manager Raddi stated that Hillcrest already has a start and Pennoni will do the subdivision review. Supervisor Hoopes questioned stormwater management and if an easement and through road should be considered.

The Board requested Manager Raddi investigate an engineered plan to subdivide with the consideration of road widening, an easement, a through road, stormwater drainage space and a lagoon on the DiBello property.

**H. Hawks Glen/ Nance (Tamara Estates) sewage capacity-** Mr. Andress stated that both projects have vanished but both have approved sewage capacity. Neither has met their obligations of escrows or sewer tapping fees in full. He and the Solicitor have been working on a mechanism to inform the developer that they have lost their allocation. Mr. Andress has discussed the matter with DEP, who does not like to rescind allocation but is happening more and more because of the economy. Supervisor Norris questioned the equitable owner and

Mr. Andress responded that there is no equitable owner now as they have defaulted. Mr. Andress stated that he and the Solicitor have discussed revising the tapping fee resolution so this would not happen again. Supervisor Perrotti questioned if they paid and Mr. Andress stated that Hawks Glen paid 20% and he is not sure if it is refundable.

**I. Bruni Sewer Bills-** Solicitor Land stated that the agreement with Mr. Bruni was that he pays \$500 per month in addition to keeping up quarterly bills. The Solicitor spoke with Joanne who informed that he is keeping current on the \$500.00 per month but the second quarter was late and the third not paid. A reminder letter was sent to him and should hear back in a couple of days.

**J. Dan Studzinski and Bancroft Woods Pump Station Encroachment-** Mr. Andress stated that the survey work was done and a plot plan prepared. He was contacted by their attorney because the property is on the market. Solicitor Land prepared a draft easement agreement and Mr. Studzinski's attorney agrees that is the best option and engaged an expedited appraisal from Mr. Collins. In the next several weeks there should be a proposal to resolve the issue.

**K. Capacity Expansion Issues-** Mr. Andress requested that the Board consider making time to discuss issues further at a work session as the matter is time sensitive. Manager Raddi is to keep the 15<sup>th</sup> work session open for discussion. Supervisor Norris requested that Supervisor Perrotti and Mr. Andress come with recommendations prior to the meeting so that action can be made.

**L. Airport Business Park-**Supervisor Norris stated that he has a proposal from Bernardon to develop the business park for marketing. The proposal is for \$36,000 and not to exceed \$48,000 which will come from the general fund. Supervisor Norris stated that the Township spent \$1,000,000 to purchase the land and this is to pay it back. Supervisor Norris stated that the land can either be open space or move forward to develop as a business park to reimburse the Township. Supervisor Hoopes stated that he would not want it to remain open space on account of the deer at the airport. Supervisor Perrotti would like to know the total expected to spend on the business park and what the final plan will make for the Township. Supervisor Norris stated that the \$36,000- 48,000 would be for a sketch plan. Supervisor Perrotti and Vice Chairman Allaband stated that they thought a sketch plan was already done. Supervisor Norris stated that the plan is 10 years old and the zoning has changed so much. In order to market the property there needs to be a package to present to a developer. Supervisor Perrotti stated that Art should be able to give an educated guess of what is needed to market the property, as it will need to be budgeted. Supervisor Norris is to have Art come to the December meeting to explain anticipated costs and plans. Manager Raddi stated that developers will not find

a sketch plan helpful and will make their own decisions. Manager Raddi suggested getting a final typography plan and let a developer decide as opposed to a sketch plan.

#### **IV. OTHER BUSINESS**

**A. Consideration of participation in the Regional Household Hazard Waste Collection Program-** Manager Raddi stated that the Household Hazardous Waste Collection is not free anymore and they will either charge for participation or per 100 residents. The cost has gone up dramatically. Supervisor Perrotti stated that the County does reimburse the Township for hosting the Collection. Manager Raddi stated that now the Township has to pay to be involved as the Collection funding is going away. *Supervisor Norris motioned to authorize the Township to participate in the Regional Household Hazardous Waste Collection and that it be part of the Township's budget. Vice Chairman Allaband seconded to a four to one vote as Supervisor Perrotti opposed.*

Manager Raddi stated the cost is based on the 2000 census. Supervisor Perrotti stated that it is not clear what the Township is to pay or what they will get for that amount. Manager stated that DEP is going to provide 50%. Supervisor Perrotti requested further clarification.

**B. Consideration of appointing a Building Code Official-** After discussion, *Vice Chairman Allaband motioned to appoint Kyle Bendler as Building Code Official. Supervisor Perrotti seconded to a unanimous vote.*

**C. Consideration of McMahan Associates proposal for Baltimore Pike for the KCSD project-** Manager stated that McMahan quoted the total budget of \$550,000, which includes engineering. Supervisor Norris stated that as long as the money is received from KCSD prior to the completion of the project than he is satisfied with the quote. Chairman Neal stated his concern of the form contract and requested that they provide a more personalized contract which would clarify services. Manager Raddi stated that the contract is not unusual. Chairman Neal stated his concern of time being rounded to the next 30 minutes, concern of McMahan having ownership and use of documents, and concern of a 10% administrative fee. Chairman Neal requested that the Manager contact McMahan to refer to the contract that was previously approved. Chairman Neal stated also his concern of meetings being an additional charge and that with all of the extras the charges will be well over the quoted \$32,000. Supervisor Perrotti stated that there will also be a permit fee from the State to do the road and requested a total cost of the project to include bid docs, construction management, and permits. Manager Raddi is to request another proposal.

Supervisor Norris stated that there will be two payments from the school district as one is for this reason. Solicitor Land stated that payments should be more than the numbers seen. The matter was tabled until a new proposal is received.

**D. Consideration of Flora survey-** Mr. McKay stated that it would be a great value to the Township to agree to the proposal as the information could be valuable when applying for grants which will help with conserving natural resources and open space. Mr. McKay stated that a great example is that they are working on the Laurel Woods Trail which has a presence of the State flower. Mr. McKay stated that the quote is for \$6,000 to do the survey and Wild and Scenic will pay for half and they and the White Clay Management has contributed funds for the inter-municipal plan. After further discussion, *Supervisor Norris motioned to support payment of up to \$3,000 to develop a plant inventory in 2010. Vice Chairman Allaband seconded to a four to one vote as Chairman Neal opposed.*

**E. Stucco issues-** *Vice Chairman Allaband motioned to adopt the most recent version of the policy dated October 20<sup>th</sup> for current mold remediation projects contingent upon the Solicitors review. Supervisor Perrotti seconded to a unanimous vote.* Supervisor Perrotti questioned if the policy is opening the door to liability and Solicitor Land stated that he did not see a liability issue.

**F. Softball Car Wash-** Supervisor Perrotti stated that Barb Underwood requested consideration of allowing a girls softball league to have a car wash at the maintenance garage as the girls have been volunteers for many park events. The Board concurred that was acceptable.

**G. Township Generators-** Supervisor Perrotti stated that the Road Master has provided a list of generators and maintenance checklist that the Township will use.

**H. Regional Planning Commission-** Chairman Neal stated that consideration should be given to who will be present at the meetings next year as they request that there be someone present from each municipality.

**I. Traffic Calming-** Supervisor Norris requested that the Chief present traffic calming recommendations.

**J. Audit-** Supervisor Norris requested a copy of the letter from the Finance Director to the former auditor.

**K. Police chief hiring process-** Supervisor Norris requested a timeline and process of the police chief search.

**L. Police relocation-** Manager questioned if the Board wishes to move forward with the two proposed men commencing work on the basement. Materials over \$10,000 would be bid out and any socialized work with the remaining done by the two Township employees. *Supervisor Norris motioned to move forward with the hiring of the two individuals to being work on the construction of the basement for the purpose of the relocation of the police. Vice Chairman Allaband seconded to a four to one vote as Chairman Neal opposed.* Supervisor Perrotti stated that the current building is deteriorating and money should be spent at the new building rather than repairing the trailer.

**M. Regional police report-** After discussion, the Board decided that the scheduled regional police report would not be an advertised public meeting as there would be no action taken for the reason that DCED would not be prepared to answer public questions.

**N. Pierson Sewer Issues-** Chairman Neal stated that he received a letter of Bob Pierson with an issue that Technivate and McGovern is being given more Township work. He requested that Mr. O'Connell respond to the concern. The Board further discussed the content of the letter and Mr. O'Connell's response.

## **V. ADJOURNMENT**

By a unanimous vote the meeting was adjourned at 10:50.

Respectfully Submitted,

Kathryn Parlier,  
Township Secretary