

**NEW GARDEN TOWNSHIP**  
**299 STARR ROAD**  
**LANDENBERG, PA 19350**  
**BOARD OF SUPERVISORS**  
**REGULAR MEETING MINUTES**  
**MAY 19, 2014**

Present:

Betty Gordon, Chairman  
Stephen Allaband  
Richard Ayotte  
Randy Geouque  
Patrick Little

Spencer J. Andress, AICP, Interim Manager  
Lew Gay, Secretary/Treasurer  
Vince Pompo, Solicitor  
Jon Martin, Airport Manager  
Barbara Underwood, Recreation Director  
Gerald Simpson, Police Chief  
Ken Reed, Public Works Director  
Robert Norris  
Brian & Sherry Dougherty  
Mike DeBerdine  
Jane Waggoner  
Richard Gaw, Reporter

A. CALL TO ORDER

Chairperson Gordon called the meeting to order at 6:35 p.m.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the flag was recited.

C. 1. PERSONS SCHEDULED TO APPEAR BEFORE THE BOARD

a. Mike DeBerdine / Rhodes Energy wants to build an unattended gas/diesel fuel station for 50-100 transactions per day mostly for commercial vehicles.

b. Brian Dougherty from 105 Crestview Drive in Bancroft Woods spoke for he and his wife, Sherry, regarding speeding in the neighborhood. They would like something done to alleviate the problem. Chief Simpson explained that the police have monitored the area and need residents to call in with license numbers, vehicle description, etc. to help them.

c. Clair Finfrock from Kennett Area Park & Recreation was scheduled on the agenda but was not present.

d. John Licari requested to be on the agenda requesting a Building Permit penalty adjustment but was not present. Don Suckstorf explained that work was started on a project before permits were issued.

Motion by Mr. Allaband and second by Mr. Ayotte to not adjust the double permit fee. The vote was approved four in favor and one against to adopt the motion as presented; Mr. Geouque voted against the motion.

## 2. PERSONS WHO WISH TO BE RECOGNIZED

a. Jane Waggoner – Save Our Water regarding Artesian Water Company. Group now has over 500 signatures on the petition regarding Artesian and will be conducting many activities.

b. Stephen Allaband wants to recognize work of the property owners at Penn Green and Starr Roads.

## D. UNFINISHED BUSINESS

### 1. Special Events Ordinance revision and advertisement.

Motion by Mr. Ayotte and second by Mr. Little to advertise the Special Events Ordinance to be adopted. The vote was unanimous to adopt the motion as presented.

2. Ordinance amending increasing sewer rates. Bob Perrotti asked the amount of the increase and Mr. Andress responded roughly 9-1/2 %. Richard Gaw inquired when new rates will go into effect and was informed in July 2014.

Motion by Mr. Geouque and second by Mr. Ayotte to adopt Ordinance #206 to amend and increase the sewer rates. The vote was approved four in favor and one against to adopt the motion as presented; Mr. Little opposed the motion.

3. Ratify award of paving contract for additional work at the airport related to repair of the roadway accessing the parking area once the hangar apron work is complete. Motion by Mr. Little and second by Mr. Allaband to ratify award of the paving contract to Martin Paving. The vote was unanimous to adopt the motion as presented.

## E. NEW BUSINESS

### 1. Accept resignation of Jenna Forte from Park & Recreation Commission.

Motion by Mr. Geouque and second by Mr. Ayotte to accept the resignation of Jenna Forte from the Park & Recreation Commission. The vote was unanimous to adopt the motion as presented.

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2. Approve release of the road maintenance bond for Brittany Hills II project per recommendation of Township Engineer, Pennoni Associates.

Motion by Mr. Little and second by Mr. Allaband to release the road maintenance bond for Brittany Hills II per recommendation of Township Engineer. The vote was unanimous to adopt the motion as presented.

3. Approve release of the road maintenance bond for Carrisbrooke project per recommendation of Township Engineer, Pennoni Associates.

Motion by Mr. Allaband and second by Mr. Little to release the road maintenance bond for Carrisbrooke per recommendation of Township Engineer. The vote was unanimous to adopt the motion as presented.

4. Approve waiver of Section 170.48A(1) of the Subdivision and Land Development Ordinance (SLDO) related to monuments and markers in the Candlewyck subdivision as recommended by Township Engineer, Pennoni Associates.

Motion by Mr. Allaband and second by Mr. Little to approve waiver of Section 170.48A(1) of the Subdivision and Land Development Ordinance (SLDO) related to monuments and markers in the Candlewyck subdivision. The vote was unanimous to adopt the motion as presented.

5. Resolution No. 714 regarding authorized signers for Airport projects.

Motion by Mr. Little and second by Mr. Allaband to approve Resolution No. 714 designating the Chairman and Manager as authorized signers for Airport projects. The vote was unanimous to adopt the motion as presented.

6. Resolution No. 715 regarding authorized signers for Stormwater BMPs Operation and Maintenance Agreements.

Motion by Mr. Little and second by Mr. Ayotte to approve Resolution No. 715 designating the Chairman and Manager as authorized signers for Stormwater BMPs Operation and Maintenance Agreements projects. The vote was unanimous to adopt the motion as presented.

7. Approve and authorize signing the Installation and Maintenance Agreement for Sewage Disposal System for the Kail property.

Motion by Mr. Little and second by Mr. Geouque to approve and authorize signing the Installation and Maintenance Agreement for Sewage Disposal System for the Kail property. The vote was unanimous to adopt the motion as presented.

8. Approve and authorize signing two agreements related to the installation and dedication of a sewer lateral to serve the Lukoff property.

Motion by Mr. Allaband and second by Mr. Ayotte to approve and authorize signing two agreements related to the installation and dedication of a sewer lateral to serve the Lukoff property subject to Solicitor and Manager approval. The vote was unanimous to adopt the motion as presented.

9. Accept a sanitary sewer easement and a shared driveway easement related to subdivided lots as part of the subdivision submitted by Willmat Holdings LLC. Solicitor Pompo made comments pertaining to the items. No action was required other than an entry in the minutes.

#### F. FUNCTIONAL AREA UPDATES

##### 1. Administration.

a. Chief Simpson addressed security concerns at the Township building and suggested that everyone do a better job in locking the Township building.

b. Chief Simpson presented a status update on the development of a firing range on airport property. Over 700 cubic yards of dirt needs to be moved to develop berms. The site will be used by New Garden, Oxford and Parkesburg.

Motion by Mr. Little and second by Mr. Ayotte to proceed with moving dirt to develop a range. The vote was unanimous to adopt the motion as presented.

c. Ordinance authorizing intergovernmental cooperation agreement pertaining to the firing range.

Motion by Mr. Geouque and second by Mr. Allaband to advertise a proposed ordinance authorizing an intergovernmental cooperation agreement pertaining to the firing range. The vote was unanimous to adopt the motion as presented.

d. Chief Simpson briefly discussed the Township possibly becoming a member of the Chester County Regional Emergency Response Team.

e. Chief Simpson provided a status update on Regional Policing. Each municipality is completing a questionnaire that DCED will use for its study and for possible government grants.

f. Chief Simpson discussed the web based community survey that has been developed and anticipates a good response from community.

g. Chief Simpson mentioned that the Township is applying for Bullet Vest Prevention (BVP) grant funding.

The Board recessed at 8:05 p.m. and reconvened 8:20 p.m.

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h. Robert Norris and Chief Simpson gave a detailed power point presentation of the Police Facility Business Analysis. The study included facility size, costs, potential funding, staffing and other various considerations. The next step appears to be to determine if the Township will participate in a regional department before moving forward with this project.

i. Mr. Andress presented proposed ordinance and contract amendments from PMRS pertaining to the Township's pension plans.

Motion by Mr. Allaband and second by Mr. Ayotte to table consideration until the next board meeting. The vote was unanimous to adopt the motion as presented.

j. Mr. Andress commented about correspondence from the District Attorney's office of Chester County notifying the Township of restitution to be received as a result of a recent court case.

k. Mr. Andress announced a Thompson Road temporary detour plan recommended by the Township Engineer, Pennoni Associates, due to a culvert failure along Thompson Road is now in effect. The plan will be reviewed by PennDOT.

l. Recommendation by Jon Martin to appoint Bob Bowe to the Airport Development Committee.

Motion by Mr. Allaband and second by Mr. Geouque to appoint Bob Bowe to the Airport Development Committee. The vote was unanimous to adopt the motion as presented.

## 2. Solicitor Updates.

a. Solicitor Pompo reviewed the Zoning Hearing Board application of David and Donna Sentman for a variance to construct an in ground swimming pool.

Motion by Mr. Little and second by Mr. Ayotte to support the application. The vote was unanimous to adopt the motion as presented.

b. Resolution No. 716 establishing a special assessment for fire protection.

Motion by Mr. Geouque and second by Mr. Little to adopt Resolution No. 716 establishing a special assessment for fire hydrants, consolidating several prior resolutions and appointing Keystone Collections Group as special counsel and exclusive collector for the fire hydrant tax assessment. The vote was unanimous to adopt the motion as presented.

## 3. Treasurer.

a. Motion by Mr. Little and second by Mr. Geouque to approve list of the disbursements in the amount of \$268,785.00. The vote was four in favor to adopt the motion as presented; Mr. Allaband abstained from voting on the Richard Crossan and Jenkins & McMahon invoices and approved the others.

b. Motion by Mr. Allaband and second by Mr. Ayotte to ratify payment of the bills on the Paid Bills Report totaling \$5,742.26. The vote was unanimous to adopt the motion as presented.

G. APPROVAL OF THE MINUTES

1. Motion by Mr. Ayotte and second by Mr. Allaband to approve the minutes of the April 21, 2014 meeting. The vote was unanimous to adopt the motion as presented.

H. GENERAL DISCUSSION

Bob Perrotti – Is the Township seeking a new manager? Previously invoices were shown on screen. Mr. Andress responded that manager’s position has been advertised. Invoices are usually shown on screen.

Don Suckstorf – With adoption of the new Natural Resources Protection Ordinance at least three applicants have been denied permits. There are stream discharge concerns.

Patrick Little – Email newsletter is on schedule and will be out by mid-June.

Randy Geouque – Concerns about water runoff on Newark Road. This is a state road.

I. EXECUTIVE SESSION(S) HELD OR SCHEDULED

Chairperson Gordon announced the Board will hold an executive session to discuss personnel and acquisition of open space development rights.

The Board recessed at 9:55 p.m. and reconvened at 11:18 p.m.

Chairperson Gordon announced that an executive session was held this evening to discuss personnel and acquisition of open space development rights.

Chairperson Gordon announced that the next meeting of the Board of Supervisors will be Monday, June 16, 2014 starting at 6:30 p.m.

J. ADJOURNMENT

Motion by Mr. Little and second by Mr. Geouque to adjourn the meeting at 11:23 p.m. The vote was unanimous to adopt the motion as presented.

Respectfully submitted,



Lewis J. Gay  
Township Secretary

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