

NEW GARDEN TOWNSHIP
299 STARR ROAD
LANDENBERG, PA 19350
BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
JULY 21, 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
 Ken Reed, Public Works Director
 Robert Perrotti
 John Theilacker
 Donna Murray
 Karen Ammon
 Barry Crozier
 Richard Gaw, Reporter

A. CALL TO ORDER

Chairperson Gordon called the meeting to order at 6:32 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. Robert Perrotti – Alarm Ordinance #47. Spoke with Interim Manager Andress and would like to schedule a meeting when Chief Simpson returns.

b. John Theilacker – Brandywine Conservancy – Riparian Resource Protection. Discussed water quality. Township has a good section on Riparian Buffer Protection in Natural Resources Ordinance. Promoting new Riparian Buffer Protection Ordinance.

Motion by Mr. Allaband and second by Mr. Little to participate in a review of Township ordinances related to water resources at no cost to Township. The vote was unanimous to adopt the motion as presented.

c. Donna Murray / Karen Ammon – Bayard Taylor Memorial Library. Gave an update on the library's efforts to relocate the facility and the associated capital campaign. Solicitor Pompo talked about a referendum and the process related to adopting a library tax.

2. PERSONS WHO WISH TO BE RECOGNIZED

a. Artesian – Save Our Water Committee. Barry Crozier provided an update on committee organization, current direction, size of committee, Township zoning and Township exportation ordinance.

D. UNFINISHED BUSINESS

1. Ordinance #208 – Intergovernmental Cooperation Agreement Ordinance for the Firing Range.

Motion by Mr. Geouque and second by Mr. Allaband to approve the Intergovernmental Cooperation Agreement Ordinance for participation in the use of the Firing Range. The vote was unanimous to adopt the motion as presented.

2. Intergovernmental Agreements with Kennett Square Borough, Oxford Borough and Parkesburg Borough for use of the Firing Range.

Motion by Mr. Little and second by Mr. Allaband to approve signing the Intergovernmental Agreements as amended. The vote was unanimous to adopt the motion as presented.

3. Ordinance #209 – Increasing the number of members of the Open Space Review Board.

Motion by Mr. Allaband and second by Mr. Geouque to adopt Ordinance #209 increasing the number of members of the Open Space Review Board from five to seven. The vote was unanimous to adopt the motion as presented.

4. Ordinance #210 – Amending the Police Pension Plan.

Motion by Mr. Ayotte and second by Mr. Allaband to adopt Ordinance #210 amending the Police Pension Plan per PMRS to conform to Federal Tax Law. The vote was unanimous to adopt the motion as presented.

5. Ordinance #211 – Amending the Municipal Pension Plan.

Motion by Mr. Allaband and second by Mr. Little to adopt Ordinance #211 amending the Municipal Pension Plan per PMRS to conform to Federal Tax Law. The vote was unanimous to adopt the motion as presented.

E. NEW BUSINESS

1. Resolution #719 – Kail Sewage Planning Module. Interim Manager Andress and Solicitor Pompo presented a review and comments pertaining to the module.

Motion by Mr. Little and second by Mr. Allaband to adopt Resolution #719 – Kail Property Plan Revision for New Land Development subject to the condition that the Owner record a corrective deed to the Property incorporating the following language: “The Premises hereinabove described contain one or more areas designated for a non-conventional sewage disposal system and the premises is under and subject to the terms, conditions, obligations and restrictions set forth in an agreement recorded at the Record of Deeds Office of the restrictions set forth in an agreement recorded on July 11, 2014 at the Office of the Recorder of Deeds of Chester County, Pennsylvania, in Deed Book 8952, page 621, which agreement is incorporated herein by reference.”. The vote was unanimous to adopt the motion as presented.

F. FUNCTIONAL AREA UPDATES

1. Administration.

a. OPY Project – Plan Review Extension. Interim Manager Andress commented that the plan review period will be extended until October 31, 2014.

b. 2013 Township Audit. Acknowledge receipt of the 2013 Township Audit Report prepared by BBD, LLP.

c. Sale of the Sewer System – Status of the Process. Interim Manager Andress provided an update. Township has met with three respondents, Aqua PA, PA American and Delcora, regarding facilities, finances, etc. Solicitor Pompo explained the RFP process (No Action Required). Township is preparing information for each group and by September, 2014 will be prepared to have the RFP to each respondent.

2. Solicitor Updates.

a. Sentman Zoning Hearing Application. Received Notice of Decision. Solicitor Pompo explained the decision.

b. Trait Zoning Hearing Application. Received Notice of Decision. Solicitor Pompo explained the decision,.

c. Worrell Zoning Hearing Application. Board needs to decide a position. Motion by Mr. Ayotte and second by Mr. Allaband to take no position on this appeal. The vote was unanimous to adopt the motion as presented.

d. Resolution #720 – Candlewyck Streets Dedication. Motion by Mr. Little and second by Mr. Allaband to adopt Resolution #720 to accept approximately one mile of roads in the Candlewyck Subdivision. The vote was unanimous to adopt the motion as presented.

3. Treasurer.

a. Motion by Mr. Geouque and second by Mr. Allaband to approve the list of disbursements in the amount of \$593,452.47. The vote was 4-0-1 to adopt the motion as presented; Mr. Allaband recused on the R. M. Crossan bill.

b. Motion by Mr. Allaband and second by Mr. Geouque to ratify payment of the bills on the Paid Bills Report totaling \$59,785.37. The vote was unanimous to adopt the motion as presented.

G. APPROVAL OF THE MINUTES

1. Motion by Mr. Little and second by Mr. Allaband to approve the minutes of the June 16, 2014 meeting. The vote was unanimous to adopt the motion as presented.

2. Motion by Mr. Ayotte and second by Mr. Allaband to approve the minutes of the June 23, 2014 meeting. The vote was unanimous to adopt the motion as presented.

H. GENERAL DISCUSSION

Ken Reed explained that the fuel tank system needs repairs to the tank risers that will cost up to \$7,500.00.

Motion by Mr. Little and second by Mr. Allaband to repair the fuel tank system for approximately \$7,500.00. The vote was unanimous to adopt the motion as presented.

I. EXECUTIVE SESSION(S) HELD OR SCHEDULED

Chairperson Gordon announced the Board will hold an executive session tonight to discuss Acquisition of Development Rights, Property Acquisition and Litigation.

The Board recessed at 8:00 p.m. and reconvened at 9:19 p.m.

Chairperson Gordon announced that an executive session was held this evening to discuss Acquisition of Development Rights, Property Acquisition and Litigation.

Chairperson Gordon announced that the next meeting of the Board of Supervisors will be Monday, August 18, 2014 starting at 6:30 p.m.

J. ADDITIONAL BUSINESS

1. Motion by Mr. Little and second by Mr. Allaband to certify funds for the CC Challenge Grant Program. The vote was unanimous to adopt the motion as presented.

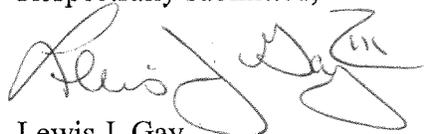
2. Motion by Mr. Allaband and second by Mr. Little to appoint ARRO as Township Engineer effective September 1, 2014. The vote was unanimous to adopt the motion as presented.

3. Motion by Mr. Allaband and second by Mr. Geouque to retain Winifred Sebastian as the Zoning Hearing Board Solicitor through the end of 2014. The vote was 4-1 to adopt the motion as presented; Mr. Little abstained.

K. ADJOURNMENT

Motion by Mr. Little and second by Mr. Ayotte to adjourn the meeting at 9:36 p.m. The vote was unanimous to adopt the motion as presented.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Lewis J. Gay".

Lewis J. Gay

Township Secretary