

**NEW GARDEN TOWNSHIP**  
**299 STARR ROAD**  
**LANDENBERG, PA 19350**  
**BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**FEBRUARY 16, 2016**

**Present:**

Richard Ayotte, Chairman  
 Patrick Little, Vice Chair  
 Randy Geouque  
 Stephen Allaband  
 Michael Loftus

Tony Scheivert, Township Manager  
 Lewis Gay, Secretary/ Treasurer  
 Vince Pompo, Solicitor  
 Jon Martin, Airport Manager  
 Gerald Simpson, Police Chief

A. CALL TO ORDER

Chairman Ayotte called the meeting to order at 7:33 p.m.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the flag was recited.

C. ANNOUNCEMENTS

Chairman Ayotte announced that an executive session was held this evening, February 16, pertaining to legal matters.

D. RESOLUTIONS/ ORDINANCES TO BE CONSIDERED

1. CHESTER COUNTY GRANT RESOLUTION #746

- a. approved filing an application for Chester County Municipal Grant Program assistance and
- b. authorizes Manager Scheivert to execute and file appropriate forms for Open Space Preservation.

Motion by Mr. Allaband and second by Mr. Loftus to approve Resolution #746 as presented was unanimously approved.

2. STREET OPENING ORDINANCE

Motion by Mr. Geouque and second by Mr. Loftus to advertise a proposed ordinance providing for the regulations of street opening and installations and providing for the regulations of driveways was unanimously approved.

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## E. 1. PERSONS SCHEDULED TO APPEAR BEFORE THE BOARD

- a. OPEN SPACE REVIEW BOARD- The Open Space Review Board was in attendance and awaiting action of the Board of Supervisors prior to its meeting tonight.

Motion by Mr. Allaband and second by Mr. Little to appoint Karen Antell and Joseph Miscione to the Open Space Review Board was unanimously approved.

- b. Anholt Technologies- Represented by Mike Shiring and Brian Morgan, requested approval of Anholt Technologies sewer line project.

Motion by Mr. Allaband and second by Mr. Little to approve Anholt Technologies sewer line and temporary office structure was unanimously approved.

- c. Harrogate North Phorid Fly Issue- Les Clark, President of Harrogate North HOA, discussed phorid fly problems/ concerns throughout the development and the surrounding area. He mentioned that at least 107 homes have some degree of infestation, 41 with a high degree of infestation. Approximately 40 residents were in attendance and several explained their particular situations. Mr. Clarke explained actions the HOA has taken and stated they plan to change out all mulch to highly organic soil in Harrogate. He and Manager Scheivert reviewed ongoing efforts of the HOA and Township to resolve the situation including interaction with State officials and various governmental agencies. There was considerable discussion, questions, answers and suggestions between the Board and those in attendance. The Township, particularly Manager Scheivert, HOA and residents will all continue their efforts to resolve this situation.

E. 2. PERSONS WHO WISH TO BE RECOGNIZED- Sign-up sheet with 28 were all about phorid fly issue which was previously addressed. There were no other requests.

## F. UNFINISHED BUSINESS

1. Reynolds Conservation Easement Update- Solicitor Pompo noted that Mr. Tom Johnson, representing John Michael Reynolds, had been in touch with him. The Reynolds are to provide language by next Wednesday and the Trusts will then review this information. Hopefully there will be an agreement by the end of March. That will be presented to Orphans Court by April. Mr. Geouque stated that he does not think we will have it by April.

2. Investment Policy- Manager Scheivert provided a draft of the proposed Township Investment Policy, that has been reviewed by Solicitor Pompo, to optimize its return through investment of cash balances in such a way as to minimize non- invested balances and to maximize return on investments.

Motion by Mr. Little and second by Mr. Loftus to approve the investment policy was unanimously approved.

3. Investing of Township Funds- Manager Scheivert and Finance Director Gay will use the new investment policy to develop an investment plan/ program for 2016.

4. F & M Supply- ZHB Application, 400 Line Road (60-1-41.1), current use is approved for automotive sales and services. Applicant is proposing to purchase the property and erect a one story 15,800 sq. ft. pole barn to be used as a distribution facility for a dry cleaning company. Applicant is seeking a variance from Article IX, Section 200-45, which permits only one of the uses by right, to permit an additional use of the property.

Motion by Mr. Allaband and second by Mr. Geouque to support the application with the condition that the applicant implement best management practices for stormwater.

#### G. NEW BUSINESS

1. Powers Subdivision and Sewer Planning Module- Developer has requested waivers to the project as follows:

a. § 170-20. B(2) Site contact map based on the fact that the subdivision proposes a single family residence on a property already occupied by residential family residences.

§ 170-20.B.(4) Site Analysis plan portal waiver to allow for features within 200 feet of the site to be shown rather than 500 Feet.

§ 170-20.B.(4)(a)[1] Arial Photograph as this requirement is typically used to evaluate the impact of larger developments on the surrounding area.

Motion by Mr. Allaband and second by Mr. Loftus to grant the waivers was unanimously approved.

b. § 170-20.B.(4)(a)[2][a] Contour intervals to use 5 foot contour intervals within the underdeveloped wooded portions of lot 2, rather than the 2 foot contours as required by the ordinance.

§ 170-20.B.(4)(a)[3] Delineation of wetlands partial relief to this section to delineate wetlands as there are no wetlands within the proposed lot 1, and no development is proposed to take place within 300 feet of the wetlands located in the eastern portion of lot 2.

§ 170-20.B.(4)(a)[10] Viewshed Analysis waivers as the area is currently developed, and the applicant is proposing to build a single family home similar to what is already onsite.

§ 170-35.B.(2)(a) Common Driveways to provide a common driveway that will serve more than 2 units. An additional driveway would create unnecessary additional impervious area with the further reduction of trees on lot 1.

Motion by Mr. Allaband and second by Mr. Loftus to grant these waivers was unanimously approved by the Board.

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c. § 170-45.C Dedication of land for recreational purposes to not provide dedication of land for recreational purposes or elect to pay a fee in lieu of.

Motion by Mr. Allaband and second by Mr. Loftus to grant this waiver was unanimously approved.

Motion by Mr. Loftus and second by Mr. Allaband to approve the Powers Subdivision with the above approved waivers pending the Sewer Planning Module approval was unanimously approved.

Resolution #747 Powers Sewer Planning Module- Motion by Mr. Allaband and second by Mr. Loftus to adopt Resolution #747 pertaining to the Powers Subdivision Sewer Planning Module was unanimously approved.

2. Harlow Pointe Escrow Release # 10 in the amount of \$27,884.30 leaving a balance after release of \$592,843.38 as recommended by Nate Cline of Pennoni Associates Inc.

Motion by Mr. Little and second by Mr. Loftus to agree to Harlow Pointe Escrow Release #10 in the amount of \$27,884.30 was unanimously approved.

3. 2016 Chester County Balloon Festival- Jon Martin provided an update on the event and requested a waiver of Chapter 49 of the Township Ordinances to allow alcohol (beer and wine) consumption during the event.

Motion by Mr. Little and second by Mr. Loftus to allow a beer and wine garden at the Balloon Festival was unanimously approved.

4. Chester County Grant Contracts for St. Anthony's Conservation Easement- Motion by Mr. Little and second by Mr. Allaband to approve the Chester County Municipal Grant Program Round 28 Grant Contract between the Township and County of Chester pertaining to the St. Anthony's Conservation Easement for a maximum reimbursement of \$1,300,000 was unanimously approved.

## H. FUNCTIONAL AREA UPDATES

### 1. Administration

#### a. Manager-

- Sewer System Sale- Solicitor Pompo provided an update.

The Township/ Authority had a resubmission meeting with all proposers that went well. March 18 is the deadline to receive proposals.

- South Sewer Plant Work Update- McGovern is pumping and hauling 100,000 to 150,000 gallons per day. Consider Wilkinson Pump and Haul Agreement.

Motion by Mr. Little and second by Mr. Allaband to negotiate an agreement with Wilkinson to haul from the South Plant to the East Plant was unanimously approved.

- Zoning Committee Update/ Ordinance Review- Committee is requesting the Board consider:

- (1) Adding definitions
- (2) Changing various articles
- (3) Adding new subsections

The Board agreed to take recommendations under advisement for possible action at the March meeting.

b. Public Works- None

c. Police- Regional Police Update

1. Meeting Tomorrow evening, February 17, with West Grove Borough to discuss terms
2. Met last week with both Police bargaining units
3. Meeting tomorrow evening with London Grove Twp. to discuss a contract for services
4. Part time Officers- Four new officers have been hired and have started working.

d. Airport- None

2. Solicitor

a. Solicitor Pompo presented a settlement agreement regarding Hawk's Glen Subdivision that resolves pending litigation.

Motion by Mr. Little and second by Mr. Allaband to approve settlement agreement regarding Hawk's Glen Subdivision was unanimously approved.

3. Treasurer

a. Motion by Mr. Little and second by Mr. Loftus to approve list of disbursements in the amount of \$632,971.13. The vote was unanimous to approve the motion. Mr. Allaband recused on Richard Crossan and Jenkins and McMahon invoices.

b. Motion by Mr. Allaband and second by Mr. Loftus to ratify payment of the bills on the Paid Bills Report totaling \$1,500.00 was unanimously approved.

I. APPROVAL OF MINUTES

Motion by Mr. Loftus and second by Mr. Little to approve the minutes of the January 19, 2016 meeting was unanimously approved.

J. GENERAL DISCUSSION

Mr. Geouque requested the Budget information be updated on the Township website.

Mr. Ayotte mentioned there have been considerable operating/ maintenance/ repairs costs regarding the Lamborn House in the park.

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## K. OTHER BUSINESS

Chairman Ayotte announced that the next meeting of the Board of Supervisors will be Monday, March 21, 2016 at 7:30pm.

## L. ADJOURNMENT

Motion by Mr. Little and second by Mr. Loftus to adjourn the meeting at 9:48pm was unanimously approved.

Respectfully Submitted,

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

Lewis J. Gay,  
Township Secretary