

NEW GARDEN TOWNSHIP
299 STARR ROAD
LANDENBERG, PA 19350
BOARD OF SUPERVISORS
REGULAR MEETING
MARCH 21, 2016

Present:

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

Tony Scheivert, Township Manager
 Lewis Gay, Secretary/ Treasurer
 Vince Pompo, Solicitor
 Ken Reed, Public Works Director
 Gerald Simpson, Police Chief
 Jeffrey Stewart, Road Master
 Peter Temple, Atty for Modern Mushroom
 Chris Burkett, Gilmore Assoc.
 James DiLuzio
 James Fritsch, Register & Assoc.
 Father Richard Maisano, St. Gabriel

A. CALL TO ORDER

Chairman Ayotte called the meeting to order at 7:00 p.m.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the flag was recited.

C. NEW GARDEN POLICE DEPARTMENT

Mr. Ayotte, opened the awards ceremony where new officers Jeremy O'Neill, Evan Marchetti, Maria Mattoni and Stephen Madonna were introduced by Chief Simpson and sworn in by District Justice Matthew Seavey. Officer Joseph Versagli has been promoted and given the Oath of Office by D.J. Seavey. Chief Simpson presented DUI Enforcement Awards to PO Ryan Kushner (2nd year), PO Matthew Jones (3rd year), Corporal Joseph Greenwalt (3rd year) and Corporal Joseph Versagli (4th year). Chief Simpson awarded PO Matthew Jones the 2015 Chief Gerald W. Davis Award for being selected the Officer of the Year. The award ceremony was closed at 7:34 pm.

D. NEW GARDEN POLICE DEPARTMENT FACILITY NEEDS ASSESSMENT was canceled.

The Board recessed at 7:35pm, and reconvened at 7:52pm.

E. ANNOUNCEMENTS

Chairman Ayotte announced that the Board met in executive session this evening regarding legal matters.

F. RESOLUTIONS/ ORDINANCES TO BE CONSIDERED

1. Resolution #748 PA DCNR Grant Resolution- St. Anthony in the Hills Easement Acquisition- Motion by Mr. Little, second by Mr. Allaband to approve Resolution # 748 and authorize Township Manager to sign a grant application to Pa Dept. of Conservation and Natural Resources for assistance in the easement acquisition for the St. Anthony's property was unanimously approved.

2. Street Opening Ordinance #215- Amends the Township Code of Ordinances by providing for the regulation of street openings and installations and providing for the regulation of driveways.

Chairman Ayotte asked for questions and comments from the public. There were none.

Motion by Mr. Allaband and second by Mr. Loftus to approve Ordinance #215 pertaining to street openings was unanimously adopted.

3. PennDOT Infrastructure Loan Ordinance #216. An ordinance for the purpose of financing certain modifications and improvements to the New Garden Flying Field runway, construction of two airport hangars and other improvements, all as set forth in that certain Comm. Of PA, Dept. of Transportation Infrastructure Bank Loan Agreement No. 521125.

Chairman Ayotte asked for comments and questions regarding the proposed ordinance.

Mr. James DiLuzio from Sarah Drive had comments and questions regarding security and backing of the loan with Township Funds. He would like to have the Township Manager report monthly on the progress of the sale of portions of the airport property until the sale is consummated.

Motion, not to amend the proposed ordinance but administrative, by Mr. Allaband, second by Mr. Ayotte, to provide quarterly reports on the progress of the airport property was unanimously approved.

Motion by Mr. Allaband and second by Mr. Little to approve Ordinance #216- PennDOT Infrastructure Loan was approved by Roll Call Vote:

Mr. Little- Yes

Mr. Loftus- yes

Mr. Ayotte- yes

Mr. Allaband- yes

Mr. Geouque- was absent

4. Resolution #749- Resolution for plan revision for new land development of Anholt Technologies at the Church Road facilities for the Sewage Facilities Planning Module changing from a force main to gravity.

Motion by Mr. Little and second by Mr. Loftus to approve Resolution #749 as presented was unanimously adopted.

5. Resolution #750- Resolution approving the Sewage Facilities Planning Module for Crestview Investment Properties, LP's Hawks Glen development.

Motion by Mr. Allaband and second by Mr. Loftus to approve Resolution #750 was unanimously adopted.

G.1. PERSONS SCHEDULED TO APPEAR BEFORE THE BOARD

a. Modern Mushroom Business Park. Mr. Peter Temple represented Modern Mushroom. A power point presentation was made by Christopher Burkett of Gilmore Associates explaining a proposed development of the property along Newark Road. Questions and comments received from the Board and the Pubic were addressed.

b. Ted Thompson, 408 Hillendale Road re: waiver request from Section 170-8(1)(b) of the Subdivision and Land Development Ordinance for parcel 60-2-75 on Thompson Road.

Requesting relief to move a lot line 15 feet conditioned upon agreement by the Thompsons to record, along with the new deed for Lot 2, the four deed restrictions as recommended by the Township Solicitor as follows:

1. Abandonment of any claim that the area of the existing greenhouse foundations adjacent to the new Lot 1 lines constitute a legal nonconforming use of land or structure including but not limited to legally pre-existing setbacks, yard encroachments, impervious or building coverage;
2. Said area will not be included in any calculation of non-conforming areas for any purpose;
3. No new development will be permitted within said area;
4. Said foundations within said area shall be removed such that the land will be returned to a previous condition consistent with use as yard area, prior to the issuance of the next building permit for Lot 2.

Motion by Mr. Allaband and second by Mr. Loftus to approve the waiver request subject to the four conditions set forth by the solicitor was unanimously approved.

2. PERSONS WHO WISH TO BE RECOGNIZED

a. James Fritsch, Regester Assoc. and Father Richard Maisano, St. Gabriel of the Sorrowful Mother regarding a proposed chapel addition on the church facility.

Request waivers from (1) Article III Section 170-6- submission of land development plans; (2) Chapter 165-5.A.(1) requiring additional stormwater management and ; (3) Chapter 165 Section 165-5.A.(2) requiring additional stormwater management.

Motion by Mr. Allaband and second by Mr. Little to waive Article III Section 170-6 (submission of land development plan) contingent upon applicant meeting all requirements of the new stormwater management ordinance was unanimously approved.

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H. UNFINISHED BUSINESS

1. Reynolds property conservation easement update was provided by Solicitor Pompo. He has been in touch with attorneys for two of the involved parties. They are still on the same time schedule as previously reported.

2. St. Anthony's in the Hills Conservation Easement- Updated Agreement with Natural Lands Trust.

Motion by Mr. Little and second by Mr. Loftus to approve an agreement with Natural Lands Trust for technical assistance pertaining to the conservation easement conveyance with St. Anthony's in the Hills was unanimously approved.

I. NEW BUSINESS

1. Harlow Pointe Escrow Release #10- Release \$26,543.64 leaving a balance after this release of \$566,299.74 as recommended by Nathan Cline of Pennoni Associates.

Motion by Mr. Allaband and second by Mr. Little to approve Harlow Pointe Escrow Release #10 in the amount of \$26,543.64 was unanimously approved.

2. 2016 Lawn Maintenance Bid. Deerfield Mowing and Property Maintenance, Inc. total for 2016 season \$30,940.00. Total per week \$1,105.00

Motion by Mr. Mr. Allaband and second by Mr. Ayotte to table action on 2016 Lawn Maintenance Bid until the April 14, 2016 meeting based on Township Manager's recommendation was unanimously approved.

3. Country Fresh Escrow Release #1 on parking expansion at 984 W. Cypress Street. Release \$379,676.00, leaving a balance after release of \$123,351.17 as recommended by Nathan Cline from Pennoni Associates.

Motion by Mr. Little and second by Mr. Loftus to approve Country Fresh Escrow Release #1 in the amount of \$379,676.00 was unanimously approved.

4. Country Fresh Mushroom Co. Escrow Release #2- Release \$802,835.55 leaving a balance after release of \$40,992.00 as recommended by Nathan Cline from Pennoni Associates.

Motion by Mr. Allaband and second by Mr. Loftus to approve Release #2 in the amount of \$802,835.55 was unanimously approved.

J. FUNCTIONAL AREA UPDATES

1. Administration

a.1. Manager- Sewer sale update by Solicitor Pompo- Three submittals were received last Friday and are under review. There will be a combined meeting between the Board of Supervisors and the Sewer Authority at 7:00pm, Thursday, April 14, 2016 to discuss submittals and possibly choose an entity to begin negotiations.

a. 2. Manager- South Sewer Plant Work Update- Township has a frack tank at the east plant. This allows additional pumping to each plant.

a. 3. Manager- Zoning Committee Update/ Ordinance Review- Manager Scheivert requested permission to advertise changes proposed by the committee for approval at April 25, 2016 meeting.

Motion by Mr. Little and second by Mr. Allaband to advertise proposed changes was unanimously approved.

a.4. Brian Roberts- Lyceum House Improvements. Mr. Roberts presented a proposal for improvements to the Lyceum House.

Motion by Mr. Little and second by Mr. Allaband to table action until the April 14th meeting was unanimously approved.

b.1. Public Wokrs- Sheehan/ Sharp/ Route 41 Intersection- Public Works Director Reed requested the Board to consider approval for Penn DOT to relineate/ paint the intersection.

Motion by Mr. Little and second by Mr. Allaband to have PennDOT do relineate and paint the intersection was unanimously approved.

b.2. Public Works- Street Sweeping Proposal- Reilly Sweeping, Inc. proposal

- Daily rate: (8 hrs) \$960.00.
- Each additional hour (over 8 hrs) \$140.00
- Saturday Premium per hour \$20.00
- 8 hour minimum for night work

Public Works Director Reed requested approval of the proposal. Motion by Mr. Allaband and second by Mr. Loftus to approve Reilly Sweeping, Inc. proposal for 2016 street sweeping was unanimously approved.

b.3. Public Works- Backhoe and Roller Quotes- Director Reed reviewed the Stephenson Equipment, Inc. state contract price for a JCBBCX14 Backhoe for \$106,500.00 and for a Bomey 100 SL-5 Asphalt Roller for \$31,800.00. There is \$88,000 budgeted for streets equipment anticipating 5 year lease purchase agreement for these items that would cost \$23,262.66 per year.

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Motion by Mr. Loftus and second by Mr. Allaband to purchase a backhoe for an amount not to exceed \$106,500.00 was unanimously approved.

Purchase of a roller was tabled to try to find if there is any interest partnering with other municipalities and readdress this item at the April 14, 2016 meeting.

b.4. Public Works- Shop lights upgrade proposal- Director Reed presented the United Electric Supply proposal to upgrade 15 lights for a total of \$7,288.50.

Motion by Mr. Little and second by Mr. Allaband to approve United Electric Supply's proposal to upgrade the shop lights for an amount not to exceed \$7,288.50 was unanimously approved.

b.5. Public Works- Spring Clean Up- Director Reed stated that Spring Clean Up this year will be held in April 15, 16 and 17.

2. Solicitor

a. Solicitor Pompo stated there was an executive session this evening.

b. Solicitor Pompo- reviewed a letter the Township has received from Artesian Water regarding the well in the southern portion of the Township explaining they came under the jurisdiction of the Pa. PUC and are not subject to municipal ordinances and regulations.

Motion by Mr. Allaband and second by Mr. Loftus to authorize Solicitor Pompo to file appropriate paperwork to institute a lawsuit against Artesian requiring them to follow Township rules and regulations.

3. Treasurer

a. Motion by Mr. Little and second by Mr. Loftus to approve list of disbursements in the amount of \$30,166.46 dated 3/18/2016 was unanimously approved.

b. Motion by Mr. Ayotte and second by Mr. Loftus to approve list of disbursements dated 3/17/16 in the amount of \$782,160.69 was unanimously approved. Mr. Allaband recused on the R.M. Crossan and Jenkins and McMahon invoices.

c. Motion by Mr. Little and second by Mr. Allaband to ratify payment of the bills on the paid bills report totaling \$233,788.82 was unanimously approved.

K. Approval of Minutes

Motion by Mr. Little and second by Mr. Loftus to approve the minutes of the February 16, 2016 regular meeting was unanimously approved.

L. General Discussion- None

M. Executive Session held or scheduled

Chairman Ayotte announced the Board will recess to hold an executive session to discuss real estate and legal matters.

The Board recessed at 10:35pm and reconvened at 11:15pm.

Chairman Ayotte announced that an executive session was held this evening to discuss real estate and legal matters.

Chairman Ayotte announced that the next meeting of the Board of Supervisors will be held April 14, 2016, a joint meeting with the Sewer Authority at 7:00pm.

N. Other Business- None

O. Adjournment

Motion by Mr. Allaband and second by Mr. Little to adjourn the meeting at 11:16pm was unanimously approved.

Respectfully submitted,



Lewis J. Gay,
Township Secretary

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