

**LONDONDERRY TOWNSHIP BOARD OF SUPERVISORS' MEETING  
TUESDAY, NOVEMBER 10, 2009**

**CALL TO ORDER:** The BOS I meeting was called to order by Supervisor Richard Brown at 7:32 PM. Supervisors Richard Brown, Midge Leitch and Township Engineer Bob Johnston were in attendance.

Richard Brown explained there were four (4) Ordinance Hearings to be conducted. Midge Leitch made a motion to close the BOS Meeting. Richard Brown seconded the motion, the vote was unanimous and the BOS Meeting closed at 7:33 PM.

Supervisor Brown opened the Ordinance Hearing at 7:33 PM. Richard Brown read the titles of each of the Ordinances and the documentation supporting the ordinances to the audience.

**ORDINANCE # 04 - 2009 – AN ORDINANCE OF LONDONDERRY TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE EXISTING SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, AS AMENDED, REGARDING TIMING AND COMMUNICATION OF DECISIONS ON, AND CONTENT OF, PRELIMINARY AND FINAL PLANS.**

Exhibits:

1. **B-1** Copy of the Board of Supervisors' Minutes dated 10-13-2009 in which the Board authorized the advertisement for the public hearing on 11-10-2009 at 7:30 PM .
  - B-2** Copy of letter dated 07-17-2009 to the Chester County Planning Commission enclosing the Act 247 Notice and the proposed Ordinance.
  - B-3** Copy of Act 247 Notice
  - B-4** Letter dated 08-10-2009 from the Chester County Planning Commission to Londonderry Township
  - B-5** Copy of letter dated 10-23-2009 by Stacey L. Fuller, Esq. to the Chester County Law Library enclosing attested copy of the proposed Ordinance and Public Notice.
  - B-6** Copy of letter dated 10-13-2009 by Stacey L. Fuller, Esq. to Daily Local News enclosing the Public Notice of the full text of the proposed Ordinance and requested publication.
  - B-7** Notice
  - B-8** Proof of Publication of Notice from the Daily Local News
2. Note that the Proposed Ordinance has been available for public review since 10-23-2009 when it was sent to the Chester County Law Library, Daily Local News and the Township Building.
3. Review of Ordinance by Chair/Solicitor
4. Supervisor discussion of Ordinance provisions
5. Open to Public Comment/Concern – There were no public comments

**Close Hearing:** Motion to close the Hearing: Richard Brown, Second: Midge Leitch.  
The vote was 2-0 **Time:** 7:36 PM

**Open BOS Meeting:** 7:36 PM

**Motion to approve Ordinance # 04-2009 ? Motion made by Richard Brown**  
**Second? Midge Leitch All in Favor? 2-0**

**Motion to close BOS Meeting and reopen Hearing:** Richard Brown Second: Midge Leitch The vote was 2-0.

**ORDINANCE # 05 - 2009 – AN ORDINANCE OF LONDONDERRY TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE EXISTING ZONING ORDINANCE, AS AMENDED, REGARDING MINIMUM OT AREA IN OPEN SPACE DESIGN.**

Open the Hearing - **Time** 7:38 PM

Exhibits:

1. **B-1** Copy of the Board of Supervisors' Minutes dated 10-13-2009 in which the Board authorized the advertisement for the public hearing on 11-10-2009 at 7:30 PM.
- B-2** Copy of letter dated 07-17-2009 to the Chester County Planning Commission enclosing the Act 247 Notice and the proposed Ordinance.
- B-3** Copy of Act 247 Notice
- B-4** Letter dated 08-17-2009 from the Chester County Planning Commission to Londonderry Township
- B-5** Copy of letter dated 10-23-2009 by Stacey L. Fuller, Esq. to the Chester County Law Library enclosing attested copy of the proposed Ordinance and Public Notice.
- B-6** Copy of letter dated 10-23-2009 by Stacey L. Fuller, Esq. to Daily Local News enclosing the Public Notice of the full text of the proposed Ordinance and requested publication.
- B-7** Notice
- B-8** Proof of Publication of Notice from the Daily Local News
2. Note that the Proposed Ordinance has been available for public review since 10-23-2009 when it was sent to the Chester County Law Library, Daily Local News and the Township Building.
3. Review of Ordinance by Chair/Solicitor
4. Supervisor discussion of Ordinance provisions – Richard Brown read excerpts
5. Open to Public Comment/Concern – There were no public comments

**Close Hearing:** Motion to close the Hearing: Midge Leitch, Second: Richard Brown  
The vote was 2-0 **Time** 7:42 PM

**Open BOS Meeting:** 7:42 PM

**Motion to approve Ordinance # 05-2009 ? Motion made by Midge Leitch Second?**  
**Richard Brown All in Favor? 2-0**

**Motion to close BOS Meeting and reopen Hearing:** Richard Brown Second: Midge Leitch The vote was 2-0.

**ORDINANCE # 06 - 2009 – AN ORDINANCE OF LONDONDERRY TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE EXISTING ZONING ORDINANCE, AS AMENDED, REGARDING HELIPOINTS AND HELISTOPS.**

Open the Hearing - Time 7:44 PM

1. Exhibits:
  - B-1** Copy of the Board of Supervisors' Minutes dated 10-13-2009 in which the Board authorized the advertisement for the public hearing on 11-10-2009 at 7:30 PM .
  - B-2** Copy of letter dated 08-18-2009 to the Chester County Planning Commission enclosing the Act 247 Notice and the proposed Ordinance.
  - B-3** Copy of Act 247 Notice
  - B-4** Letter dated 09-16-2009 from the Chester County Planning Commission to Londonderry Township
  - B-5** Copy of letter dated 10-23-2009 by Stacey L. Fuller, Esq. to the Chester County Law Library enclosing attested copy of the proposed Ordinance and Public Notice.
  - B-6** Copy of letter dated 10-23-2009 by Stacey L. Fuller, Esq. to Daily Local News enclosing the Public Notice of the full text of the proposed Ordinance and requested publication.
  - B-7** Notice
  - B-8** Proof of Publication of Notice from the Daily Local News
2. Note that the Proposed Ordinance has been available for public review since 10-23-2009 when it was sent to the Chester County Law Library, Daily Local News and the Township Building.
3. Review of Ordinance by Chair/Solicitor – Richard Brown explained ordinance
4. Supervisor discussion of Ordinance provisions
5. Open to Public Comment/Concern – No Public comment

**Close Hearing:** Motion to close the Hearing: Midge Leitch, Second: Richard Brown  
The vote was 2-0 Time 7:47 PM

**Open BOS Meeting:** 7:48 PM

**Motion to approve Ordinance # 06-2009 ? Motion made by Midge Leitch Second? Richard Brown All in Favor? 2-0**

**Motion to close BOS Meeting and reopen Hearing:** Richard Brown Second: Midge Leitch The vote was 2-0

**ORDINANCE # 07 - 2009 – AN ORDINANCE OF LONDONDERRY TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE EXISTING SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, AS AMENDED, REGARDING INTERIOR LOTS.**

Open the Hearing - Time 7:48 PM

1. Exhibits:
  - B-1** Copy of the Board of Supervisors' Minutes dated 10-13-2009 in which the Board authorized the advertisement for the public hearing on 11-10-2009 AT 7:30 PM .

**B-2** Copy of letter dated 07-17-2009 to the Chester County Planning Commission enclosing the Act 247 Notice and the proposed Ordinance.

**B-3** Copy of Act 247 Notice

**B-4** Letter dated 08-10-2009 from the Chester County Planning Commission to Londonderry Township

**B-5** Copy of letter dated 10-23-2009 by Stacey L. Fuller, Esq. to the Chester County Law Library enclosing attested copy of the proposed Ordinance and Public Notice.

**B-6** Copy of Letter dated 10-23-2009 by Stacey L. Fuller to Daily Local News enclosing the Public Notice of the full text of the proposed Ordinance and requested publication.

**B-7** Notice

**B-8** Proof of Publication of Notice from the Daily Local News

2. Note that the Proposed Ordinance has been available for public review since 10-23-2009 when it was sent to the Chester County Law Library, Daily Local News and the Township Building.
3. Review of Ordinance by Chair/Solicitor
4. Supervisor discussion of Ordinance provisions
5. Open to Public Comment/Concern – No Public Comment

**Close Hearing:** Motion to close the Hearing: Midge Leitch, Second: Richard Brown  
The vote was 2-0 **Time** 7:50 PM

**Open BOS Meeting:** 7:51 PM

**Motion to approve Ordinance # 07-2009 ?** Motion made by Midge Leitch Second?  
Richard Brown All in Favor? 2-0

#### **RESUME THE REGULAR BOS I MEETING:**

#### **COMMENTS FROM THE PUBLIC:**

#### **EMERGENCY MANAGEMENT (EM) COORDINATOR – CHUCK FREESE:**

Chuck Freese was recognized and said the Deputy EM Coordinator, Scott Runge, had resigned and Kirsten McCuen, who is retired from the Prince George's County, Maryland Police Department, has volunteered to serve as Deputy Emergency Management Coordinator. The BOS unanimously approved a motion appointing her as Deputy EM Coordinator for Londonderry Township and requested that Mr. Freese purchase an appropriate 2-way radio for Ms. McCuen with a cost estimated to be about 275.00. Richard Brown expressed the BOS's appreciation and support for Mr. Freese's efforts on behalf of the Township.

**MINUTES:** As the minutes of the BOS II September 28, 2009 meeting had been previously distributed to the BOS and read, Richard Brown made a motion to accept the Minutes. Midge Leitch seconded the motion and the vote was unanimous.

**TREASURER'S REPORT:** Howard Benner read excerpts from the Final October Treasurer's Report. There was no discussion.

**RESOLUTION #2009-09 - National Penn Bank – Governmental Organization**

**Authorization:** Richard Brown read to the audience nearly all of Resolution #2009-09 which authorizes and empowers Treasurer Howard Benner and Supervisors Brown, Leitch and Wier (any two of these four LDT officials) to conduct business regarding the six (6) LDT accounts with National Penn Bank. Richard Brown made a motion to approve Resolution #2009-09, Midge Leitch seconded the motion, and the vote was unanimous. The Resolution was signed by Howard Benner, the BOS, Secretary Janice Hearne and the LDT seal was affixed to the document.

**NATIONAL PENN BANK SIGNATURE CARDS:** Treasurer Howard Benner supplied multiple copies of the National Penn Bank Signature Card forms for the BOS to sign.

**REDCAY EASEMENT CLOSING:** Richard Brown announced the Redcay Easement closing was finalized earlier in the day noting that the boundaries of this land had remained the same since 1790 and that this was indeed a community effort. He complimented the Redcay family for doing this and indicated that this had truly been a community effort. The property will stay as a farm and will help maintain the quality of life in this part of Chester County.

**CHESTER COUNTY SOLID WASTE AUTHORITY 2010 – 2012:** Previously the BOS had requested information from Howard Benner as to the cost of this program to LDT in 2008-2009. Mr. Benner reported the cost in 2008-2009 was \$648.92. Should the Township opt to not participate in this program, the cost would be \$100.00 per vehicle. The BOS agreed to participate and affixed their signatures.

**TOWNSHIP REPORTS:**

**A. ZONING OFFICER/BUILDING INSPECTOR:** Richard Brown read portions of the Zoning Officer's October Report. There were four (4) building permits issued with a collected fee total of \$2,951.27. One (1) building permit was pending and one (1) fuel storage tank permit was issued. One (1) demolition permit was pending for 162 Hood Road awaiting a historical properties inventory. Seven (7) Use and Occupancy permits were issued and fourteen (14) various construction inspections were conducted. The trash problem at 198 Baker Road has shown minimal progress and a meeting with one of the property owners was conducted on 11-08-2009. There has been no progress regarding the Enforcement Notice sent to 201 Paxson Road regarding junk vehicles, RV trailers, etc. There will be a New Daleville site walk on 11-11-2009 at 2:00 PM.

**B. ROAD MASTER:** No Report

- C. EMERGENCY MANAGEMENT:** Mr. Chuck Freese reported that the Octorara Intermediate School, which could accommodate 44,000 to 50,000 people with 77 staff persons, had been designated as the Point of Distribution (POD) site, for distribution of H1N1 vaccines should a mass inoculation be announced.
- D. PLANNING COMMISSION (PC):** Rich Henryson had previously submitted a report from the PC Meeting held on October 20, 2009. Richard Brown read excerpts: 1) David Kegerize from Lake Roeder Hillard appeared before the PC to discuss the revised plans for Honeycroft and 2) Bob Johnston gave an update regarding the sewer testing done on the Cohen / Londonderry Shops property and explained the procedure for on-site water testing for the Cohen property. The next meeting of the PC will be on 11-17-2009.
- E. OPEN SPACE COMMITTEE (OSC):** Richard Brown read excerpts from the OSC Minutes of 10-21-2009 submitted by Chairman Hank Detering. The OSC members were updated on the Redcay Easement proposal and Chairman Hank Detering announced the OSC had been invited by John Goodall of the Brandywine Conservancy to participate in a presentation, "Planning for Fiscal Preservation", being hosted by the Conservancy. The next meeting of the OSC will be on 11-18-2009.
- F. HISTORICAL COMMITTEE (HC):** No report.
- G. WEBSITE/NEWSLETTER:** Dick Brown announced that Webmaster Bill Wuhrman would be unavailable to attend to the website from 11-15-2009 until 12-09-2009. Any postings to the LDT website will be handled after this period.

#### **OLD BUSINESS:**

- A. COHEN / LONDONDERRY SHOPS:** Mr. Johnston presented an update regarding the completion of preliminary testing for the sanitary system on the Cohen property. Wells have been drilled on the property, but not tested. Mr. Johnston said he had talked with Mr. Bontrager's attorney and urged Mr. Bontrager to participate in the well testing. LDT had received a note from LDT resident, Joe Vahey, and Mr. Johnston said he would pass the communication to Gilmore's hydrologist and to Brickhouse Engineering. Mr. Johnston said Gilmore sent their sewage enforcement officer to observe the perk testing. The results of the perk testing, which will determine what use of the property can be permitted, were ¼" per hour which is acceptable but on the low end of the scale for commercial on-site septic systems. It may be that Brickhouse will do more testing in an attempt to locate better soils.
- B. HONEYCROFT:** Bob Johnston received two (2) copies of the revised Honeycroft Village plans about which he expressed concerns regarding missing information regarding infrastructure including pipes, storm water sewer, electrical, etc., after his consultation with LDT Inspector Tim Smith. Plans were sent to Chester Water Authority for review as was a letter from Mr. Johnston to Lake Roeder Hillard with a copy sent to Planning Commission Chairman Rich Henryson outlining these concerns. Based

on the reduction of units from 317 to 264 Aqua may need to review the Honeycroft plans with the PUC. Mr. Johnston was unaware if the plans had been sent to the Chester County Conservation District. Until the issues with the Honeycroft plans have been corrected Permits and Zoning Officer Bill Beers will not issue any building permits.

**C. NEW DALEVILLE PONDING / WATER INFILTRATION / TRAIL:** On 10-23-2009 Inspector Tim Smith observed and took pictures of water ponding on the roads, sidewalks and pathway near the park/tot lot. Mr. Johnston read an 11-03-2009 email from Jim Widener of Arcadia Land Company addressing the issue of icing on the roadways. Mr. Widener wrote as “ ponding water is always a problem on streets where the storm inlets are set at final elevations and only the binder surface is currently on the roadways, the final wearing surface will not be installed until the time of dedication”. Regarding the trail/tot lot ponding Mr. Widener, in an 11-04-2009 email, said it is possible “installation of a yard drain that would drain the basin side of the trail to the lower side of the trail *and* some minor regrading would also be required”. Mr. Johnston said an inspection meeting was scheduled for 11-11-2009 at 2:00 PM.

**D. NEW DALEVILLE - SCOTT ANDRESS HOUSE CONSTRUCTION ISSUES:** New Daleville resident, Scott Andress, had previously sent a list of construction issues to LDT. These issues will be discussed at the next meeting with the builders of New Daleville and LDT Permits and Zoning Officer Bill Beers. The issue of handicap access to the green areas was introduced as well as the new regulations set by the Americans with Disabilities Act (ADA). Following discussion Mr. Johnston said the ADA ramps were on the approved plans and the developer must follow the approved plans. Recently there have been new regulations issued by the ADA with much more stringent regulations. These may apply to the New Daleville approved plans.

**E. NEW DALEVILLE – RELEASE #15 REQUEST:** Mr. Johnston said Gilmore and Associates recommends approval of Release #15. Inspector Tim Smith has inspected the appropriate sidewalks and landscaping and found them to be acceptable. There was a question regarding the old sidewalks, but they will be inspected and repaired as necessary when New Daleville is complete. Richard Brown made a motion to approve Release #15 in the amount of \$63,402.20. Midge Leitch seconded the motion and the vote was unanimous.

**NEW BUSINESS:**

**A. ANTI-SOLICITATION ORDINANCE:** A copy of the West Chester Borough solicitation ordinance was faxed to LDT Planner, David Sweet, on 11-23-2009. David Sweet will review the faxed ordinance, craft a LDT ordinance, and place this item on the Task Force Agenda for the meeting on 11-23-2009.

**B. CHESTER COUNTY SECRETARIES IN GOVERNMENT ASSOCIATION (CCSIGA) MEETING:** Secretary Janice Hearne received permission to

attend the CCSIGA meeting on 11-17-2009 to discuss the topic of Emergency Preparedness.

**ANNOUNCEMENTS/CORRESPONDENCE:**

- A. PSATS OPEN RECORDS SEMINAR, TUESDAY, NOVEMBER 24, 2009, WEST CHESTER, PA.:** Supervisor Midge Leitch will attend.
- B. BOS I MEETING – 12-08-2009:** Midge Leitch will be unable to attend.
- C. REDCAY EASEMENT CLOSING OCCURRED ON TUESDAY, 11-10-2009:**
- D. PROPERTY TAX TOWN FORUM – HOSTED BY STATE REP. TOM HOUGHTON:**
  - November 12, 2009, 6:30 PM to 8:30 PM, Oxford Senior Center
  - November 19, 2009, 6:30 PM to 8:30 PM, Parkesburg Borough Hall
- E. SAVE FUNDRAISER: November 14, 2009**
- F. NEXT TASK FORCE MEETING:** Monday, 11-23-2009 following the BOS II Meeting.

**CURRENT BILLS WERE REVIEWED AND PAID IN THE USUAL MANNER.**

**ADJOURNMENT:**

A motion to adjourn was made by Midge Leitch at 9:20PM and seconded by Richard Brown. The vote was unanimous.

Respectfully submitted,

Janice H. Hearne  
Administrative Secretary