

**LONDONDERRY TOWNSHIP (LDT)
BOARD OF SUPERVISORS' II MEETING
MONDAY, NOVEMBER 28, 2011**

CALL TO ORDER: Supervisors Richard Brown and Gene Wier were in attendance. Chairman Richard Brown opened the BOS II Meeting at 7:30 PM.

Richard Brown CLOSED the BOS II Meeting and OPENED the ORDINANCE HEARING AT 7:32 PM. The Ordinance title was read and the Exhibits were reviewed as follows:

ORDINANCE #03-2011

Londonderry Township Public Hearing – Date: November 28, 2011

ORDINANCE #03-2011 – AN ORDINANCE OF LONDONDERRY TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, LEVYING A TAX ON EARNED INCOME AND NET PROFITS; AN OPEN SPACE MUNICIPAL RESIDENT TAX; REQUIRING TAX RETURNS; REQUIRING EMPLOYERS TO WITHHOLD AND REMIT TAX; AND RELATED PROVISIONS.

Open the Hearing – **Time: 7:32 PM**

1. Exhibits:
 - B-1** Copy of the Board of Supervisors' Minutes dated 10-24-2011 in which the Board authorized the advertisement for the public hearing on 11-28-2011.
 - B-2** Copy of letter from Stacey Fuller, Esq. dated 10-26-2011 to the Chester County Law Library enclosing attested copy of the proposed Ordinance and Public Notice.
 - B-3** Copy of letter or email from Stacey Fuller, Esq. dated 11-10-2011 confirming the advertisement of the Public Notice of the full text of the proposed Ordinance and requested publication in the Daily Local News.
 - B-4** Notice: Yes
 - B-5** Proof of Publication of Notice from the Daily Local News dated 10-28-2011, 11-04-2011 and 11-11-2011 (3 times).
2. Note that the Proposed Ordinance has been available for public review since 10-26-2011 when it was sent to the Chester County Law Library, Daily Local News and the Township Building.
3. Review of Ordinance by Chair/Solicitor: The Supervisors reviewed the Ordinance and Richard Brown said this Ordinance was necessary for the collection of taxes.
4. Supervisor discussion of Ordinance provisions: None.
5. Open to Public Comment/Concern: LDT resident, Charles Rodgers, asked if there were any changes to the tax structure. Richard Brown responded by reading a portion of Section 9 of the Ordinance. "The purpose of this Enactment is to conform the earned income and net profits tax currently imposed to the Local Tax Enabling Act, as amended and restated by the Act 32 of 2008, ..." Supervisor

Brown stated the tax rate and tax collector would remain the same. This Ordinance was a formality to comply with Act 32.

6. The Ordinance Hearing was Closed – **Time 7:36 PM**
7. The Board of Supervisors Meeting was Reopened – **Time 7:36 PM**
8. Richard Brown made a Motion to approve **Ordinance # 03-2011.**
Gene Wier seconded the motion.
The Vote was 2-0 in favor of approval.

The regular meeting of the BOS was resumed.

COMMENTS FROM THE PUBLIC: Richard Brown announced the culvert on White Horse Road had been recently repaired. Charles Rodgers noted there have been no improvements on Faggs Manor Road at the Styer Nursery property. Richard Brown asked Secretary Janice Hearne to request Roadmaster Allen Reynolds fill the holes with cold patch.

MINUTES FROM NOVEMBER 09, 2011 BOS I MEETING: As the Minutes had been previously read and found satisfactory, Dick Brown made a motion to approve the Minutes from 11-09-2011 as written. Gene Wier seconded the motion and the Minutes were approved 2-0.

BUSINESS BEFORE THE BOARD:

OLD BUSINESS:

- A. COHEN / LONDONDERRY SHOPS – Extension Acknowledgement:** As the Planning Commission (PC), at their November meeting, had recommended that the BOS acknowledge the Cohen offer of extension, Richard Brown made a motion to acknowledge the offer of extension from Shimon Guy on behalf of his client, Sander Cohen, for 90 days from 12-24-2011 through 03-23-2012. Gene Wier seconded the motion and the vote was 2-0 in favor.
- B. NEW DALEVILLE – Call to David DellaPorta Regarding Landscape Mushroom Lights:** Richard Brown said prior to contacting the developer, David DellaPorta, he would contact Michael Voit regarding the status of the landscape lighting.
- C. NEW DALEVILLE – Snow Plow Contract:** The BOS reviewed the Price List submitted by Outside Unlimited owner, Jim Yannie. As the BOS found the Price List satisfactory, Richard Brown made a motion to accept the Price List as part of the snow plowing agreement. Gene Wier seconded the motion and the vote was 2-0 in favor.
- D. NEW DALEVILLE – Daycare Facility Land Development Extension Acknowledgement:** As the PC at their November meeting had recommended the BOS acknowledge the David Kahn offer of extension, Richard Brown made a motion to acknowledge David S. Kahn's offer of extension until 01-31-2012. Gene Wier seconded the motion and the vote was 2-0 in favor.

NEW BUSINESS:

- A. OPEN SPACE (OS) MEETING – November 16, 2011:** Richard Brown had attended the OS Meeting at which the Mark's property was discussed. He read excerpts of the Minutes to the audience explaining that the property was being considered for easement. This property was "one of seven properties the OS committee had identified in their July meeting as being highly desirable for agricultural or conservation easement". The LDT proposed offering is \$150,000 or \$3,000 per acre for 50 acres. This is considerably less than the current average of \$6,000 per acre. The proposal is for \$150,000 for 10 years without borrowing or incurring interest charges. This easement proposal would be accomplished by using yearly OS funds for 10 years thereby avoiding a loan. The Redcay easement and this easement would end at the same time. Richard Brown noted that these 50 acres were surrounded by other eased properties.

LDT resident, Charles Rodgers, expressed his objections to these OS easements and payments. Richard Brown noted that by having land easements overall property taxes for the school system were lower by limiting the number of students and homes in the area. Supervisor Brown said that this proposed easement was a work in progress. Gene Wier asked if there would be an appraisal and Supervisor Brown said the appraisal was yet to be done. As the OS Committee continues to meet on an "as required" basis there is no meeting scheduled for December.

- B. 2012 BUDGET MEETING DATE & END-OF-YEAR BOS MEETING:** Howard Benner had provided the BOS with a revised 2012 Budget. As the 2012 Budget must be advertised 20 days prior to the Hearing and adoption of the Budget, the BOS agreed to review and approve the proposed Budget for advertisement by December 1, 2011. The BOS set the date of **December 27, 2011 as the End-Of-Year BOS Meeting and 2012 Budget Hearing and Approval.**
- C. MEHEW – Cease and Desist Order:** Richard Brown said that on November 22, 2011 Bob Johnston, with the BOS' permission, had visited the Mehew – Dougherty property on Gap-Newport Pike. Mr. Johnston issued a Cease and Desist Order for failure to comply with the Erosion and Sedimentation Control requirement under Chapter 38 of the LDT code for construction activity. Dr. Mehew was given a copy of Mr. Johnston's letter at the time of his visit. Richard Brown read the following from the 11-22-2011 letter: "The cease and desist order will not be lifted unless directed by the Township's Board of Supervisors and only upon the recommendation of the Township Engineer's office, and the completion of a satisfactory inspection by the Chester County Conservation District. In addition, a fine is set for \$300.00 a day beginning today for the violations on November 22, 2011, and must be paid prior to the cease and desist being lifted. In addition, any permits, fees, fines, penalties and inspection and professional fees must be paid prior to the cease and desist being lifted."

ANNOUNCEMENTS & CORRESPONDENCE:

- A. CONDITIONAL USE HEARING & DECISION – NEW DALEVILLE DAYCARE FACILITY: Tuesday, December 13, 2011 at 7:30 PM (Hearing Continued from 11-02-2011).**
- B. NEXT BOS I MEETING: Tuesday, December 13, 2011 following the Conditional Use Hearing.**
- C. NEXT PC MEETING – Tuesday, December 20, 2011 at 7:30 PM.**

PAY BILLS: Bills were reviewed and paid in the usual manner.

ADJOURNMENT: As there was no further business before the BOS a motion was made by Richard Brown and seconded by Gene Wier to adjourn the meeting at 8:13 PM. The vote was 2-0 in favor. The Task Force meeting followed.

Respectfully submitted,

Janice H. Hearne
Administrative Secretary