

**LONDONDERRY TOWNSHIP
BOARD OF SUPERVISORS I REGULAR MEETING
TUESDAY, FEBRUARY 09, 2010**

The Londonderry Township (LDT) Board of Supervisors (BOS I) was called to order at 7:25 PM by Supervisor-Chairman Richard Brown. Supervisors Richard Brown and Midge Leitch were present. Bob Johnston of Gilmore & Associates was also present.

COMMENTS FROM THE PUBLIC: Comments from the Public were heard when both Mr. Phil Fox and Mr. Roop's attorney, Mr. Eric Coates, were in attendance and are recorded at the conclusion of the Minutes in order to maintain a chronologic record of the meeting. (See Comments from the Public below.)

MINUTES OF JANUARY 25, 2010 BOS II MEETING: As the Minutes of the 01-25-2010 BOS II Meeting had previously been reviewed and found satisfactory by the BOS, Richard Brown made a motion to approve the Minutes as written. Midge Leitch seconded the motion and the vote was unanimous.

TREASURER'S 2010 JANUARY REPORT: Howard Benner read excerpts from the January Treasurer's Report. Richard Brown made a motion to approve the Treasurer's Report as presented. Midge Leitch seconded the motion and the vote was unanimous.

TOWNSHIP REPORTS:

A. ZONING OFFICER/BUILDING INSPECTOR REPORTS: Richard Brown read portions of the Zoning Officer's January, 2010 Report. There were no (0) building permits issued with two (2) building permits pending. Four (4) Use and Occupancy permits were issued and eight (8) various construction inspections were conducted. The Civil Complaint filed in District Court for 201 Paxson Rd. regarding junk vehicles, RV trailers and other junk has been continued until 03-08-2010 at 10:00 AM. Mr. Dehaven has retained an attorney and is in contact with LDT solicitor, Stacey Fuller, to resolve the matter. In addition Mr. Beers met with Mr. Roop and his attorney on 01-13-2010 to review the issues and review pictures provided by Mr. Fox. An enforcement action was sent to Mr. Roop's attorney, Mr. Eric Coates.

B. ROADMASTER: No Report.

C. EMERGENCY MANAGEMENT (EM): No Report

D. PLANNING COMMISSION (PC): Richard Brown read excerpts from the January PC Report submitted by PC Chairman Rich Henryson. Richard Henryson was elected Chairman for 2010 and Steven Brumfield was elected Vice-Chairman.

Bob Johnston informed the PC that there would be a meeting with the PA DEP on Monday 02-01-2010 regarding Londonderry Shops' water and

sewage issues. It was noted that LDT would need an offer of extension from Mr. Cohen prior to next month's PC meeting.

Bob Johnston informed the PC that all of the engineering deficiencies have been addressed for Honeycroft. There are, however, issues regarding the various agreements which need to be resolved by LDT solicitor, Stacey Fuller, and Mr. Campbell's attorney. The PC conditionally approved the revised Honeycroft final plan provided these seventeen (17) conditions are addressed.

The PC made a recommendation that four (4) parcels belonging to PECO along White Horse Road totaling 81.6 acres be placed in the Agricultural Security Area.

The next PC meeting will be on Tuesday, 02-16-2010 at 7:30 PM.

- E. OPEN SPACE (OS) COMMITTEE:** The next OS meeting will be held on Wednesday, 02-17-2010 at 5:30 PM.
- F. HISTORICAL COMMITTEE (HC):** Midge Leitch said the HC decided to remain a "Committee" at this time. The next HC meeting will be on Tuesday, 02-23-2010 at 7:00 PM.
- G. NEWSLETTER / WEBSITE:** Midge Leitch reported the Winter 2010 LDT Newsletter has been completed and sent to the publisher.

OLD BUSINESS:

- A. BARNSGATE SNOW REMOVAL:** Barnsgate resident, Mr. Jim Fellows, expressed concerns about snow removal for Barnsgate and other roadways within the Township. Richard Brown said plowing must be done regardless of the budget and Bob Johnston stated the Roadmaster has a system for plowing the Township. Supervisor Brown complimented Allen Reynolds and Bob Mills for a job well done, but would ask Mr. Reynolds if it would be possible to set the plows lower in an effort to remove all the snow from the roadways. Residents were encouraged to call the Township when problem areas were noticed.
- B. COHEN / LONDONDERRY SHOPS UPDATE:** Bob Johnston said Brickhouse Environmental is continuing to review documentation regarding the size/space necessary for wastewater for the project. Midge Leitch said the residents in the immediate area of Londonderry Shops must be updated and made aware of impending testing of wells. Supervisor Leitch requested LDT secretary, Janice Hearne, compile a list of property owners adjacent to the Cohen property for notification of the testing. Bob Johnston said he had requested Brickhouse to supply a list of residents who received letters previously. Richard Brown read the offer of extension for Londonderry Shops received from Shimon Guy of Guy Engineering on behalf of his client, Sander Cohen, for an extension of 90 days of the review period from 03-29-2010 until 06-27-2010. Richard Brown made a motion to acknowledge the Cohen / Londonderry Shops extension from 03-29-2010 until 06-27-2010. Midge Leitch seconded the motion and the vote was unanimous.

- C. DAMBRO SITE INSPECTIONS:** Bob Johnston reported he had been in contact with Jerry McCormick, attorney for Mr. Dambro, regarding the disturbance on the Dambro site. Richard Brown said this is an issue between landowners. However, inspections of the property must be made and the Township must be reimbursed. Mr. Johnston will contact PA DEP.
- D. HONEYCROFT UPDATE:** Bob Johnston said he was reviewing the escrow amounts and will prepare a letter for Mr. Spence Andress. LDT solicitor, Stacey Fuller, is in the process of reviewing and revising documents. These documents will be sent to Gilmore & Associates and Mr. Brian Campbell's attorney, Mary Ann Rossi, for further review.
- E. NEW DALEVILLE UPDATE:** Mr. Johnston said he had no new information regarding his request for the Spring, 2010 hump removal schedule. Richard Brown requested coordination with Allen Reynolds on the resurfacing of LDT roads.
- F. COCHRANVILLE LAWN SERVICES CONTRACT:** Richard Brown noted the 2009 contract for mowing the Township was \$179.00 and the 2010 contract for mowing was \$187.00 per mowing. The increase was \$8.00 per mowing. Richard Brown made a motion to accept the 2010 mowing contract of Cochranville Lawn Service at \$187.00 per mowing. Midge Leitch seconded the motion and the vote was unanimous.
- G. ORDINANCE – PEDDLING AND SOLICITATION:** This Ordinance does not require Act 247 Review by the Chester County Planning Commission.
- H. ORDINANCE - INDOOR RIDING FACILITIES:** Richard Brown made a motion to authorize Township Solicitor, Stacey Fuller, to send the Indoor Riding Facilities Ordinance to the CCPC for Act 247 Review. Midge Leitch seconded the motion and the vote was unanimous. Once the Township receives the CCPC review of this Ordinance, Hearings for the Peddling and Solicitation and Indoor Riding Facility Ordinances would be advertised at the same time.

NEW BUSINESS:

- A. 2010 FEE SCHEDULE RESOLUTION #2010-01:** Richard Brown made a motion of adopt the new Fee Schedule for 2010. Midge Leitch seconded the motion and the vote was unanimous. Both Supervisors signed the document along with Secretary Janice Hearne.
- B. CHESTER COUNTY OFFICE OF THE CLERK OF COURTS:** This document was signed by Chairman Richard Brown and Secretary Hearne.
- C. DEPARTMENT OF THE AUDITOR GENERAL – FORM AG-385:** Richard Brown and Secretary Hearne signed Form AG-385 and the Township seal was affixed.

ANNOUNCEMENTS:

- A. TRANSFER STATION PERMIT APPLICATIONS AS OF 02-09-2010:** 77 Permits Issued.
- B. PECO AGRICULTURAL AREA APPLICATION:** This application was advertised in the Daily Local on 01-28-2010, posted in 5 LDT locations, and 02-12-2010 was the final day for any modification submissions. After

02-12-2010 the application will be sent to the CC Ag. Sec. and CCPC for review.

C. CIVIL ACTION HEARING – 201 PAXSON ROAD – NOTICE OF CONTINUANCE: This Hearing was rescheduled for 03-08-2010 at 10:00 AM.

D. 2010 CENSUS: The website for the 2010 Census is www.2010census.gov.

E. TASK FORCE MEETING, FEBRUARY 22, 2010, FOLLOWING BOS II MEETING:

COMMENTS FROM THE PUBLIC:

PHIL FOX RE: DEWEY ROOP PROPERTY ISSUES: Mr. Fox was recognized by the BOS. He said in July, 2007 he first talked to Bill Beers about the junk problem on the Roop property. The first Enforcement Notice was sent to Mr. Roop in March, 2009. From March through December there were many follow-ups by Mr. Bill Beers. Mr. Fox cited the many documents and photographs he previously presented to Mr. Beers and the BOS. Mr. Fox went through the photos pointing out the numbers of vehicles and other items which, in Mr. Fox's view, constitute junk. Mr. Fox noted the Enforcement Notice from Mr. Beers to Mr. Roop dated 01-30-2010 did not address all of the violations. Mr. Fox requested that a revised Enforcement Notice or an addendum citing additional violations be written by Bill Beers and sent to Mr. Roop and/or his attorney, Mr. Eric Coates. Since Mr. Beers was not in attendance, Mr. Fox handed a list of questions to the BOS for Mr. Beers' response. In attendance was Mr. Coates and Midge Leitch requested Mr. Coates review these questions and let the BOS know if these issues were disputed by Mr. Roop. Mr. Coates said he would need time to review these allegations. Midge Leitch requested Mr. Fox email all electronic handouts to the Township including the website with password so that the BOS could view the photos online. The BOS thanked Mr. Fox for coming and applauded the time and expense he had expended in gathering the photos and documents. The BOS will follow up on this and keep Mr. Fox informed as this issue moves forward.

PAY BILLS: The 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 Midge Leitch to adjourn the meeting at 8:33 PM. The vote was unanimous.

Respectfully submitted,

Janice H. Hearne
Administrative Secretary