

**LONDONDERRY TOWNSHIP BOARD OF SUPERVISORS' REGULAR
MEETING
Tuesday, March 10, 2009**

The Londonderry Township (LDT) Board of Supervisors (BOS) was called to order at 7:29 PM by Chairman Richard Brown. Supervisors Richard Brown and Midge Leitch were present as well as Bob Johnston of Gilmore & Associates.

SUPERVISOR RESIGNATION ACCEPTANCE: Richard Brown announced Supervisor Wayne Grover had resigned stating health and personal obligations made it impossible for him to continue as Supervisor. The BOS accepted the resignation stating Mr. Grover was a true asset to the BOS and brought extensive expertise to the Township.

APPOINTMENT OF GENE WIER TO FILL SUPERVISOR VACANCY: Richard Brown read a short biography of LDT resident Gene Wier. The BOS thanked Mr. Wier for volunteering his services and welcomed him to the BOS to fill the vacancy.

COMMENTS FROM THE PUBLIC: Mr. Ed Duckinfield of Ed's Transmission and Auto Repair was recognized by Richard Brown. Mr. Duckinfield is relocating his business to 744 Street Road and has requested a permit from LDT for a lighted sign/canopy across the front of the building. Mr. Duckinfield wanted to be certain the BOS had no objection to the sign. Richard Brown said the Township has a sign ordinance with guidelines and he must submit an application for a sign permit. The BOS asked Mr. Duckinfield to consult with Bill Beers, the Township Zoning and Permits Officer regarding sign ordinance compliance.

Resident John Carnes was recognized by the BOS. Mr. Carnes said the procedure for appointment of a new supervisor was improper. The BOS responded that it was their responsibility to appoint a replacement within 30 days of the date of resignation (March 3, 2009) and that, because of their concern with Mr. Grover's increasing inability to attend meetings, they had already discussed possible replacements prior to receipt of the resignation.

MINUTES OF February 10, 2009 BOS I Meeting: As the Minutes of the 02-10-2009 BOS I Meeting had previously been emailed to the BOS, read, and found to be satisfactory, Midge Leitch made a motion to approve the Minutes of 02-10-2009 as written. Richard Brown seconded the motion. The vote was 2-0 with one abstention (Gene Wier).

TREASURER'S REPORT: Treasurer Howard Benner read excerpts from the Final February, 2009 Treasurer's Report. Mr. Benner noted there was a printing error and the error would be corrected. Midge Leitch made a motion to accept the February, 2009 Final Treasurer's Report with corrections. Richard Brown seconded the motion and the vote was 3-0.

Mr. Benner informed the BOS of three Open Space loan proposals in the amount of \$600,000 to \$700,000. The three proposals were from Sovereign Bank, National Bank of Malvern, and National Penn Bank. Richard Brown reminded the audience the Township, County, and Brandywine Conservancy are in negotiations regarding an easement on a property which is actively farmed and surrounded by other eased properties. Following discussion of interest rates, amortization, and loan rate guarantees, Mr. Benner's recommendation was to procure the loan from the National Bank of Malvern at a fixed rate for 15 years. Richard Brown stated LDT would be responsible for up to 60% of the cost with the County and Brandywine Conservancy to make up the balance.

TOWNSHIP REPORTS:

- A. ZONING OFFICER/BUILDING INSPECTOR REPORTS:** The Supervisors reviewed the February, 2009 Zoning Report submitted by Bill Beers. Richard Brown read excerpts aloud. Four (4) Building Permits, one (1) revised building permit, and two (2) Road Occupancy permits were issued. Total fees collected for all permits were \$2,808.77. Five (5) Use & Occupancy Permits were issued and six (6) various construction inspections were conducted. Mr. Beers attended the Mehew Zoning Hearing on 02-12-2009 and inspected an auto transmission repair shop in West Grove in preparation for relocation in LDT. Additionally an enforcement letter was issued for the property owner along Rt. 41 at 2057 Gap Newport Pike for multiple junk vehicles. Mr. Beers completed an audit with Labor and Industry for commercial properties on building permits issued from July, 2004 until January, 2009.
- B. ROADMASTER:** No Report. Richard Brown thanked the road crew for a job well done during the snow events.
- C. EMERGENCY MANAGEMENT (EM):** No Report.
- D. PLANNING COMMISSION (PC):** Richard Brown read a report previously submitted by Rich Henryson. At the February PC Meeting Spence Andress furnished information about the composition of the walking paths of Honeycroft and Mr. Sander Cohen offered an extension through June 27, 2009. The Heather Knoll HOA issue was discussed and the PC recommended they seek legal advice. The Act 537 Plan was discussed with the major outstanding issue being the mechanism for monitoring and maintaining each septic system. The next PC meeting will be on Tuesday, 03-17-2009 at 7:30 PM.
- E. OPEN SPACE (OS) COMMITTEE:** The OS meeting in February was cancelled. The next OS meeting will be held on Wednesday, 03-18-2009 at 5:30 PM.
- F. HISTORICAL COMMITTEE (HC):** Chairperson Diane Henryson reported the cookbook had been sent to the printer and will be available at the beginning of April. Reminder post cards have been sent to patrons. The 275th Anniversary celebration will include ladies with looms who will demonstrate their crafts. On Friday, June 19th there will be the "Kick-Off"

of the celebration at Faggs Manor Church and the celebration will be on June 20th Rain or Shine. The next meeting of the HC will be on Tuesday, 03-24-2009 at 7:00 PM.

- G. NEWSLETTER / WEBSITE:** Midge Leitch reported the Spring Newsletter is in process with publication at the beginning of April. Supervisor Leitch praised the efforts of Jennifer Zduniak for continuing to produce a quality newsletter and Bill Wuhrman for constantly updating the website.

OLD BUSINESS:

- A. COUNTRY WALK:** Richard Brown explained there were two (2) escrow releases to be considered. Release #6 was for \$47,980.00 and was approved on 12-06-2006, but was never released from Fulton Bank in Lancaster, PA. Release #7 was for \$169,870.00. The balance in the escrow account as of 03-10-2009 was \$217,850.00 which was the exact amount of Release #6 and #7. The punch list was complete per Bob Johnston and signed off by Joe Sacks, President of the Country Walk HOA. The fire hydrant invoice was paid by Mr. Hostetter and the Maintenance Agreement and Bond were received and reviewed by Solicitor, Stacey Fuller. Midge Leitch made a motion to release Escrow #6 in the amount of \$47,980.00 for the second time and Escrow #7 in the amount of \$169,870.00. Richard Brown seconded the motion. The vote was in favor 3-0.
- B. HONEYCROFT:** Age Qualified Ordinance – Spence Andress said the Ordinance is in final form and is ready to be sent to the Chester County Planning Commission (CCPC) for Act 247 Review. Rich Henryson agreed. Richard Brown made a motion to give Stacey Fuller conditional authorization to send the Age Qualified Ordinance to the CCPC for Act 247 Review pending his review. Midge Leitch seconded the motion. The vote was unanimous. Following further discussion it was decided the PC should also review the Ordinance at its 03-17-2009 meeting.
- C. FAWN LANE – HEATHER KNOLL DEEDS OF DEDICATION:** Bob Johnston said the Maintenance Agreement and Bond have been prepared by Solicitor Stacey Fuller. The Maintenance Agreement has been signed, but the Township does not have the original. Mr. Bob Shaffer, developer, will overnight the original document for delivery on 03-11-2009. The Township does have the signed original Bond Agreement. Richard Brown made a motion to accept the Maintenance Agreement, with the original to be forwarded tomorrow, and the Bond Agreement to be signed tonight. Midge Leitch seconded the motion. The vote was unanimous and Richard Brown signed the Bond Agreement.
- D. NEW DALEVILLE – Scott Andress Concerns:** The BOS received Scott Andress' concerns with attachments on 03-09-2009. Richard Brown said the BOS must be vigilant with all developers to be certain they adhere to architectural guidelines and standards. As the BOS had not had time to go over Scott's material, they thanked Scott for sharing his concerns and were confident they would find his observations helpful.

- E. COHEN/LONDONDERRY SHOPS ACKNOWLEDGEMENT OF OFFER OF EXTENSION:** Richard Brown acknowledged Mr. Sander Cohen's offer of extension from March 29, 2009 until and including June 27, 2009.

NEW BUSINESS:

- A. ORDINANCES:** Richard Brown announced there were three (3) "driveway" ordinances reviewed by the CCPC and ready for advertising. Richard Brown made a motion to authorize Solicitor Stacey Fuller to advertise the following Ordinances for a Hearing on 04-14-2009:
- a. An Ordinance of Londonderry Township, Chester County, Pennsylvania, Creating a New Chapter 22 of the Code of the Township of Londonderry Entitled "Driveways" and Amending the Existing Zoning Ordinance and Subdivision & Land Development Ordinance Regarding Driveway Standards.
 - b. Proposed Subdivision and Land Development Ordinance (SALDO) Amendment #893 – Londonderry Township
 - c. Proposed Zoning Ordinance Amendment – Access and Traffic Control #4499 – Londonderry Township.
- Midge Leitch seconded the motion. The vote was unanimous.
- B. MR. ROCCO ABESSINIO REQUESTED MEETING:** LDT has not received any communication about a proposed meeting between representatives of Mr. Abessinio and the Township.
- C. SIMPSON SUBDIVISION:** Richard Brown signed 3 copies of the Subdivision plans.
- D. 2008 FINANCIAL SURVEY:** Richard Brown signed the Survey.

ANNOUNCEMENTS: Next BOS II Meeting, Monday, March 23, 2009 at 7:30 PM

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 8:53 PM. The vote was unanimous.

Respectfully submitted,

Janice H. Hearne
Administrative Secretary