

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

The Londonderry Township (LDT) Board of Supervisors (BOS I) was called to order at 7:37 PM by Supervisor-Chairman Richard Brown. Supervisors Richard Brown and Gene Wier were present. Bob Johnston of Gilmore & Associates was also present.

**COMMENTS FROM THE PUBLIC:** None

**MINUTES OF FEBRUARY 22, 2010 BOS II MEETING:** As the Minutes of the 02-22-2010 BOS II Meeting were not available, the Minutes will be approved at the 03-22-2010 BOS II meeting.

**TREASURER'S 2010 FEBRUARY REPORT:** Howard Benner read excerpts from the February Treasurer's Report. Richard Brown made a motion to approve the Treasurer's Report as presented. Gene Wier seconded the motion and the vote was unanimous. Mr. Benner also included a Liquid Fuels report for BOS review.

**TOWNSHIP REPORTS:**

**A. ZONING OFFICER/BUILDING INSPECTOR REPORTS:** Richard Brown read portions of the Zoning Officer's February, 2010 Report. There were four (4) building permits issued with two (2) building permits pending. Total fees collected for permits totaled \$2,744.89. Three (3) Use and Occupancy permits were issued and nine (9) various construction inspections were conducted.

The Civil Complaint filed in District Court for 201 Paxson Rd. regarding junk vehicles, RV trailers and other junk initially scheduled for 02-09-2010, then rescheduled for 03-08-2010, has recently been continued until 05-03-2010 at 9:00 AM. Mr. Dehaven's attorney and LDT attorney, Mr. Patrick McKenna, of Gawthrop Greenwood will schedule a site visit once the snow has melted. In addition Mr. Beers held discussions with Mr. Patrick McKenna regarding the Roop matter and reviewed photos provided by Mr. Phil Fox. A second enforcement action was drafted as requested, reviewed by Counsel, and will be sent to Mr. Roop's attorney, Mr. Eric Coates, on March 10, 2010. Mr. Fox had presented questions to Mr. Beers and Mr. Beers provided a written response on 02-09-2010.

**B. ROADMASTER:** Of particular interest at this time is the condition of LDT roads following the recent heavy snow. The Township will address the issue of pot holes and other repairs. Specifically the Roadmaster has been directed to request repairs from PennDOT regarding the culvert in Derry Meeting Road. The BOS requested Allen Reynolds evaluate LDT's roadways, develop a plan of action, and present the options to the BOS at the 03-22-2010 BOS II meeting. Richard Brown complemented the snow

plow operators on a job well done. LDT will examine the complaints received regarding damage to a gate, fence, and mailbox.

- C. EMERGENCY MANAGEMENT (EM):** LDT Director of Emergency Management, Chuck Freese, issued an email on 03-08-2010 requesting approval of a Resolution stating that LDT would adopt the Chester County Hazard Mitigation Plan as its own. Mr. Freese will submit the data to the County once the Resolution is in place. Richard Brown gave a synopsis of the resolution and made a motion to adopt Resolution #2010-02 as presented. Gene Wier seconded the motion and the vote was unanimous.
- D. PLANNING COMMISSION (PC):** Richard Brown read excerpts from the February PC Report submitted by PC Chairman Rich Henryson. The PECO/Walt Moore future subdivision was discussed as well as the water draw down test to be performed in the near future at the Cohen/ Londonderry Shops The PC members agreed that the three (3) residents not contacted previously should be notified of the testing as well as the other property owners adjacent to the Londonderry Shops site. The next PC meeting will be on Tuesday, 03-16-2010 at 7:30 PM.
- E. OPEN SPACE (OS) COMMITTEE:** The next OS meeting will be held on Wednesday, 03-17-2010 at 5:30 PM.
- F. HISTORICAL COMMITTEE (HC):** The next HC meeting will be on Tuesday, 03-23-2010 at 7:00 PM.

#### **OLD BUSINESS:**

- A. COHEN / LONDONDERRY SHOPS UPDATE:** Bob Johnston said Gilmore and Associates attended a site meeting on 03-02-2010 with representative of Brickhouse Environmental and others to discuss and view proposed drilling locations. Three (3) test well locations were identified and one alternate location was selected. There has been no date scheduled for the drilling. On 03-01-2010 LDT received 5 notebooks from Brickhouse denoting the sewage/septic treatment system. Notebooks were distributed as follows: Chester County Planning Commission, Chester County Health Department, LDT Planning Commission, Mr. Bob Johnston of Gilmore and one copy was retained for the LDT files. Once a water testing date has been set Secretary Janice Hearne will send letters to all property owners adjacent to the Cohen property notifying them of the testing.
- B. FAWN LANE DEED OF DEDICATION:** In preparation for placing Fawn Lane on the Liquid Fuels schedule, Richard Brown read excerpts from Resolution #2010-03. As there was no discussion Supervisor Brown made a motion to adopt Resolution #2010-03 dedicating Fawn Lane to LDT. Gene Wier seconded the motion and the vote was unanimous.
- C. HONEYCROFT VILLAGE:** Richard Brown explained that review of the Honeycroft Final Plan Approval with Conditions imposed as of January, 2010 placed an undue burden on the developer. Since January these Conditions were re-evaluated and divided into three (3) groups during negotiations between Brian Campbell's attorney, Mary Ann Rossi, and LDT solicitor, Stacey Fuller, in collaboration with Bob Johnston.

Richard Brown made a motion to amend the prior conditional land development approval granted on January 25, 2010, and to grant final approval to the amended land development plans for the Honeycroft Village Project subject to the attached conditions. Gene Wier seconded the motion and the vote was unanimous.

**Conditions:**

The revised final plan for Honeycroft Village is hereby approved with the following conditions:

1. The applicant shall provide a revised escrow agreement. The developer shall re-establish the financial security in Phase One based on a cost estimates and review by the Township engineer.
2. The applicant shall provide a revised developers agreement.
3. The applicant shall provide a clean review letter from Little Washington Wastewater Company.
4. The applicant shall provide an updated construction and acquisition agreement with Little Washington Water Company.
5. The applicant shall provide a review letter from the PUC if revisions to the previous agreement between Honeycroft developers and Little Washington Wastewater are required by the PUC.
6. The applicant shall replenish the escrow account for review and inspection and pay in full any outstanding balances.
7. The applicant shall provide the Township with the opportunity to review and accept any engineering and design changes to the wastewater treatment plant, as well as any changes to disposal logistics from the previously approved and permitted facility.
8. The applicant shall install a fire hydrant at the intersection of Honeycroft Blvd and Route 41 as per email dated June 19, 2006 from Spence Andress.
9. The applicant will fulfill or execute any remaining conditional use conditions from the Conditional Use approval July 14, 2009.
10. The applicant will fulfill or execute any remaining previous conditions set forth by Londonderry Township in a letter dated July 15, 2004 for final approval.
11. The applicant will fulfill or execute any remaining previous conditions set forth by Londonderry Township in a letter last revised January 13, 2003 for preliminary plan approval.

12. The applicant shall provide legal language for the reimbursement for traffic signal expenses at Honeycroft Boulevard and Route 41 by the Honeycroft home owners association to Londonderry Township.
13. The applicant shall provide a revised Road and Improvement Construction Agreement for Honeycroft Village. (Previous agreement dated January 31, 2005).
14. The applicant shall provide a revised Road and Improvement Construction Phase I of Honeycroft Village. Irrevocable Letter of Credit Agreement. (Previous agreement dated January 31, 2005).
15. The applicant shall provide a revised Sanitary Sewage Pump and Haul Agreement. (Previous agreement dated May 29, 2007).
16. The applicant shall provide a revised resolution for the temporary pump and haul. (Previous resolution dated May 29, 2007).
17. The applicant shall provide a revised Declaration of Convents, Conditions and Restrictions for

Bob Johnston said he was reviewing the escrow accounts and will prepare a letter for Mr. Spence Andress. Mr. Andress asked when the three (3) building permits would be released. Mr. Johnston read conditions numbered 13, 14, and 17 and said that once these conditions were satisfied the permit(s) could be issued.

**D. NEW DALEVILLE UPDATE – Dedication of Open Space:** Mr. Johnston said late in the afternoon he had received a revised New Daleville Open Space document which he will review on Wednesday, 03-10-2010. Richard Brown said this topic would be tabled and placed on the BOS II Agenda for 03-22-2010 to allow Mr. Johnston to review the material and provide his recommendations.

**E. PECO PROPERTY AGRICULTURAL SECURITY AREA HEARING AND ADVERTISEMENT:** On 02-25-2010 the Township received a letter dated 02-22-2010 from the Chester County Planning Commission stating “The CCPC finds that the proposed addition of this parcel IS consistent with the criteria of Act 43.” Richard Brown set an Ag. Sec. Area Hearing date on 04-13-2010 at 7:30 PM at the Municipal Building. The BOS requested Secretary Hearne advertise the Hearing in the Daily Local News (one time) at least seven (7) days prior to the Hearing.

#### **NEW BUSINESS:**

**A. LDT PROPERTY INSURANCE POLICY DEDUCTIBLES:** Howard Benner reviewed a HA Thompson Insurance quote with the BOS. The quote described various deductibles with corresponding premiums. Since the Township has had only one recent minor claim and the premium

savings were relatively small, the BOS requested the Insurance remain at the current deductible rates.

**B. DEHAVEN CIVIL ACTION:** The previous court date of 03-08-2010 has been continued until 05-03-2010 at 9:00 AM.

**C. CCSIGA MEETING 03-23-2010 AT 8:30 AM:** Secretary Hearne requested permission to attend the CCSIGA Meeting. The BOS granted permission.

**ANNOUNCEMENTS:**

**A. PARKESBURG BUREAU OF POLICE LETTER DATED FEBRUARY, 2010:** This letter refers to the “proposed” House Bill 1500 and offers to “incorporate additional partners into our professional contract policing operation.” Richard Brown said he had been in contact with Rep. Tom Houghton and Sen. Dominic Pileggi and both felt HB 1500 was “not going anywhere”. This letter will be kept on file for future reference.

**B. LAND STUDIES LETTER 02-19-2010:** This letter notified LDT that an application had been made to the PA Dept. of Environmental Protection (PADEP) for the “installation of a temporary road crossing on an Unnamed Tributary to Doe Run on property owned by Mr. Louis Micolucci”. This application was necessary as part of the stream bank rehabilitation on the Micolucci / Rand properties. Mr. Johnston said this road crossing will be removed upon completion of the project.

**C. TASK FORCE MEETING, MARCH 22, 2010, FOLLOWING BOS II MEETING:**

**ADDITIONAL OLD BUSINESS (CONTINUED UPON ARRIVAL OF MR. BILL BEERS, LDT ZONING OFFICER):**

**DEWEY ROOP ENFORCEMENT NOTICE (2<sup>ND</sup>):** Mr. Beers wrote a Second Enforcement Notice with legal review from Township Solicitor, Patrick McKenna. Once BOS permission has been granted to send the letter to Mr. Roop’s attorney, Mr. Eric Coates, Mr. Roop will have 30 days to request an appeal. The Notice specifies a clean-up completion date of April 15, 2010. Mr. Beers said it appears Mr. Roop is in the process of registering all the vehicles and that LDT will require copies of the registrations. However, should the Roop property clean-up fail to meet the April 15<sup>th</sup> deadline, LDT will refer this matter to the Chester County Court system. Mr. Beers asked permission to issue the Second Enforcement Notice and the BOS requested the Notice be sent on 03-10-2010. Mr. Beers and Patrick McKenna will soon schedule an inspection for all three properties which are not in compliance with LDT Ordinances (Roop, Dehaven and Harris).

**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 Gene Wier to adjourn the meeting at 9:00 PM. The vote was unanimous.

Respectfully submitted,

Janice H. Hearne  
Administrative Secretary