

**LONDONDERRY TOWNSHIP BOARD OF SUPERVISORS' REGULAR  
MEETING  
Tuesday, April 14, 2009**

The Londonderry Township (LDT) Board of Supervisors (BOS) Meeting was called to order at 7:25 PM by Chairman Richard Brown. Supervisors Richard Brown, Midge Leitch, and Gene Wier were present as well as Bob Johnston of Gilmore & Associates.

**COMMENTS FROM THE PUBLIC:** None

**MINUTES OF March 23, 2009 BOS II Meeting:** As the Minutes of the 03-23-2009 BOS II Meeting had previously been emailed to the BOS, read, and found to be satisfactory, Richard Brown made a motion to approve the Minutes of 03-23-2009 as written. Gene Wier seconded the motion. The vote was unanimous.

**TREASURER'S REPORT: March, 2009** Treasurer Howard Benner read excerpts from the Final March, 2009 Treasurer's Report. Richard Brown made a motion to accept the March, 2009 Final Treasurer's Report as written. Midge Leitch seconded the motion and the vote was unanimous.

Richard Brown closed the BOS regular meeting at 7:32 PM.

**ORDINANCE HEARING:**

Richard Brown opened the Hearing at 7:32 PM and read the Procedures for adoption of the proposed Ordinance:

**ORDINANCE #01-2009: 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.**

The following exhibits had been marked and documented.

1. Exhibits:
  - B-1** Copy of the Board of Supervisors' Minutes dated 03-10-2009 in which the Board authorized the advertisement for the public hearing on 04-14-2009.
  - B-2** Copy of letter dated 02-09-2009 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 03-09-2009 from the Chester County Planning Commission to Londonderry Township

**B-5** Copy of letter dated 03-30-2009 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 email dated 03-26-2009 by Christel Barton 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 03-30-2009 when it was sent to the Chester County Law Library, Daily Local News and the Township Building.
3. The Ordinance had been reviewed by the Supervisors and the LDT Solicitor.
4. Supervisor Brown explained the Ordinance to the audience.
5. Supervisor Brown opened the Hearing for public comments and concerns: There were none.
6. Supervisor Brown closed the Hearing at 7:35 PM.

#### **BOS I MEETING REOPENED:**

Supervisor Brown reopened the BOS I meeting at 7:35 PM. Midge Leitch made a motion to approve **Ordinance #01 – 2009**. Gene Wier seconded the motion. The vote was 3-0 in favor.

#### **TOWNSHIP REPORTS:**

- A. ZONING OFFICER/BUILDING INSPECTOR REPORTS:** The Supervisors reviewed the March, 2009 Zoning Report submitted by Bill Beers. Richard Brown read excerpts aloud. Two (2) building permits were issued, three (3) building permits are pending review, and one (1) sign permit is pending review. Total fees collected for all permits totaled \$1,666.86. Five (5) Use & Occupancy Permits were issued and eight (8) various construction inspections were conducted. Mr. Beers issued an enforcement letter for the property owner along Rt. 41 at 2057 Gap Newport Pike for multiple junk vehicles with no response from the property owner to the Township's certified letter. Mr. Roop at 95 Baker Road has initiated cleanup on both his lots and has requested a 30 day extension to complete the work. The extension was granted. Mr. Beers met with the New Daleville builder and LRK for the monthly meeting, site walk, and review of Mr. Scott Andress' letter of concern.
- B. ROADMASTER:** Last month Allen Reynolds investigated the cost of sweeping the stones accumulated on the roads over the winter and the BOS voted to award the project to Reilly Sweeping. Mr. Reynolds said he needs dry weather and hopes to have the work complete in the next three weeks or so. Richard Brown asked when the Faggs Manor culvert black top and guard rail will be installed. Mr. Reynolds said the weather is a factor as it needs to be warmer for the blacktop.
- C. EMERGENCY MANAGEMENT (EM):** No Report.

- D. PLANNING COMMISSION (PC):** Richard Brown read a report previously submitted by Rich Henryson. At the March PC Meeting Bob Johnston said the Manor Presbyterian Church reverse subdivision was in its final review. The documents for the right-of-way along the roads are being prepared. In addition Mr. Johnston said the Honeycroft Village Age-Qualified Ordinance is before the Chester County Planning Commission (CCPC) for Act 247 Review. The outstanding issue of the Act 537 plan is the monitoring and record keeping of the septic systems within the Township. Lastly, Engineer Shimon Guy, on behalf of his client Mr. Sander Cohen, had requested information on the extent of the design required by the Township for the sanitary treatment/disposal system and water supply. Mr. Johnston will reply emphasizing the need to follow the Township's zoning ordinances. The next PC meeting will be on Tuesday, 04-21-2009 at 7:30 PM.
- E. OPEN SPACE (OS) COMMITTEE:** The OS Report was reviewed at the BOS II meeting on 03-23-2009. The next OS meeting will be held on Wednesday, 04-15-2009 at 5:30 PM.
- F. HISTORICAL COMMITTEE (HC):** Chairperson Diane Henryson had previously emailed a report and Richard Brown read excerpts. The cookbook has been proofed and sent back to the printer. It should be available for purchase in the next few weeks. Reminder post cards have been sent to patrons with the deadline of April 25, 2009 for names to appear in the Patron Book. The next meeting of the HC will be on Tuesday, 04-28-2009 at 7:00 PM.
- G. NEWSLETTER / WEBSITE:** Midge Leitch reported the Spring Newsletter has been mailed to all LDT residents. The BOS thanked Jennifer Zduniak for her expertise in publishing the LDT Newsletter and asked for articles or ideas for future articles be submitted to the LDT office. In addition the BOS noted the website is continually being updated.

**OLD BUSINESS:**

- A. COUNTRY WALK:** Richard Brown explained the original Letter of Credit for Country Walk has not been located. Mr. Brown read excerpts from an affidavit sent by Fulton Bank and to be signed by the BOS Chairman indicating the 2005 Letter of Credit has been lost. Mr. Brown has signed the affidavit, but must have it notarized. This will be done soon.
- B. HONEYCROFT:** Age Qualified Ordinance – This Ordinance has been submitted to the CCPC for Act 247 Review. The BOS authorized Solicitor Stacey Fuller to advertise a Hearing and post notices for the Hearing to be held on 05-12-2009 at the BOS I meeting.
- C. SCHOOLS ORDINANCE:** The BOS authorized Solicitor Stacey Fuller to advertise a Hearing and post notices for the Schools Ordinance on 05-12-2009 to be held at the LDT BOS I meeting.
- D. NEW DALEVILLE:** On 03-09-2009 the BOS received a letter with attachments from Scott Andress expressing concern regarding some of the design and construction elements in New Daleville. Richard Brown reported on the content of a meeting held on 03-25-2009 at New Daleville

with representatives of the developers, the architect, Mr. Brown and Bill Beers to address Mr. Andress' concerns:

1. On lots 17 and 18 a shared driveway is allowed, but it was ultimately decided to install two (2) separate driveways.
2. Because of homeowner preference and design options, it is not always possible to have dryer vents on facades other than the primary. Those vents on primary facades will be painted the same color as the façade.
3. The plans for foundation treatments on primary facades call for stucco, brick or stone. The standard foundation treatment at New Daleville is imprinted poured concrete to resemble brick or stucco over poured concrete. The builder agreed to complete the foundation in stucco, but the owner must make the request.
4. Columba Circle and Robinson Street (1-Way and/or Stop Sign) – Jason Duckworth will have a traffic expert investigate the problem and submit a report. There are three homes impacted by this issue.
5. Manual of Design: LRK has been consistent with home owner' expectations. New Daleville resident, Louis Simone, asked about newly constructed home sizes. Richard Brown responded that currently the new construction of larger homes has been limited with the majority of new home buyers choosing smaller homes.
6. Sidewalk issues: Mr. Brown said the sidewalks are the responsibility of the HOA.
7. Additional Handicap access: Green areas require handicap crossover access. Bob Johnston will ask for a written response from Jason Duckworth with a copy to be sent to LDT.
8. Screening of Air Conditioners: The builder will try to do better. Bob Johnston mentioned hard surfaces (such as fences) reverberate sound more than soft surfaces (such as trees or shrubs).

Richard Brown felt the meeting was productive and the issues were addressed.

**NEW DALEVILLE NPDES PERMIT RENEWAL:** Bob Johnston said Lake, Roeder & Hillard addressed the concerns from NPDES. A letter was sent to the PA Dept. of Environmental Protection and there were no further concerns.

- E. SIMPSON SUBDIVISION PLAN:** Bob Johnston said both properties meet the 25 plus acreage requirement. Mr. Simpson must determine if both properties are still in Act 319. The Gilmore review letter of 03-23-2009 was discussed and all appropriate changes will be made at the Chester County Assessment and Recorder of Deeds offices. Richard Brown made a motion to approve the Simpson Subdivision plans as presented. Midge Leitch seconded the motion. The vote was unanimous. The BOS signed six (6) copies of the plans. Four (4) copies require signatures from the

PC, which will be signed at the April PC Meeting on 04-21-2009, while LDT will retain two (2) fully executed copies for the Township files.

**NEW BUSINESS:**

- A. RIGHT-TO-KNOW POLICY:** Richard Brown read excerpts from a resolution to be designated Resolution #2009-03. To comply with the new PA Right-To-Know Law this resolution is necessary for compliance. Richard Brown made a motion to approve Resolution #2009-03 as written and Gene Wier seconded the motion. The vote was unanimous.
- B. LANCASTER COUNTY TAX COLLECTION BUREAU (LCTCB) RESOLUTION:** Howard Benner explained Act 32 of 2008 – Tax Collection. As part of the Act 32 legislation, LCTCB was recognized as a model agency and was the only agency in PA to be recognized in this manner. LCTCB will be allowed to continue to collect EIT taxes for the taxing authorities in Lancaster County and the Octorara Area School District. Midge Leitch expressed concern that by adopting this Resolution the Township would not be able to look into other options. Mr. Benner volunteered to research this issue further. A Resolution is not due until June, 2009 and Mr. Benner will report back to the BOS at the April BOS II meeting on 04-27-2009.
- C. STORAGE ROOM ADDITION:** Richard Brown explained there is a need for additional document storage space in the Township building. He suggested constructing a concrete block extension to the existing fire proof storage room. Bob Johnston proposed as an alternative to creating another storage room that a document scanning service, such as Doc Star, might be possible. As another alternative Howard Benner suggested a safe, moisture controlled public storage unit and Midge Leitch suggested a POD on a concrete pad, moisture controlled and fire proof. Midge Leitch volunteered to investigate the approximate cost of a 12' x 12' cement block addition to the Township building and submit a report at the next BOS II Meeting.
- D. LDT AUDIT:** Howard Benner reported the LDT Audit has been completed and electronically submitted.
- E. SOCCER FIELD REQUEST:** Allen Brown, resident of Atglen, made a request to reserve the LDT soccer field next fall for the Octorara Soccer Club (OSC). There would be a maximum of 28 children between the ages of 9 and 12 years old and the OSC would be responsible for lining the field. They would need the field for games on Saturdays and Sundays beginning the weekend after Labor Day and continuing through the first weekend in November. Midge Leitch requested that Mr. Brown draw up a schedule and submit it to the LDT office. In addition proof of insurance would also be required.
- F. LDT PARK SIGN:** Richard Brown said the LDT Park sign is in need of refurbishing. The PA Horticultural Society previously had awarded a metal plaque to the Township and this plaque could be incorporated into a new sign.

**ANNOUNCEMENTS:**

- A. REDWING MEADOWS/THISTLEWOOD:** On March 31, 2009 the Township received a letter from Mr. Rocco Abessinio's attorney, John Jaros. As the language in Mr. Jaros' letter was vague, a letter from the Township was drafted requesting clarification. Richard Brown read the Township's letter to the audience. LDT will await Mr. Jaros' response.
- B. SUBSTITUTE SECRETARY WHILE SECRETARY JANICE HEARNE IS ON VACATION:** The Township has arranged for temporary personnel to occupy the office, Tuesdays and Thursdays, on 05/05, 05/07, 05/12, and 05/14 during normal Office Hours from 10:00 AM until 1:00 PM. The temporary secretary will be responsible for collecting and organizing the mail, reviewing, directing and responding to telephone messages, and responding to direct inquiries.
- C. BOS II MEETING:** The next BOS II Meeting will be held on Monday, April 27, 2009 at 7:30 PM

**BILLS WERE REVIEWED AND PAID IN THE USUAL MANNER:** Howard Benner explained the \$300.00 check written to the US Post Office was a prepayment/deposit for postage when mailing the Summer and Fall editions of the LDT Newsletter.

**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 8:50 PM. The vote was unanimous.

Respectfully submitted,

Janice H. Hearne  
Administrative Secretary