

**LONDONDERRY TOWNSHIP BOARD OF SUPERVISORS' MEETING
TUESDAY, MAY 12, 2009**

CALL TO ORDER: The meeting was called to order by Supervisor Richard Brown at 7:32 PM. Supervisors Midge Leitch and Gene Wier and Township engineer Bob Johnston were in attendance.

COMMENTS FROM THE PUBLIC: None

MINUTES: The minutes of the April 27, 2009 (BOS II) meeting, having been read and found correct by the Supervisors, were accepted by a unanimous vote on the motion to approve by Gene Wier, which had been seconded by Midge Leitch.

TREASURER'S REPORT: Treasurer Howard Benner read excerpts from the April, 2009 report. A motion to approve the Treasurer's Report by Richard Brown and seconded by Gene Wier was unanimously approved.

ORDINANCE HEARINGS:

The BOS's Regular Meeting was closed and the Public Hearing of Londonderry Township **Ordinance #02-2009** was opened at 7:35 PM. Supervisor Brown read the title of the ordinance, listed the exhibits as outlined below, read a summary of the ordinance provisions and stated that its provisions had been examined and discussed at length by the supervisors as well as the Township solicitor and engineer.

ORDINANCE #02-2009: An Ordinance of Londonderry Township, Chester County, Pennsylvania, Amending the Existing Township Zoning Ordinance By Adding Age-Qualified Community as a Conditional Use in the R-2 Residential District.

The following exhibits had been marked and documented.

1. Exhibits:
 - B-1** Copy of the Board of Supervisors' Minutes dated 04-14-2009 in which the Board authorized the advertisement for the public hearing on 05-12-2009.
 - B-2** Copy of letter dated 03-24-2009 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 04-21-2009 from the Chester County Planning Commission to Londonderry Township
 - B-5** Copy of letter dated 04-23-2009 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 04-23-2009 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 04-23-2009 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 7:40 PM.

At 7:40 PM the BOS meeting was reopened.

The motion to approve the ordinance was passed unanimously, having been made by Gene Wier and seconded by Midge Leitch.

The BOS's Regular Meeting was closed and the Public Hearing of Londonderry Township **Ordinance #03-2009** was opened at 7:41 PM. Supervisor Brown read the title of the ordinance, listed the exhibits as outlined below, read a summary of the ordinance provisions and stated that its provisions had been examined and discussed at length by the supervisors as well as the Township solicitor and engineer.

ORDINANCE #03-2009: An Ordinance of Londonderry Township, Chester County, Pennsylvania, Amending the Existing Zoning Ordinance Regarding Schools – Public, Private and Trade, and Community Utility

The following exhibits had been marked and documented.

7. Exhibits:

B-1 Copy of the Board of Supervisors' Minutes dated 04-14-2009 in which the Board authorized the advertisement for the public hearing on 05-12-2009.

B-2 Copy of letter dated 08-18-2008 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 09-16-2008 & 10-17-2008 from the Chester County Planning Commission to Londonderry Township

B-5 Copy of letter dated 04-23-2009 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 04-23-2009 by Christel Barton to Daily Local News enclosing the Public Notice of the full text of the proposed Ordinance and requested publication.

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8. Note that the Proposed Ordinance has been available for public review since 04-23-2009 when it was sent to the Chester County Law Library, Daily Local News and the Township Building.
9. The Ordinance had been reviewed by the Supervisors and the LDT Solicitor.
10. Supervisor Brown explained the Ordinance to the audience.
11. Supervisor Brown opened the Hearing for public comments and concerns: There were none.
12. Supervisor Brown closed the Hearing at 7:46 PM.

At 7:46 PM the BOS meeting was reopened.

The motion to approve the ordinance was passed unanimously, having been made by Richard Brown and seconded by Gene Wier.

TOWNSHIP REPORTS:

- A. ZONING OFFICER/BUILDING INSPECTOR:** Richard Brown read portions of the Zoning Officer's report after which he made a motion to approve the Report which was seconded by Gene Wier and approved unanimously.
 - i. Further consideration of the resident's response to the Zoning Officer's letter regarding her failure to conduct business within the limitations described in the Conditional Use approval granted for equestrian activities at the property on Fagg's Manor Road will be undertaken at the next BOS meeting.
 - ii. The failure of the owner to complete clean up of the property at 95 Baker Road within the 30 day extension will be addressed.
- B. ROAD MASTER:** Allen Reynolds reported that the gravel sweep to remove excess gravel resulting from winter road care will be performed on May 20, 2009. Gene Wier will inform the residents of Barnsgate I & II. Midge Leitch will inform HOA President Joe Sacks of Country Walk and the Township will notify Bernie DeLellis and request that he inform the residents of Mindy Acres. Signs will be posted on Birchwood, Cotton, Greenfield and Harvest Roads by the Road Master.
- C. EMERGENCY MANAGEMENT:** No Report
- D. PLANNING COMMISSION:** Per Chairman Rich Henryson's Report: The Review for Honeycroft Village was received from Chester County Planning Commission with no items which needed to be addressed. Louis Micolucci suggested some screening along Route 41 would be advisable as Honeycroft is visible from Gum Tree Road. Mr. John Jaros, attorney for Mr. Rocco Abessinio, presented a letter withdrawing

the Thistlewood Preliminary Plan and offered an extension of the Redwing Meadows Preliminary Plan until July 14, 2009. Acknowledgement of both offers and recommendation to the BOS for similar action were unanimously supported. Gilmore and Associates continue to work with Manor Presbyterian Church on details of the rights-of-way along the roads. Melanie Hesse of Gilmore indicated the PA DEP minimum requirement for on-lot sewage systems is pumping every three (3) years by a hauler licensed by the Chester County Health Department. Gilmore will be creating a sample ordinance for consideration by the PC and will look into reimbursements for the Township to help defray the cost of monitoring the inspections. Next Meeting - WEDNESDAY, 05-20-2009 @ 7:30 PM because Primary Election Day is on Tuesday.

- E. **OPEN SPACE COMMITTEE:** There was no OS meeting in April. The next meeting will be held on Wednesday, 05-20-2009 at 5:30 PM.
- F. **HISTORICAL COMMITTEE:** Per Chairman Diane Henryson's Report: Cookbooks (\$13.00) are in and the Commemorative Throws (\$40.00) are available at the LDT Building. They will also be available at the polls on Tuesday, May 19th as well as at the Celebration. Lawn signs advertising the Celebration on June 20th will soon appear as will an article in the Community Courier the week of the Celebration. The Patron Booklet will be complete within the next few weeks and available the day of the celebration.
Next Meeting: The next HC Meeting will be on **Wednesday, 05-27-2009 at 7:00 PM**. Reminder: The 275th Anniversary Celebration dates are 06-19-2009 & 06-20-2009.
- G. **WEBSITE/NEWSLETTER:** The website has been updated thanks to Bill Wuhrman and the next newsletter will be published about the time of the Celebration thanks to the efforts of Jennifer Zduniak.

OLD BUSINESS:

- A. **LANCASTER COUNTY TAX COLLECTION BUREAU**
RESOLUTION: Howard Benner attended a meeting concerning collection of the Earned Income Tax by the Lancaster County Tax Collection Bureau and reported some improvement in the efficiency of this group. At this time LCTCB continues to collect this tax for the Octorara School District, of which LDT is a part, and no change will be made.
- B. **BUILDING ADDITION FOR STORAGE:** Midge Leitch obtained an estimate for the construction of a 12' x 12' storage facility attached to the current LDT Building adjacent to the communications tower. Assuming block walls, fire door, painted exterior finish, minimal electric, no heat, no plumbing, concrete slab, simple roof with asphalt shingles, limited excavation, spread topsoil and seed - \$10,000. Bob Johnston indicated that his firm would estimate the cost at \$100 per square foot or approximately \$14,400.

- C. INTERSECTION OF 926 AND DALEVILLE ROAD:** Bob Johnston reported a conversation which he had with the construction company responsible for improving the intersection. The suggestion that the improvement, including removal of the hump which results in poor line of sight, be delayed until the final completion of New Daleville houses was not deemed acceptable by the BOS and Mr. Johnston was requested to convey to the builders that the improvements, now delayed for 2 years, should be completed this summer.

NEW BUSINESS:

- A. OPEN SPACE LOAN:** A motion was made by Richard Brown and seconded by Midge Leitch to authorize Howard Benner to proceed with acquisition of an Open Space loan from First National Bank of Malvern. The loan will be at an interest rate of 5% and the deposits which LDT will have at that bank will earn 3%. This decision results from Howard's inquiries at several regional banks including Sovereign Bank and National Penn Bank. The motion was unanimously approved.
- B. TRANSFER OF BANKING BUSINESS:** A motion was made by Richard Brown and seconded by Midge Leitch to authorize Howard Benner to proceed with transfer of the LDT routine banking activity from Sovereign Bank to National Penn Bank in May as a result of the decision by Sovereign Bank to initiate charges of approximately \$275 per month for maintenance of LDT accounts.
- C. LDT SECRETARY TO ATTEND CCSIGA MEETING:** A motion was made and seconded by Richard Brown and Gene Wier, and adopted unanimously, to send Janice Hearne to the Chester County Secretaries in Government Association Meeting concerning Liquid Fuels Policies and Procedures on Tuesday, May 26 in Downingtown.
- D. LDT TREASURER TO ATTEND PSATS MEETING ON ACT 32:** A motion was made and seconded by Richard Brown and Midge Leitch and adopted unanimously to send Howard Benner to the PSATS Meeting on Act 32 (EIT) on May 28.

ANNOUNCEMENTS/CORRESPONDENCE:

- A.** Municipal Acquisition and Development Grant Program – Round 22 was announced. Applications are due by July 17 and additional information may be obtained from the Township by contacting the office.
- B.** Results of DVRPC Sustainability Survey: In early 2009, DVRPC conducted a survey to identify local sustainability planning efforts underway among municipalities in the Delaware Valley region. For more information, please contact Evangeline Linkous, Planning Analyst, DVRPC, at elinkous@dvrpc.org or (215) 622-6055.
- C.** Health and Wellness Screening will be offered at the Jennersville

Hospital on May 28th from 11:30 AM to 3: 30 PM for a \$15 fee. Appointments may be made by calling 610-869-1223. Further information will be posted on the website.

CURRENT BILLS WERE REVIEWED AND PAID IN THE USUAL MANNER.

ADJOURNMENT:

Motion to Adjourn by Richard Brown was made at 8:52 PM, seconded by Gene Wier and passed unanimously.

Respectfully submitted,

Midge Leitch
Supervisor

and

Janice Hearne
Administrative Secretary