

**LONDONDERRY TOWNSHIP (LDT)
BOARD OF SUPERVISORS' II MEETING
JUNE 28, 2010**

ORDINANCE HEARING

CALL TO ORDER: Supervisors Richard Brown, Midge Leitch and Gene Wier were in attendance. Richard Brown opened the BOS Meeting at 7:31 PM.

Richard Brown explained an Ordinance Hearing was necessary for Ordinance #01-2010 as there had previously been a procedural error. The BOS Meeting was closed and the Ordinance Hearing was opened at 7:31 PM.

Richard Brown read the title of the Ordinance and enumerated the supporting documentation for the ordinance as follows:

ORDINANCE # 01-2010 – AN ORDINANCE OF LONDONDERRY TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE EXISTING ZONING ORDINANCE, AS AMENDED, REGARDING INDOOR RIDING FACILITIES.

1. Exhibits:

B-1 Copy of the Board of Supervisors' Minutes dated 04-13-2010 in which the Board authorized the advertisement for the public hearing on 05-11-2010 . Due to a procedural error the Ordinance Hearing was rescheduled for 06-28-2010.

B-2 Copy of letter dated 02-24-2010 to the Chester County Planning Commission enclosing the Act 247 Notice and the proposed Ordinance.

B-3 Copy of Act 247 Notice **02-24-2010**

B-4 Letter dated 03-26-2010 from the Chester County Planning Commission to Londonderry Township

B-5 Copy of letter dated 06-09-2010 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 04-19-2010 by Christel Barton to Daily Local News enclosing the Public Notice of the full text of the proposed Ordinance and requested publication. Re-advertised in the Daily Local News on 06-11-2010 and 06-18-2010.

B-7 Notice

B-8 Proof of Publication of Notice from the Daily Local News **04-20-2010 & 04-27-2010 (2 Times)** Re-advertised in the Daily Local News on 06-11-2010 and 06-18-2010 (2 Times)

- 2.** Note that the Proposed Ordinance has been available for public review since 06-09-2010 when it was sent to the Chester County Law Library, Daily Local News and the Township Building.
- 3.** Review of Ordinance by Chair/Solicitor
- 4.** Supervisor discussion of Ordinance provisions: Richard Brown explained the essence of the Ordinance. He said it essentially defines terms and separates private use from commercial use.
- 5.** Open to Public Comment/Concern: None

6. Close Hearing: Midge Leitch made a motion to close the Hearing and Gene Wier seconded the motion. The vote was unanimous. The Hearing was closed at 7:35 PM. **The BOS II Meeting was reopened at 7:35 PM.**

Midge Leitch made a motion to approve Ordinance #01-2010, Gene Wier seconded the motion and the vote was unanimous.

The Regular BOS II Meeting Resumed.

COMMENTS FROM THE PUBLIC:

Susan Mahoney, Barnsgate resident was recognized. Mrs. Mahoney was concerned about the excessive size of the street signs in Barnsgate making them top heavy and causing them to twist and lean. Richard Brown said that after consulting with Roasmaster Reynolds a possible remedy would be to replace the round posts with square posts which are less likely to turn. It was estimated that 3-5 replacement posts would be necessary. Richard Brown and Allen Reynolds will remediate the issue. The Supervisors thanked Mrs. Mahoney for coming.

Scott Andress, New Daleville Punch List: Mr. Andress said the New Daleville HOA had previously sent a two (2) page letter along with spread sheets to the BOS. Referencing the HOA Punch List Mr. Andress highlighted the main issues as the following:

1. Require the developer and builder to comply with the Township ordinances and the design guidelines. The HOA Board requests 100% compliance with all regulations and to correct all non complying items.
2. Request the Township to require the developer to adhere to the New Daleville Manual of Design Guidelines. The HOA may have difficulty enforcing the Guidelines in the future if the Guidelines were not followed initially.
3. The street light at Columba and McGrew Streets must be in working order.
13. Permission to convert Basin #1 into a dry basin rather than a wet pond. This is a safety issue.
14. The HOA would like to hire an independent Engineer to conduct an inspection once the basins and punch list has been completed.

Mr. Andress said the HOA could provide a detailed list of issues per house should the BOS make a request. Mr. Andress provided to Richard Brown one (1) copy of each - the LDT Ordinance #5-04 adopted 10-12-2004 and the New Daleville Manual of Design Guidelines for the BOS to use as a reference. Mr. Andress requested stringent oversight in preparation for the completion of the project and also requested a copy of the Punch List prepared by Gilmore. Secretary Hearne will provide the Gilmore document to the New Daleville HOA for their review. The BOS thanked Mr. Andress for his work and expressed the Township's desire for developer compliance. New Daleville resident, Jeff Fleming, added that the HOA would very much appreciate any assistance the Township could provide.

MINUTES OF MAY 24, 2010 BOS II MEETING: As the Minutes of the 05-24-2010 BOS II Meeting had been previously read by the BOS, Richard Brown made a motion to approve the Minutes as written. Gene Wier seconded the motion and the vote was unanimous.

TREASURER'S REPORT – MAY, 2010: Richard Brown read excerpts from the May Treasurer's Report and noted all entries appear to be in order.

ZONING OFFICER REPORT – MAY, 2010: Richard Brown highlighted portions of the Zoning Officer's May, 2010 Report. There were twelve (12) building permits and five (5) Use and Occupancy permits issued. Total fees collected for permits were \$10,525.89. There were twelve (12) various construction inspections conducted. The DeHaven property is close to being in compliance with LDT Ordinances. Following discussions with LDT solicitors, an inventory sheet and a Settlement Agreement has been prepared. Mr. Beers followed up on a complaint regarding an unfinished swimming pool in Mindy Acres and the pool should be completed within the next month. Mr. Beers also followed up on a complaint of an excess number of horses at 29 Keller Road. Two larger horses were to be removed from the property to comply with the zoning ordinance.

OLD BUSINESS:

- A. MANOR PRESBYTERIAN CHURCH SEPTIC SYSTEM AND USE OF RIGHT-OF-WAY:** As Mr. Register was not in the audience, the BOS tabled this item and said that this issue had previously been addressed by the BOS.
- B. FERVER AG. SECURITY AREA APPLICATION:** The BOS set the Ferver Agricultural Security Area Hearing date as July 13, 2010 at 7:30 PM. Richard Brown noted the Township has posted Notices in six (6) prominent areas within the Township and the Chester County Planning Commission has replied in the affirmative that the four (4) parcels are consistent with the criteria of Act 43.
- C. ACT 537 PLAN:** Midge Leitch reported she has nearly completed a review of the voluminous Act 537 Plan. She found a few areas which may need to be addressed and some corrections within the text, but overall it appears to be satisfactory. Her review will be complete by the end of June.

NEW BUSINESS:

- A. PennDOT – EMERGENCY MANAGEMENT MEETING AT PENN TWP:** Midge Leitch complimented LDT Emergency Management Coordinator, Chuck Freese, for setting up the meeting. In attendance were representatives of PennDOT, Chester County Township Supervisors, and Township Maintenance employees. One major outcome of the discussion was a request that the Townships create a contact list of those individuals and/or companies with large equipment which could be used on a voluntary basis by the equipment owners during an emergency. The meeting participants described instances throughout the County where

residents helped with snow removal in a neighborly manner. The Supervisors requested Allen Reynolds create a list of potential residents with equipment who could be used on an emergency basis.

ANNOUNCEMENTS / CORRESPONDENCE:

- A. PennDOT WINTER SERVICES REIMBURSEMENT:** LDT received a check from FEMA in the amount of \$12,103.21 as reimbursement for snow plowing expenditures during the 2009 – 2010 severe winter. The BOS requested Secretary Hearne write a letter to Chuck Freese, LDT Emergency Management Coordinator, to thank him for his guidance in enacting the Declaration of Emergency document and for his follow up on the snow emergency.
- B. PennDOT NOTICE OF ROAD WORK IN LONDONDERRY TOWNSHIP:** The Township received notice from PennDOT regarding roadwork on Township roads in the next several months. The LDT roads are the following:
 - Rt. 41 from Rt. 926 to Rt. 10
 - Rt. 796 from Rt. 896 to Phillips Mill Road (State Rt. 3039)
 - Route 926 from Rt. 10 to W. Marlborough Twp. Line
- C. DALEVILLE HUMP COMPLETION:** Richard Brown announced the hump removal project will be complete this week when it will be open to traffic.
- D. P. McKENNA LETTER TO THOMAS OESTE DATED 05-27-2010 RE: ROOP ZONING HEARING BOARD APPEAL:** Mr. Fox was in attendance and has a copy of this letter. Richard Brown read the letter aloud, which was a response to Mr. Oeste's letter dated 05-25-2010. Supervisor Brown said there are ongoing issues which are being addressed.
- E. NEXT BOS II MEETING 07-13-2010 at 7:30 PM**
- F. PLANNING COMMISSION MEETING: Tuesday, 07-20-2010 at 7:30 PM**
- G. DAMBRO vs. SHEEHAN COURT ORDER – 06-03-2010 AND BENCH ARREST WARRANT:** Mr. Jerry McCormick, attorney for Mr. Dambro, and Mr. Anthony Dambro were in the audience. Mr. McCormick said Mr. Sheehan did not appear at the court proceeding, but that Mr. Dambro testified. A Bench Warrant was ordered, but so far there has been no response. Mr. McCormick will have a copy of the Bench Warrant sent to the LDT office.
- H. DAMBRO/LONDONDERRY MEADOWS ISSUES:** Mr. McCormick presented a map of the development walking trails and noted the trails do not connect. He explained that the curbs and streets have been constructed, but ADA ramps would increase the infrastructure costs by \$50,000 - \$60,000. Currently there are no sidewalks, but he proposed sidewalks on one side of the street and to delete the walking trail adjacent to the wetlands. He estimated the cost of constructing all sidewalks with appropriate handicapped access ramps to be approximately \$300,000.00. Mr. McCormick requested a sidewalk decision by the next BOS I Meeting on July 13, 2010. The BOS said they would discuss the matter during the

Task Force Meeting following the BOS II meeting. It was stressed that federal ADA laws supersede all local and state requirements.

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 Gene Wier and seconded by Midge Leitch to adjourn the meeting at 8:37 PM. The vote was unanimous.

Respectfully submitted,

Janice H. Hearne
Administrative Secretary