

**LONDONDERRY TOWNSHIP (LDT)  
BOARD OF SUPERVISORS' II MEETING  
MONDAY, JULY 26, 2010**

**CALL TO ORDER:** Supervisors Richard Brown, Midge Leitch and Gene Wier were in attendance. Richard Brown opened the BOS Meeting at 7:35 PM.

As Mr. and Mrs. James P. Ferver were not in attendance for the Agricultural Security Area Hearing, this Hearing was tabled until later in the BOS II Meeting.

**COMMENTS FROM THE PUBLIC:** None

**MINUTES OF July 13, 2010 BOS I MEETING:** As the Minutes of the 07-13-2010 BOS I 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.

At 7:44 PM Richard Brown made a motion to close the Board of Supervisors' Meeting, Midge Leitch seconded the motion, and the vote was unanimous. The Agricultural Security Area Hearing was opened at 7:44 PM.

**LONDONDERRY TOWNSHIP  
FERVER AGRICULTURAL SECURITY AREA HEARING  
MONDAY, JULY 26, 2010**

**Richard Brown opened the Hearing documenting the four parcels being proposed to be included into the Agricultural Security Area as the following:**

<b>Parcels</b>	<b>#46-04-0028 ( 7.0 Acres)</b>	<b>#46-05-0006 (26.5 Acres)</b>
	<b>#46-05-0006.02 (20.91 Acres)</b>	<b>#46-05-0006.04 (11.1 Acres)</b>
	<b>Total Acreage: 65.51 Acres</b>	

Richard Brown read the Procedures and Supporting Documentation:

**AGRICULTURAL SECURITY AREA WITHIN LONDONDERRY TOWNSHIP  
PROCEDURES**

1. Application submitted by property owner(s). **05-04-2010**
2. Acknowledge receipt of proposal at next meeting of Board of Supervisors (BOS). **05-11-2010**
3. Provide notice of proposal in Daily Local Newspaper (1 time). **Published 06-01-2010.**
4. Post notice in five (5) conspicuous places within LDT and adjacent or near proposed Ag. Sec. Area:  
Locations of postings within LDT:
  - a. Delaware Equine Center
  - b. Manor Presbyterian Church
  - c. Route 41 and White Horse Road

- d. Route 926 and Daleville Road
  - e. Near proposed properties
  - f. Londonderry Township Building Front Door
5. Fifteen (15) days after publication of Notice in newspaper, send proposal and any proposed modifications to the Chester County Planning Commission (CCPC) AND the Agricultural Security Area Advisory Committee (ASAAC) **06-17-2010**
  6. CCPC and ASAAC have 45 days to review the proposal and report recommendations. If no response after 45 days the proposal is deemed to constitute approval. **Letter 06-23-2010**
  7. After the 45 day review period LDT must hold a public hearing at the Municipal Building. **Hearing Scheduled for 07-26-2010 at 7:30 PM (Scheduled at BOS I Meeting on 07-13-2010)**
  8. At least seven (7) days prior to the BOS Hearing a Hearing Notice must be published in the Daily Local newspaper (1 time). **07-16-2010**
  9. A written Hearing Notice must be sent to landowners who proposed modifications or whose land is included in the proposed modifications. **No Modifications were proposed.**
  10. A written Hearing Notice must be sent to all landowners adjacent to the applicant(s)' proposed Ag. Sec. Area property. **Mailed 07-14-2010**
  11. Hearing notice posted at LDT. **Township Building front door since 07-14-2010**
  12. Hearing at the BOS Meeting. BOS must act within 180 days of the application date. If not the proposal shall be deemed approved without modification. **07-26-2010**
  13. Within 10 days of the BOS decision property owner(s) must receive a written decision stating why the proposal was NOT adopted or modified.
  14. Within 10 days of the BOS decision
    - a. Recorder of Deeds – Notification and full description of property (parcel #)
    - b. Chester County Planning Commission – Notification as above.
    - c. LDT Planning Commission
  15. Within 10 days of Recording of Deed – Must notify the Secretary of Agriculture of the approval. Notification must include a copy of the actual recorded document including the location of the recording – book and page or instrument number.
  16. Failure by the BOS to act within 180 days from the date of the proposal's original submission date will result in the proposal being deemed adopted without modification.
  17. An addition to the Ag. Sec. Area shall become effective upon adoption of the proposal by the BOS or upon expiration of the 180 days.

Richard Brown posed the following questions to applicants, Mr. and Mrs. James P. Ferver:

**FACTORS TO BE CONSIDERED IN DETERMINING WHETHER TO GRANT AN APPLICATION TO ADD PROPERTY TO THE LONDONDERRY TOWNSHIP AGRICULTURAL SECURITY AREA (3 P.S. §907):**

1. Does the land proposed for inclusion have soils which are conducive to agriculture? **Yes (Mr. Ferver)**
2. Is the use of the land proposed for inclusion in an agricultural security area compatible with local government unit comprehensive plans? **Yes (Mr. Ferver)**
3. The landowner may propose to include all of his land, regardless of zoning, in an agricultural security area.
4. Is the land proposed for inclusion in the agricultural security area, and any additions which are proposed subsequently, viable agricultural land? **Yes (Mr. Ferver)**
5. What is the extent and nature of farm improvements, anticipated trends in agricultural economic and technological conditions and any other matter which may be relevant? **Most, if not all, of the parcels are in pasture, fenced for grazing horses, and some (10 Acres +/-) in open space. The entire 65.51 Acres (4 Parcels) will be in the Agricultural Security Area. (Mr. Ferver)**

**COMMENTS FROM THE PUBLIC: None**

At 8:52 PM Richard Brown made a motion to close the Hearing, Midge Leitch seconded the motion and the vote was unanimous.

**REOPEN BOS I MEETING:** Richard Brown reopened the BOS II Meeting at 8:52 PM.

Richard Brown made a motion to include into the Agricultural Security Area in Londonderry Township the four (4) parcels owned by Mr. and Mrs. James P. Ferver totaling 65.51 acres. Midge Leitch seconded the motion and the vote was unanimous.

**RESOLUTION #07-2010:** Richard Brown made a motion to adopt Resolution #07-2010 – inclusion of the Ferver properties within the LDT Agricultural Security Area. Midge Leitch seconded the motion and the vote was unanimous. The Resolution was dated and signed by the three (3) Supervisors

**OLD BUSINESS:**

- A. ROOP WITHDRAWAL OF APPEAL on 07-20-2010:** On July 20, 2010 Mr. and Mrs. Dewey Roop withdrew their Notice of Appeal from an Enforcement Notice dated March 09, 2010. A reimbursement check in the amount of \$1,000.00 was signed by Treasurer Howard Benner and Supervisor Richard Brown and would be available to Mr. and Mrs. Roop on July 27, 2010.
- B. HOUSE BILL #2431 AND SENATE BILL #1357:** Following discussion Richard Brown made a motion to adopt RESOLUTION #08-2010 which stated opposition to forced mergers and consolidations of local governments in Pennsylvania as delineated in House Bill #2431 and Senate Bill #1357.

Midge Leitch seconded the motion and the vote was unanimous. The BOS reviewed and approved the proposed letter to be mailed to all LDT residents, posted to the LDT website and emailed to all LDT residents for whom the Township has email addresses in its database. Midge Leitch said the Fall Newsletter will include a second request for resident email addresses. In addition, the Township received a letter dated 07-19-2010 from Representative Tom Houghton stating "...I will not support this legislation in committee or on the House Floor."

#### **NEW BUSINESS:**

- A. ACT 46 – PERMIT EXTENSION NOTIFICATION:** Following discussion with interpretive input from David Sweet, Rich Henryson and consultation with Township attorney, Patrick McKenna, the BOS consensus was that it was not necessary to create and sign a resolution establishing a fee structure for residential and commercial verifications. Rich Henryson said Act 46 appeared to impact perk tests. The BOS thanked David Sweet and Rich Henryson for their contributions to the discussion.
- B. CORNERSTONE / NEW DALEVILLE DEDICATION OF IMPROVEMENTS LETTER DATED 07-16-2010:** The BOS will request an update from Bob Johnston on the New Daleville punch list at the 08-10-2010 BOS I Meeting. In the meantime Dick Brown will talk with Bob Johnston and ascertain the current percentage of completion of the punch list.
- C. HONEYCROFT VILLAGE / CHESTER WATER AUTHORITY LETTER / CONTRACT DATED 07-20-2010:** This item was tabled until the 08-10-2010 BOS I Meeting as more information was required prior to signing the contract.
- D. JANICE HEARNE VACATION:** Secretary Hearne's request for vacation for three (3) days – 09-07-2010 (Tuesday) through 09-09-2010 (Thursday) was granted. The office will be closed that week, during which there are no evening meetings.

#### **ANNOUNCEMENTS / CORRESPONDENCE:**

- A. LETTER TO PennDOT REGARDING ROAD REPAIRS:** Midge Leitch, in collaboration with Gene Wier, wrote a letter to PennDOT regarding the condition of Route 926 east of Route 41. Even though the deplorable conditions on Route 926 exist beyond LDT, the Supervisors felt PennDOT should be alerted to the road conditions affecting the daily travel of its residents.
- B. PARKESBURG LIBRARY DONATION THANK YOU NOTE:** The Parkesburg Library Board of Trustees sent a note thanking LDT for their \$2,200.00 donation.
- C. SECCRA / DOCKSTADER FOUNDATION AWARDS ANNUAL GRANTS ANNOUNCEMENT:** LDT resident, Barbara Stewart, was responsible for writing the Dockstader Grant proposal and the BOS thanked her for her efforts. The Township was awarded a Grant in the amount of \$1,200.00.
- D. NEXT BOS II MEETING – MONDAY, AUGUST 10, 2010 at 7:30 PM**

**E. PLANNING COMMISSION MEETING: Tuesday, AUGUST 17, 2010 at  
7:30 PM**

**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 8:22 PM. The vote was unanimous.

Respectfully submitted,

Janice H. Hearne  
Administrative Secretary