

**LONDONDERRY TOWNSHIP (LDT)  
BOARD OF SUPERVISORS' MEETING  
TUESDAY, APRIL 09, 2019**

**CALL TO ORDER:** Supervisors Lou Simone, Richard Brown and Spence Address from Government Specialists, Inc. were in attendance. The BOS Meeting began at 7:30 PM in the Municipal Building.

**PUBLIC COMMENTS: GAIN RESIDENCE - Proposal for Conditional Plan**

**Approval:** In attendance were Mike McCorkle, Builder; Mary Hagan, Trust Representative; Luanne, Matt and Leah Gain, property owners; and Keith Jackson, Construction Consultant. Spence Address referred to ARRO / Michael Bingham's Review letter dated April 9, 2019 regarding Landscaping and a second letter dated April 9, 2019 titled Other Plan Review and Ordinances. In preparation for this meeting Mr. Address had prepared three (3) Motions for the Supervisors' consideration. Mr. Address explained issue #1 included four (4) waivers ARRO had recommended the Board of Supervisors grant (not landscaping). Issue #2 concerned four (4) waivers regarding landscaping and Issue #3 recommended plan approval with conditions. Essentially Mr. Address noted the summary of the plan approval conditions were to clean up items which must be addressed. Lou Simone read the following **MOTION** aloud:

**GAIN RESIDENCE - CONDITIONAL PLAN APPROVAL**

**Lou Simone:** I move that the following waivers from the cited provisions of the Londonderry Township Subdivision and Land Development Ordinance be approved by the Board of Supervisors, as recommended by the Township Engineer in his letter dated April 9, 2019:

- §125-306.F.(3)
- §125-402.E
- §125-311.D.(16)
- §125-311.D

I move that the following waivers from the cited provisions of the Londonderry Township Subdivision and Land Development Ordinance, related to landscaping requirements, be approved by the Board of Supervisors, as recommended by the Township Engineer in his letter dated April 9, 2019:

- 130-60.C.(6).(f) In part as noted in the Township Engineer's letter
- 130-60.C.(6).(g)
- 130-60.C.(6).(h)
- 130-60.E. In part as noted in the Township Engineer's Letter.

I move the Gain Residence Stormwater Management Site Plan, related plans and supporting documentation, as submitted to and reviewed by the Township Engineer and listed in his two separate letters each dated April 9, 2019, be approved subject to the following items being completed to the satisfaction of the Township. Further, that the plans not be released for recording in the Office of the Recorder of Deeds and that work on site improvements not begin until

financial security for the subject improvements is in place with the Township and the other open items listed below are resolved to the satisfaction of the Township.

Financial Security for the improvements is in place and the appropriate agreements are signed.

The Stormwater Operations and Maintenance Agreement is signed and recorded in the Recorder of Deeds Office.

A current permit is issued by the Chester County Health Department for the sewage system.

A current permit is issued by the Chester County Health Department for the well. The landscaping Plan be revised to include landscaping within and around the stormwater facility.

All required certifications be included on the plan set cover sheet and they be signed and sealed as appropriate.

Submission to the Township, upon completion of the site improvements, an as-built plan containing the information required by the Township Engineer and the Subdivision and Land Development Ordinance.

Richard Brown seconded the **MOTION** and the vote was 2-0 for conditional approval.

**Additional Discussion:**

Keith Jackson, Construction Consultant, asked about the necessary legal documents. Spence Andress replied he would interface with Township solicitor, Stacey Fuller, regarding the matter of Financial Security and accounting. Usually in these matters there is an escrow established and a Letter of Credit from the Bank.

Leanne Gain requested time to express her family's frustration regarding the amount of time it has taken for the approval process. Mrs. Gain noted the current family home is inadequate and this process has been extremely stressful for the entire family. Her daughter Leah's health and quality of life has not been improving and they are looking forward to this home and all it will provide for the rest of Leah's life. Mrs. Gain asked that everyone move forward, work together and help her daughter. Lou Simone responded he hoped tonight's approval will bring the process together and allow forward movement bringing the family together to meet Leah's needs. Richard Brown noted this is a community issue and we all want to do what is best for Leah. The Board thanked everyone for coming.

**CLOSE MEETING TO BEGIN ORDINANCE #01-2019 HEARING:** Lou Simone closed the BOS II Meeting at 7:46 PM.

**OPEN ORDINANCE HEARING: Time: 7:46 PM**

Lou Simone opened the Hearing and documented the following ordinance exhibits and procedures:

**Ordinance # 01-2019 – AN ORDINANCE OF THE TOWNSHIP OF LONDONDERRY, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 170 OF THE LONDONDERRY TOWNSHIP CODE, TITLED “ZONING”, ARTICLE VII, R-2 RESIDENTIAL DISTRICT, SECTION 170-45.1, CONDITIONAL USE STANDARDS AND CRITERIA FOR AGE-QUALIFIED COMMUNITY, SUBSECTION G(2)(e), AREA AND BULK REGULATIONS, CONCERNING SIDE YARD SETBACK REQUIREMENTS.**

1. Exhibits:

**B-1** Copy of letter from Stacey Fuller, Esq. dated 02-13-2019 to the Chester County Planning Commission enclosing the Act 247 Notice and the proposed Ordinance. (Copy of the Minutes from BOS I Meeting on 02-12-2019 the BOS authorized Stacey Fuller to send Draft Ordinance to CCPC for Act 247 Review).

**B-2** Copy of Act 247 Notice **YES**

**B-3** Letter dated 03-01-2019 from the Chester County Planning Commission to Londonderry Township with comments and recommendations for corrections or adoption of the draft Ordinance.

**B-4** Copy of the Board of Supervisors’ Minutes dated 03-12-2019 in which the Board authorized the advertisement for the public hearing on 04-09-2019.

**B-5** Copy of letter from Stacey Fuller, Esq. dated 04-02-2019 to the Chester County Law Library enclosing an attested copy of the proposed Ordinance and Public Notice.

**B-6** Copy of email from Stacey Fuller, Esq. dated 03-21-2019 confirming the advertisement of the Public Notice of the full text of the proposed Ordinance and requested publication in the Daily Local News.

**B-7** Notice **YES**

**B-8** Proof of Publication of Notice from the Daily Local News dated 03-25-2019.

2. Note that the Proposed Ordinance has been available for public review since

03-25-2019 when it was sent to the Chester County Law Library, Daily Local News and the Township Building.

3. Review of Ordinance by Chair/Solicitor: **Done**

4. Supervisor discussion of Ordinance provisions: **Yes**

5. Open to Public Comment/Concern: **None**

6. Close Hearing – Lou Simone closed the Hearing at 7:49 PM

7. Lou Simone reopened the Board of Supervisors Meeting at 7:50 PM.

Richard Brown made a **MOTION** to approve Ordinance #01-2019. Lou Simone seconded the motion and the vote was 2-0 for approval.

The regular BOS I Meeting resumed.

**BOS I MINUTES – MARCH 12, 2019:** Lou Simone made a **MOTION** to approve the Minutes from March 12, 2019 as submitted. Richard Brown seconded the motion and the vote was 2-0 for approval.

**TREASURER'S REPORT - MARCH, 2019:** The Supervisors reviewed the March Treasurer's Report as submitted by Treasurer Alison Emmons and found it to be in order. Mrs. Emmons alerted the Supervisors that the 2019 insurance premium decreased from 2018.

**2018 LDT AUDIT:** Mrs. Emmons responded to an email from the PA Dept. of Community and Development. It was agreed the 2018 Audit was approved.

**TOWNSHIP REPORTS:**

**A. ZONING OFFICER / BUILDING INSPECTOR REPORT – MARCH, 2019:**

Lou Simone read the following from Bill Beers' March report: There were five (5) Building Permits issued; zero (0) Building Permits were pending; one (1) Demo Permit was issued; one (1) Shed Permit was issued; and four (4) exempt Stormwater Permits were issued. Total permit fees collected were \$3,684.50. Six (6) Use and Occupancy (U&O) permits were issued which included four (4) re-sale/rental U&O permits, two (2) regular U&O Permits, and seven (7) various construction inspections were conducted. Census Form C-404 and the Chester County Permit Summary were submitted. The rental property at Hood Road and Route 41 has been inspected for a U&O and a list of 25 remedial items was given to the rental agent. A Court Judgment for the Morales Hearing was rendered as Mr. Morales did not appear before the judge to defend the complaint. There is a 30-day appeal period before LDT can have the judgment transferred to the Court of Common Pleas and begin the collection process. It appears Mr. Morales is renting the property at 471 White Horse Road and treating it as a rooming house also. Mr. Beers will continue to monitor and investigate this issue.

**B. ROADMASTER:** Nathan Stoltzfus resigned in an email dated 03-21-2019. Adam Kendig repaired the heating system oil leak, Allen Mummert installed new gutter and a small door on the front of the municipal building and Alison Emmons and Lou Simone continue to research the cost of benefits should LDT employ a full-time roadmaster. The Board authorized payment to Smoker for the installation of the garage doors.

**C. EMERGENCY MANAGEMENT (EM):** Honeycroft HOA hosted Rob Linnenbaugh of the Cochranville Fire Company, Chuck Freese, Director of Emergency Management for Londonderry, and West Grove Fire Company on 04-02-2019. LDT resident, Jan McHenry, was in the audience and commented the presentation was informative.

**D. PLANNING COMMISSION (PC):** There was no PC Meeting in March and, following consultation with Spence Andress and Rich Henryson it was decided there would not be a PC Meeting in April. However, there will be a PC meeting at 7:00 PM prior to the 7:30 PM BOS I Meeting on May 14<sup>th</sup>. The May 14<sup>th</sup> PC Meeting will be advertised and the PC members will receive information on the Honeycroft Conditional Use request prior to the meeting.

**E. OPEN SPACE COMMITTEE (OSC):** The OSC did not meet in March and will likely not meet in April either. Members will be notified. Hank Detering sent an email on 03-18-2019 regarding a letter from Brianne Zanin of

Chester County Open Space Preservation. In an email Hank Detering also expressed concern regarding water run-off from a farm. Richard Brown noted last summer he and Bill Beers consulted with the CC Land Preservation Board regarding a Revised Management Plan on this issue. The CC Land Preservation Board was basically satisfied. Richard Brown and Darryl King procured “socks” and installed them on the periphery of the farm. The primary issue is farming to the edge of the road. Planting a buffer of grass at the edge of a field will channel the water run-off. It is hoped that through education farmers will subscribe to Best Management Practices. Richard Brown and Hank Detering will revisit the farm and these issues. Dr. Brown also talked about intensive farming and LDT’s interest in “roots in the ground” agriculture vs mushroom houses and the like.

- F. HISTORICAL COMMITTEE (HC):** The Historical Committee did not meet in March. The next HC Meeting will be held on Tuesday, April 23, 2019 at 7:00 PM.
- G. WEBSITE / FACEBOOK:** The website has been updated and the LDT Zoning Map was added.

#### **OLD BUSINESS:**

- A. RT. 41 & Rt. 926 ROUNDABOUT PROJECT:** Richard Brown explained this project is approaching the home stretch. The BOS contacted an imminently qualified Wisconsin engineering consulting firm to review the plans and provide suggestions where necessary. Steve Fellin of PennDOT was happy to have the expert advice and has passed the suggestions along to Erdman Engineering and Harrisburg. It appears everyone is working well together and all parties want a quality product. This project has a target date of 2020.
- B. GAIN RESIDENCE – Lot No. 1:** This topic was addressed at the beginning of the BOS I Meeting. See above.
- C. MORALES NOTICE OF JUDGEMENT:** See the March Zoning Report above.

#### **NEW BUSINESS:**

- A. PROPOSED ORDINANCE RE: ESTABLISHING MINIMUM REGULATIONS APPLICABLE TO EMERGENCY COMMUNICATIONS SYSTEMS:** Lou Simone asked if Rob Linnenbaugh had previously weighed in on this? Richard Brown noted he did not fully grasp this topic. He asked if Chuck Freese had weighed in? Lou Simone noted he would call Rob and Chuck for their input.
- B. HONEYCROFT – Conditional Use Application:** Following discussion it was decided to hold a PC Meeting prior to the BOS I Meeting on May 14<sup>th</sup> at 7:00 PM. It was determined the previous approvals by the PC had been too long ago and since there has been a Conditional Use Application in the meantime, it would be better to have a recent PC recommendation. Lou Simone made a **MOTION** to authorize Stacey Fuller to schedule and advertise the Conditional Use Hearing on May 14<sup>th</sup> at 7:30 PM. Richard

Brown seconded the motion and the vote was 2-0 for approval. There will be a public notice in the Daily Local News advertising the change in date and time for the May PC Meeting.

- C. NEW DALEVILLE – WWTP IMPROVEMENT:** Michael Bingham of ARRO Engineering sent an email to the Township regarding the requirement of Entech Engineering to secure (at a minimum) a Stormwater Permit, Building Permit and Land Development Permit. Spence Andress explained the New Daleville Waste Water Treatment Plant was seeking to add tankage for conversion of the existing BESST process to a 4-stage Bardenpho process, addition of final clarifiers and associated upgrades at the existing WWTP. Alison Emmons asked about billing and escrow requirements. Mr. Andress responded a formal application would be required.
- D. COCHRANVILLE LAWN SERVICE CONTRACT:** Cochranville Lawn Service had submitted two (2) copies of the 2019 Summer Lawn Service contract for BOS approval and authorization for a pre-emergent weed control application on the soccer field. The lawn mowing cost remains the same as 2018. Lou Simone made a **MOTION** to approve the pre-emergent application and 2019 Summer Mowing Contract for Cochranville Lawn Service. Richard Brown seconded the motion and the vote was 2-0 for approval. Both copies of the contract were signed by the Supervisors.
- E. HEATHER KNOLL HOA MEETING ROOM REQUEST:** The Township had received a request for LDT Meeting Room availability for May 8<sup>th</sup> from 7:00 PM until 9:00 PM. Lou Simone made a **MOTION** to approve the Heather Knoll Meeting Room reservation request for Wednesday, May 8<sup>th</sup> from 7:00 PM until 9:00 PM. Richard Brown seconded the motion and the vote was 2-0 for approval.
- F. GIRL SCOUTS – COUNTRY WALK TRAIL REMEDIATION:** Two LDT resident Girl Scouts plus their friends, family and community volunteers worked on the Country Walk Trail on Friday and Saturday, March 29<sup>th</sup> and 30<sup>th</sup>. Richard Brown explained this area has woodlands which have been untouched since the 1920s. Mark Mummert supplied the wood chips, but it soon became obvious heavier equipment beyond wheel barrows would be helpful. One parent put a small tractor to work and Dick Brown maneuvered the Kabota among the trees to help with spreading the wood chips. Spence Andress noted it was two days of community involvement – parents, kids, neighbors.
- G. NEW DALEVILLE – PAVILION IDEA:** The Supervisors had seen the ND HOA email inquiry. In general the Supervisors did not have a problem with the idea, but wondered if a shed permit would be required? This is a Bill Beers question and more information would be required when available.

**ADDITIONAL DISCUSSION:** Lou Simone asked that at the next BOS meeting, the topic of the Barnsgate Nature Preserve be placed on the Agenda. There is a need to either find any existing survey monuments (last year one was found) or have the Preserve surveyed. Spence Andress suggested New London Concord Land Planners might be able to locate the existing monuments. In addition, Lou

Simone will contact Marty Detering to ascertain if she has any pertinent documents regarding the Barnsgate Nature Preserve.

**CANINE PARTNERS FOR LIFE:** A request for the return of the balance in escrow has been received by the Township. Spence Andress indicated there was likely one more invoice expected from ARRO. Alison Emmons was advised to wait until all parties have signed off on the project before issuing the escrow refund.

**ANNOUNCEMENTS:**

- A. **PLANNING COMMISSION MEETING: Tuesday, April 16, 2019 at 7:30 PM. Cancelled.**
- B. **OPEN SPACE COMMITTEE: Wednesday, April 17, 2019 at 5:30 PM. Cancelled**
- C. **BOS II MEETING: Monday, April 22, 2019 at 7:30 PM. May Be Cancelled**
- D. **HISTORICAL COMMITTEE: Tuesday, April 23, 2019 at 7:00 PM.**
- E. **MAY PLANNING COMMISSION MEETING: Will meet PRIOR to the BOS I Meeting on May 14<sup>th</sup> at 7:00 PM.**
- F. **BOS I MEETING: Tuesday, May 14, 2019 at 7:30 PM.**
- G. **PLANNING COMMISSION – May 22<sup>nd</sup> will be cancelled.**

**PAY BILLS:** Bills were reviewed and paid in the usual manner.

**ADJOURNMENT:** As there was no further business before the BOS a **MOTION** was made by Lou Simone and seconded by Richard Brown to adjourn the meeting at 8:28 PM. The vote was 2-0 in favor.

Respectfully submitted,

Janice H. Hearne,  
Administrative Secretary