

## Londonderry Township Board of Supervisors

October 3, 2005

The Londonderry Township Board of Supervisors held their regular scheduled Board meeting on Monday, October 3, 2005 at the Municipal Building, 783 S. Geysers Church Road, Middletown, PA 17057 beginning at 7:00 p.m.

### Present:

William Kametz, Chairman, Board of Supervisors  
Ronald Kopp, Vice-Chairman, Board of Supervisors  
Andy Doherty, Member, Board of Supervisors  
Daryl LeHew, Member, Board of Supervisors  
Anna J. Dale, Member, Board of Supervisors  
Steve Letavic, Township Manager  
Beth Graham, Administrative Assistant  
Robert Knupp, Township Solicitor

### Regular Meeting

### Items Addressed:

1. **Citizen's Input** - None
2. **State Police Report** - None
3. **TMI Report** – Ralph Desantis, Communications Director
  - a. Presentation of Checks - Rusty Wester, TMI Vice President, presented checks to Mel Hershey, Fire Marshall and Bart Shellenhamer, Fire Chief, for Londonderry Township Fire Company and Ambulance in appreciation for participation and service to TMI.
  - b. Outage - The outage is set to take place beginning later in October and ending in November, exact dates are not available. There have been 1200 contractors hired for the outage, including extra police for traffic control.
  - c. Guard Post - A new guard post structure has been built at the south end of TMI that sets further back off of Rte. 441 to prevent congestion of contractors trying to get onto the sight. An elaborate security set-up is in place at the new guard post.
4. **Approval of Minutes** – September 6, 2005  
Mrs. Dale motioned to accept the minutes as presented, Mr. LeHew seconded.  
Motion approved.

5. **Golf Course Report**

Mr. Letavic reported that Mike Johnson, Golf Course Manager, could not be present at the meeting due to unforeseen circumstances at the golf course, but Mr. Johnson did forward a detailed report of activity for the Supervisors to review.

Current Year		Prior Year	
2005 Total:	\$ 90,016.55	2004 Total:	\$ 82,661.83
2005 Year to Date Total:	\$ 705,699.32	2004 Year to Date Total:	\$ 647,841.31

(+ = 57,858.01)

6. **Manager's Report – Steve Letavic**

- a. Township Auditor Request - A request for proposal for Township Auditor brought 3 quotes with Chubb & Associates coming in \$500.00 lower than our current Auditor and also offering a broader range of services. They were also \$4500.00 lower than the next responsive bidder. Mr. Letavic requested action from the Board to appoint Chubb & Associates as Township Auditors.

Mr. LeHew motioned to approve Chubb & Associates as Township Auditors, Mr. Kopp seconded. Motion approved.

- b. Henderson Property – Mr. Letavic requested a bond in the amount of \$16,800.00, set by our engineer, from Woods & Wildlife, be accepted by the Board in the event damage occurs to our roads while logs are being removed from the timbering project on the Henderson property located on Sunset Drive.

Mr. Kopp motioned to accept the bond amount for the Henderson timbering of \$16,800.00, Mrs. Dale seconded. Motion approved.

7. **Secretary/Treasurer's Report – None**

Mr. Letavic informed the Board that he is currently working with the temporary Accountant he has hired to develop a budget model and plans to have the initial model to the Board by October 15, 2005 for review.

8. **Planning Commission Report – Carolyn Akers**

- a. Lauffer Hills – A recommendation was made that the Board of Supervisors proceed with a Conditional Use Hearing for the proposed cluster option development to be located on 117.7 acres of land, zoned R-1, on the corner that lies northeast of the PA Turnpike and Rte. 283 crossover, between Newberry Road and Roundtop Road.

Mr. Kopp motioned to hold a public hearing for a cluster option for Lauffer Hills on October 26, 2005 at 7:00 p.m., Mrs. Dale seconded. Motion approved.

- b. Lower Dauphin Area Regional Comprehensive Plan – The changes to the map that had been requested by the Planning Commission were made, however, they also changed the name of one of the zoning items. The recommendation to the Board of Supervisors is that they request light purple as being designated as Commercial/Business Park, not as it is designated as Light Industrial. The second change is the area off of North Geyers Church Road shown as Light Industrial (Commercial/Business Park) be changed to Residential.

Mr. Doherty motioned to propose to adopt by resolution the LDARCP with the changes as outlined by the Planning Commission, Mr. Kopp seconded. Motion approved.

9. **Solicitor's Report** – None
10. **Engineer's Report** – None
11. **Emergency Management Report** - None
11. **Parks and Recreation** – None

12. **Department Reports**

Roads – John Kesler

Work completed:

- Patching on the following roads. Swatara, Engle, Zion, Brinser and Pecks.
- Mowing all township roads. Some need more work however at this time the mower is broke down and repairs should be completed by the end of week.
- Sign replacement and place two new speed limit signs on Elwood Drive.
- Service Trucks and equipment.
- POCS response.

October work scheduled:

- Pipe replacement on Kennedy Lane, and Roundtop Rd.
- Ivy Drive drainage and shoulder work.
- Prepare trucks for winter service work.
- Patching at club house parking lot.
- Line painting Geyers, Swatara, and Miller.

13. Codes/Zoning – James K. Forman

a. September 2005

Building Permits issued	7
Zoning Permits issued	7
Estimated construction cost	\$517,325.00
Zoning Permit Fees collected	\$350.00
Building Permit Fees collected	\$2635.00
Year to date Est. Construction Cost	\$5,151,901.62
Year to date Zoning Permit fees	\$3350.00
Year to date Building Permit fees	\$28,557.00
Building Permits finalized	7
Total estimated construction cost	\$1,224,698

b. 230 Diner – Mr. Foreman reported that a hearing with District Justice Judy took place two weeks ago regarding the six citations filed because repairs had not been made. Mr. Haggag was found guilty and fined \$6000.00, he has 30 days to appeal to Dauphin County Court. An inquiry was made on September 30, 2005 regarding permits from a man who is going to do work on the 230 Diner. Nothing more is known at this time.

Mr. Knupp advised that no further citations be filed during the 30 day appeal process. If no progress has been made on the diner during the appeal period, then Mr. Foreman should begin enforcement again.

14. **New Business**

a. Trick-or-Treat Night

Mr. LeHew motioned to hold Trick-or-Treat Night on October 27, 2005 from 6:00p.m.–8:00p.m., Mr. Doherty seconded. Motion approved.

15. **Geyers Airport** – Loudon Campbell, Attorney

Mr. Campbell represented Dr. Benko, Sr. and Dr. Benko, Jr., informing the Board of a radio controlled airplane that recently crashed on Dr. Benko, Jr's property located on Brinser Road, across from Geyer's airport. Mr. Campbell reminded the Board of another crashed radio controlled airplane that happened about 1 year ago and went into the roof of Dr. Benko, Sr.'s barn roof, located across Locust Grove Road.

Mr. Campbell reminded the Board of the Benko's many requests for action in the past concerning over-flights outside of the perimeter of which they have permission to operate. About a year ago the Benko's met with Mr. LeHew, Mr. Forman and Solicitor Knupp, at which time they were told that if the Benko's

could show some proof that over-flights were taking place, then it would be possible for the Supervisor's to withdraw their consent. Mr. Campbell then respectfully requested that the Board revoke the Conditional Waiver previously granted.

Mr. Temple-Longo, Attorney and member of the flying club, spoke on behalf of the club and informed the Board that the club has been in existence since 1958, consists mostly of Senior citizen's and is very active in the community. He informed the Board that since it's beginning they have never been sued and have never caused any physical injuries to any persons. The club carries 2.5 million dollars in liability insurance and the damage that was done to Dr. Benko, Sr.'s barn was paid for by the operator. He also informed the Board that because of their safe operating record, the military has been using the club's airplanes for training, as their R.C. planes are currently being used in Iraq.

He informed the Board that the gentleman who's plane went down in Dr. Benko, Jr.'s pasture immediately went to the Benko's door and informed Mrs. Benko of what happened, apologized and asked permission to retrieve his airplane as he has several hundred dollars in it.. She denied him permission and he left the property, leaving his plane in the Benko's pasture.

He respectfully requested that the Board continue with it's waiver and he assured the Board that the members will make every effort to not fly over other peoples property. He also informed the Board that the noise level is monitored and does not go above 95 decibels on each aircraft.

Mr. Campbell informed the Board that Mr. Benko, Jr. will return the airplane. Mr. Benko, Jr. had been waiting for a letter of apology or an explanation before he returned the aircraft.

Questions from the Board:

Mr. Kametz - Is there a size restriction to the planes that you use, as far as the size of the engine?

Mr. Longo - We don't have a size restriction, however, we have a restriction with respect to the noise level and if we feel, it's a matter of judgement, that an airplane that comes onto the field is too large to fly within our space, we do not permit that plane to fly. I may say that most of the planes that are used on the field are small planes, quite frankly because most of our members are Senior citizen's and the large planes are quite expensive. Even a small plane requires several hundred dollars in electronic equipment. But, most of our planes are small, you can't fly them very far out because you can't see them if you fly them far out, especially with Senior citizen's they try to keep them in closer.

Mr. Kametz - Do you have members that do fly larger planes course scale, larger chainsaw type engines?

Mr. Longo - Not that I have seen, there are probably one or two, but if they come there with a chainsaw engine that is not properly muffled or if we believe the airplane is too large to fly within the bounds of our property, we will not permit that plane to fly. I would say the overwhelming majority an I've been going there every Tuesday, and I have never seen one of those great big ones. Most of the planes that fly are what they call forty size, forty and sixty size, which are your smaller planes.

Mr. Kametz - What about pattern type airplanes?

Mr. Longo - The pattern type airplanes have more or less gone out of fashion, you don't see too many of those at all. They have now a type of airplane which is called 3-D, which is a very slow flyer and they hover them like helicopters. Some of those are larger, we don't have any large ones at our base, we have them up to about 90 size which is a moderate size. So we don't have, generally speaking, large airplanes. I was at another club where a lot of the planes were very expensive, \$2000, \$3000, \$4000 with the big gasoline engines and would fly long distances. That's not the kind of field this is. It's not the kind of hobby that we have there. As I said, we have older people, Senior citizen's who are flying relatively inexpensive, smaller airplanes that really present no danger to anyone.

Mr. Kametz - The noise scenario, do you guys have in your by-laws what the noise level is, or should be?

Mr. Longo - Yes. I believe it's 92 decibels, it doesn't go above that level. I believe that's the national standard.

Mr. Kopp - It's 95.

Mr. Longo - 95. I'm sorry.

Mr. Kopp - It's 95. I have a copy of your by-laws.

Mr. Longo - I'm sorry. I stand corrected. It's 95.

Mr. Kametz - And that's checked?

Mr. Longo - Yes. We check it and if a plane is too loud, we don't permit them to fly. And no-one can be permitted to fly unless he has passed the test and has demonstrated that he can fly safely. And if we catch anyone flying outside the borders we can discipline them for that, and kick them out of the club.

Mr. Kametz - As far as violations, do you keep a record at all as far as frequency of these people that would violate airspace?

Mr. Longo - We have records of the complaints. We have situations of where... we have one situation for example where there was an older gentleman flying a plane there and Dr. Benko came onto the property, sort of charged on and started yelling and screaming while the individual was operating the plane, which is dangerous.

He was asked to leave and only after much asking, cajoling, did he leave. In fact I had to write him a letter which explained to him that he should not be doing this because it's dangerous. He actually created more of a danger doing that than if he had not done that. In that instance he claimed the plane was flying over his property and that's why he came onto the field and caused this commotion. The flyer who is an older gentleman said he was not flying over his property. Sometimes it's extremely difficult to tell because of the angle. Someone looking at it from a certain perspective might think the plane is flying over and someone from another perspective might think it's not, it's difficult to judge unless you're standing right on the border and looking and seeing the plane, it's quite difficult to tell. And I think that Dr. Benko may have honestly believed in many instances that a plane was flying over his property, when in fact they may not have been because from his perspective, from his angle, it may have seemed so.

Mr. Kametz - But as far as what you've said, have you disciplined any people in your club as to being a little... taken advantage of the size of space to fly in? Have you documented people regarding to this?

Mr. Longo - In the present instance of the individual whose plane crashed there, we have that under consideration at this time and it's quite possible that we will take action. He claims that the plane was not responding and was going to fly further out so he deliberately crashed it to prevent it from going further. That way it was far from the house and far from the cows, the cows were on the other side and he said that the malfunction and he couldn't get the plane to turn completely, but rather than have it fly further he had elevated control and he pushed it down so it would crash. So he sacrificed his plane so that it wouldn't possibly hit the house or a cow or something, he put it down in the pasture where nothing was around, a great distance from the house, a great distance from the cows. That's his story, we're looking into it.

Mr. Kametz - Have you ever dismissed anybody over the years for field violations?

Mr. Longo - I don't have all the records. I've only been a member for a couple of years. I can get you that information.

Mr. Kametz - No. I'm just curious of within your tenure that I'm just trying to get a feel?

Mr. Longo - Within my tenure they have told individuals not to fly if they felt the airplane was too loud, if they thought the individual was flying too far out he was told not to fly and to leave. Whether anyone was actually kicked out of the club, I don't know. But, I have emphasized to them that if anybody does... in fact I wrote a letter to Dr. Benko that said if you have any complaints... this was back

in July... make the complaints to me... I have a copy of the letter... and I will make sure the President takes appropriate action. I've had no complaints from him or his counsel since July.

Mr. Kametz - How large is the membership?

Mr. Longo - I'm not quite sure of that... we have 160 members.

Mr. Kametz - The last question that I have. You said about the military coming over and using this, as far as I'm understanding they use military drones which are kind of large airplanes. What would they be flying there?

Mr. Longo - They wanted to come over because their planes are actually not flown the same way that ours are flown with... my understanding is they have a T.V. camera on their plane and they actually fly as though they were sitting in the airplane. But, they have different models, they have bigger ones and smaller ones, some of the smaller ones as I understand it, have to be landed when they're brought in. If they lose control, the plane has a computer on it so it will come back and circle the area where it's been launched, and they may have to take it down in the conventional manner. So, they require a certain amount of practice in that. Hopefully, they don't have to use it because the electronics should work, unfortunately electronics don't always work.

Mr. Kametz - The engines that they use are 40 size or 60 size, or are these larger?

Mr. Longo - No. They're using the same size plane. The planes that... (tape 1 ended)

Mr. Kametz - Who's planes are they using?

Mr. Longo - They came on, they're using our planes. They're using 46 size airplanes. They're using it only to practice the technique, which is the taking off and the landing and so forth. The technique for a small plane and a big plane is the same basically.

Mr. Kametz - I understand. I just would have been surprised if you told me that military drones were flying.

Mr. Longo - No, no, no... I hope I didn't mislead you. They're using our 46 size planes to keep in practice because their larger planes are in Iraq and they're subject to the same restrictions as everyone else, and they're careful flyers.

Mr. Kametz - Thank you. Any other questions from the Board, or comments?

Mrs. Dale - Do you have set hours of when the club gets together, or when they are allowed to fly?

Mr. Longo - I believe that we do. I don't have the schedule with me, I think... I know that on Sundays we don't fly until the afternoon. On Tuesday nights we have training and Tuesday during the day is when most of the people get together and fly. The rest of the time there aren't very many people there. There may be someone on Saturday. It's used basically on Tuesday, Saturday and ... it can



be used on these other times, but I don't think it's used very frequently, I think those are the main times it's used.

Mrs. Dale - So, if someone opted to use it in an off time, is there a representative from the club always there?

Mr. Longo - Our rule is, you cannot fly alone. If you go there alone you're not supposed to fly because we feel it's safer to have someone there. If they go there and there's two or three people there then they can fly. There doesn't necessarily have to be an officer of the club there at the time, but they cannot fly by themselves.

Mr. LeHew - I don't know if any other member of this Board went on sight while they were flying but, they invited us all over on a Sunday, I guess it was, about a year ago. I did go. I watched that gentleman right there (Steven Sebastianelli) fly the plane. But, it's more of an issue here. For the most part, it's a fun thing to do. I think what you do is fun, I enjoyed watching it, but it's not me who lives across the street. To go outside of your house with a young child, which they have, to go outside when you have steer in the pasture, it's not fair. It's not fair for the neighbor's to have this. I was one of the members who voted against this when it came up and I thought it should have gone for the whole concept, the zoning and all that, so I voted against it. I don't think it's fair and I don't think you're taking the proper attitude to the neighbor's. I think you have an attitude that the Benko's are fighting you and you're going to fight them back. I think that adversarial attitude is wrong. I think when you went... whoever was flying that plane and went through his barn and you could see it from almost on top of Geysers Church Road, I think that tells us that potentially there's something that can go wrong there. Secondly, a week or two ago, whenever this took place, another one went in their field. You say that they lost control, didn't have control of the plane, the only option that he had was to land it in the field and he did that. Unfortunately, not unfortunately, fortunately, no-one was hurt, no-one was under the plane, the animals weren't disturbed is my understanding. But it violated your by-laws. It specifically violated your by-laws that you have in place, that we asked your group to put in there. We asked that you do this. The Chairman asked what discipline has been taken? Now there's been a few weeks since this incident took place and you can't give us... it's just probably going to be reviewed. Tells me that it may not be reviewed and if it is, it's only because the Chairman brought it up. I think your by-laws are there for a reason, they're there because we asked, they're there to protect the residents of the Township. Our role as Supervisors are to protect to the residents of this Township, regardless of what anybody else feels. I think that you violated your by-laws and I

think that we should go back to what I originally thought at the very beginning.

Mr. Longo - I appreciate what you say. I can only say what I've said before, the fact is safety. We have been in operation since 1958 and in all those years we have never injured any person, no-one has ever filed a lawsuit against us. We have no reason to think that that record would not continue. I think that this is as safe a thing as anything can be. Nothing is completely safe in life, but I think our history since 1958 indicates, and it's our record that indicates that there is... it is a safe operation. And if I may add, one of the things that has held up our action with respect to this particular individual is that he has a legitimate claim to the return of his airplane. We respect their property, but this airplane has not been returned. They have no right to keep it. His wife was politely asked if his plane could be returned, she said no, he didn't go on the land to try to take it back. He respected their property and they have taken the position that they will not return the airplane. So, until that matter is resolved, I think that is what's holding it up... a resolution of this thing. I think he is entitled to the return of his property. And certainly, if he has done anything improper, if his equipment was not properly maintained or he did something careless, he will be disciplined.

Resident's comments:

Linda Sebastianelli – 1278 Locust Grove Road

I came before the Board the last time. I live down on the hill. I live across from Dr. Benko. I hear the planes and everything like that, we live out in the country. We hear cows, we hear gunshots, we hear loud noises from the Gap and things like that. The trains, the regular airplanes that go across from us. Sometimes you can almost look through the windows of the big, huge planes because they come so close to our houses. In life, with hobbies and everything like that there is a chance that there may be a minor accident. What about these people that are shooting and they accidentally shoot someone in a car? A stray bullet, cows get out of pastures a lot of times and instead of reporting it, we go right to the person and say, "Hey, your cow is out." We don't report it, and cows can be dangerous, bulls can be dangerous. So that's their hobby, that's not their lively-hood... that's their hobby. So, if we're going to take away their airplanes as a hobby, then cows should be taken away too, because they can hurt people too. And they "moo" very loud also. And the other thing is, this club is not just a bunch of older gentlemen getting together, they're starting to be an outreach for the whole community. They're providing services to kids in wheelchairs, like my son. There's another child

with muscular dystrophy that's going to be coming up to start flying with his grandfather so that there is some bonding time there. My son just goes right up the road and he flies, there are regulations in place for how far they fly over. If something mechanical goes wrong or an air current, it might go off, but that's a fact of life. The same like the cows get out of the pasture. They get out of the pasture, they come in my yard, they're on the street, people are driving, they're on the street. You can't penalize a hobby because of the fact that there may be an accident. And my son wanted to say something also, if you would allow that.

Mr. Kametz - Yes. Go ahead.

Steven Sebastianelli - Hi. I'm Steven Sebastianelli, her son. I fly right down the road. I've been flying for a little while now. Actually, I have an expert license, only six people have that in the club. It's a really great thing because I can right up the road and fly. It gives me a sense of reliability on myself, it's something that I can't do normally because I have to rely on everyone else constantly. It's a really great thing.

Linda Sebastianelli - I wanted to mention one more thing about the community outreach. They helped with the military with a the R.C. flying and also they're opening up a program through Philhaven to allow a couple of the clients there to come and to intermingle with the group. Not necessarily fly, just to intermingle with the group to help them to start associating with the community. They're ready to out in the community, but just to get used to being with the community. So, this club is really providing more than just a flying club, they're providing community outreach, which is a really big thing also. I am home all the time and I do not see planes flying where they're not supposed to be flying. And I am home all the time, also. And I walk up and down the street and there's other neighbors who weren't able to come but they enjoy coming up and watching the flying. They didn't seem to have problems with it either.

Steven Sebastianelli - Sorry, I forgot one thing. Ever since I started, they took me in and practically like a grandson. Because none of my relatives are here and I have like a family.

Delbert Sanki - This sounds like a good thing, but I didn't even know it was in the Township, I'd like to see about joining. This is much better than having these developments, they're causing more damage. I'm not for development, we don't need them. But, I'm serious, this is a good thing as far as I'm concerned. And I'd be interested in maybe joining. I didn't even know it was there. I've lived in the Township since 1969 and I didn't even know. If we would put as much effort into doing away with some developments as we are things like this, the Township would be far better off

than complaining about this. We don't need to allow for development. You talk about danger, it's only coming. It's coming down the road fast with all these developments. You worry about an airplane landing on a field. As far as noise, I hear it by my place. It's them 4-wheelers buzzing around in the field, so what's the difference?

Linda Sebastianelli - When you live in the country there is going to be noises, you just accept it.

Mr. Campbell - Mr. Chairman, just to respond on the issue of the crashed airplane, Dr. Benko will in fact return the crashed airplane. I think he was hoping to get a letter of apology or explanation, and I've advised him to return the aircraft upon obtaining identification and signed receipt. So, that's that issue. I do respect the young gentleman's ability as well as all Senior citizen's and everybody else's ability to have a hobby and recreation. That's certainly lots of... goals, but that's not the point. The point is the zoning ordinance does not permit recreational uses on this tract, that there never was a certificate of occupancy for the change of use sought in compliance with the ordinance, and for which there would be required. I think, quite frankly, the use issue was overlooked at the time the subdivision was considered. I really think it ought to run the process and if you can return this to a position where they need to submit a subdivision plan that would also have to have with it a certificate from the zoning officer certifying it's a use and that would give us the ability to contest the issue and the proper interpretation of the zoning ordinance before the Zoning Hearing Board.

Mr. Kametz - Thank you. Wait, we don't want to get into a debate here and a repetitive scenario, so...

Mr. Longo - I just wanted to say that we would be delighted to give Dr. Benko a letter of apology, that's all.

Mr. Kametz - Thank you. And again, I don't want to be repetitive. We'll take it under advisement and I'll ask our Township Manager to visit the subject and we've heard from other Board members here this evening and we want to take that under further advisement.

16. Mr. Kametz announced that the Board met this evening at 6:00 p.m. in Executive Session to address some Human Relations issues that are being worked on at the Township.

Mr. LeHew motioned to adjourn at 8:05 p.m., Mrs. Dale seconded. Motion approved.