

**North Coventry Township
Board of Supervisors**

**Minutes of the Meeting
May 11, 2009**

The regular meeting of the North Coventry Township Board of Supervisors was called to order at 7:03 PM, May 11, 2009 at the Township Building, 845 South Hanover Street, Pottstown. Present were, Andy Paravis, Chairman, Bud Jenschke, Vice-Chairman, E. Kent High, and Jim Marks, Supervisors; Kevin Hennessey, Township Manager, and Lawrence Sager, Solicitor.

Chairman Paravis asked for a moment of silence for the passing of Lane Daylor, the Solicitor for the Municipal Authority and the Zoning Hearing Board.

Chairman Paravis asked if there were any changes or corrections to the April 27, 2009 minutes. Vice-Chairman Jenschke said that on page 4, under "meetings" the COG meeting date should be May 12th not May 5th. **Vice-Chairman Jenschke made a motion to approve the April 27, 2009 minutes as amended and the motion was seconded by Supervisor High and unanimously carried.** There were no other comments

Chairman Paravis asked if there were any questions from the Board or the audience concerning the bills, totaling \$40,267.01. Supervisor High questioned the CMERT bill and the Township Manager said that this is for the yearly participation fee of \$3,000 and a \$500 range fee. Supervisor High asked if other townships pay for the use and it was answered yes. Vice-Chairman Jenschke asked where the Pottstown range was located and Chairman Paravis said it was in back of Stowe near the water treatment plant. **Vice-Chairman Jenschke made a motion to approve the payment of the bills totaling \$40,267.01 and it was seconded by Supervisor Marks and unanimously carried.** There were no other comments.

Developer's Bills

- Vice-Chairman Jenschke questioned the status of the Woods at Chestnut Hill. Township Manager Hennessey said the developer requested a meeting with their engineer and LTL to finalize the bridge design and they said they are having settlement soon on the last lot.
- Chairman Paravis suggested deleting the Route 724 Wawa off the list since they had paid their bill.
- Supervisor Marks asked what the bill to Basile was and the Treasurer said it was for LTL to review the Timber Harvesting Plan.

Public Comment

- There were no questions or comments.

Subdivision and Land Development and Conditional Use

Suburbia - Giant Gas Pumps Conditional Use

- The Chairman said that at the last meeting the Board picked June 10th as the date for the hearing but the applicant is not available at that time. Mr. Paravis said the Township Manager had contacted the Board members about changing the date to June 25th and everyone is available. Solicitor Sager asked if the hearing had been advertised yet and Mr. Hennessey said no. Mr. Sager suggested the Board table the decision and make a decision on the date at their next meeting. The Solicitor said his feeling is that the applicant may need to go to the Zoning Hearing Board with respect to the sign issue and that he spoke to their counsel, Lou Colagreco, who said they had reviewed the township ordinance and

are able to comply. Jay Kline said he also reviewed the ordinance and talked with the Zoning Officer about the signage and he feels they are not in compliance.

- Vice-Chairman Jenschke questioned if they were in compliance with the Gateway Master Plan and the Solicitor explained that they must comply with the township ordinance guidelines. Jay Kline said they are not allowed 2 signs and they should either get a variance or merge the signs, although when Wawa realigns that intersection, the Suburbia sign will have to be moved. Mr. Kline said the 325 square foot sign has had tenants names added to it and now there are too many and they need to comply with the ordinance on the square footage. Mr. Sager said that Mr. Colagreco agreed that the current sign is non-conforming. Township Manager Hennessey said that they will have direction from the Zoning Officer when the sign is moved.
- Township Manager Hennessey suggested tabling the advertising and getting a date setup with Mr. Colagreco first. Mr. Hennessey said that the applicant had rescheduled the May hearing date and now they cannot make the June 10th date and now the Board is looking at June 25th.
- The general consensus of the Board was to table the matter. There were no further comments.

Reports –Building Inspector

- There were no questions or comments on this report.

Timber Harvesting Ordinance Amendment

- Chairman Paravis said the Amendment to the Zoning Ordinance was sent to the Chester County Planning Commission, the Chester County Law Library and the township's Planning Commission and the township has received both Planning Commission's recommendations. Mr. Paravis said the ordinance summary was prepared by the Solicitor and was advertised properly with copies available for inspection at the township office and at the Mercury Newspaper. Chairman Paravis opened the Public Hearing for questions or comments from the audience or the Board.
- Solicitor Sager suggested that in the future, any copies available for inspection should also be put on the township's web page. It was noted by the Township Manager that both ordinance amendments were on the township web site.
- Jay Kline said he reviewed the County's recommendations and agreed with the first recommendation, but have one definition throughout the ordinance and he did not feel that now was the time to combine all of them. Mr. Kline said he had discussed item three with the forester and Ed Latshaw and they felt it was inappropriate and that each case should be handled separately. Mr. Kline said sometimes there can be erosion problems and a developer needs a plan, which could be handled through the Board with a variance.
- Jay Kline said that he and Mr. Latshaw discussed item four and suggested having a minimum and a maximum time longer than 2 years or 4 years and perhaps the Board could incorporate the time as a 1/2 year minimum with a 4 1/2 maximum, thereby changing the wording.
- Solicitor Sager said the township received a fax from Mr. Basile's attorney, Stephen Kalis at 4:30pm today which indicated they felt the ordinance was directed specifically at their Timber Harvesting Plan and Mr. Sager said he disagreed with that statement and the township is not considering the adoption of it as a special regulation towards Mr. Basile. Mr. Sager explained that the township is endeavoring to apply this amendment to all township properties, not just to Mr. Basile's site. Mr. Sager said he felt that Mr. Kalis' comments were inappropriate, especially the ones concerning the Zoning Officer. Jay Kline said they apparently didn't review the township ordinance because it does not give the Zoning Officer any specific powers, it just states that the officer is to conduct a review and make a determination. Mr. Sager suggested the Board adopt the amendment with the changes as recommended by the County with respect to giving the Zoning Officer the discretion, or the Board can

elect to table the matter since they have 60 days to make a decision or they can decide not to adopt it tonight and reject it.

- Supervisor High said he was not ready to vote on this because it is a complicated ordinance. Mr. Sager said the County's reaction to it was favorable and innovative.
- Supervisor Marks said his concern is that the Solicitor did not have time to investigate the Kalis letter and Vice-Chairman Jenschke agreed, saying that it could be on the next agenda.
- Chairman Paravis said the Board has already had plenty of time to review the ordinance amendment and the Kalis letter is an attempt to stonewall the amendment adoption and it apparently worked.
- Chairman Paravis closed the Public Hearing and called for a vote. **Vice-Chairman Jenschke made a motion to table it until the May 26th meeting so that the Board can continue the deliberation process. The motion was seconded by Supervisor High and unanimously carried.**
- Supervisor Marks asked if this motion gives Mr. Basile the opportunity to do something by the next meeting. Solicitor Sager said that since the Zoning Officer rejected their plan 2 weeks ago, they need to take affirmative action with respect to the plan, and there are some legality issues which he would clarify in the Executive Session. There were no other comments.

Well Head Protection Ordinance Amendment

- Chairman Paravis said that this amendment was also sent to the Chester County Planning Commission, the Chester County Law Library and the township's Planning Commission. This amends the Ordinance to refer to the Zoning Officer rather than the Code Enforcement Officer as well as clarifying the duties. Chairman Paravis further explained that the summary prepared by the Solicitor was advertised properly in the Mercury and there were copies available for inspection at the township office and at the Mercury. Chairman Paravis opened the Public Hearing for questions and comments. Township Manager Hennessey said that in order to clarify the Solicitor's comment that these should be available on the township's website, they both were. There were no other comments or questions and Chairman Paravis closed the Public Hearing and called for a vote. **Vice-Chairman Jenschke made a motion to adopt the Well Head Protection Ordinance Amendment and it was seconded by Supervisor Marks. The motion carried at 3 to 1, with Supervisor High voting no.** Vice-Chairman Jenschke asked Supervisor High why he voted no and Supervisor High said 'no comment'. There were no other comments.

National Law Enforcement Appreciation Week

- Chairman Paravis said that Supervisor Marks has brought to our attention that this is National Law Enforcement Appreciation Week. As such, Township Manager Hennessey prepared a Proclamation and Chairman Paravis read it aloud to the audience. Vice-Chairman Jenschke asked if there is a similar appreciation week for fire fighters and Ron Comtois said yes, it is the week of October 10th. The Township Manager said that the Treasurer read in the PSATS magazine that on May 16th through May 23rd was Public Works Appreciation Week. **Supervisor Marks made a motion to adopt the Proclamation that May 10-16 was Blue Ribbon Week. The motion was seconded by Supervisor High and unanimously carried.** There were no other comments.

Reports – Road, Police and Fire Marshal

- Fire Marshal Ron Comtois said that the Police will have a display at the Coventry Mall beginning Friday May 15th from 4 pm to closing and again on Saturday. He said the police cars will be put inside on Thursday night. Supervisor Marks said that the Town Watch group will also be doing the "kid cards" during that time. There were no other comments.

Administration

Action Item List

- Vice-Chairman Jenschke said that he had asked about speed tables for Chestnut Hill Road and Township Manager Hennessey said he would speak to the Roadmaster.
- Supervisor High asked about #10, the Cherry Hill guide rail and pipe extension. Chairman Paravis said that the township must follow Penn Dot requirement and the guide rail was so expensive and had not been budgeted. Supervisor High suggested wooden posts with cable and Mr. Paravis said that type was not allowed and further explained that today, Penn Dot has specifications that must be followed. Supervisor High said that seems ridiculous and since it is an eye sore, something needs to be done. Vice-Chairman Jenschke asked if there were any accidents there and Supervisor High said there have been a few. Township Manager Hennessey said if the township does anything, then it becomes a township liability. Chairman Paravis asked if reflectors could be put in this area and Mr. Hennessey said he would ask the township Road Engineer, John Theisen.

Checklist

- Township Manager Hennessey said the Board will have an Executive Session on personnel and the Solicitor would discuss the issue of the property under agreement with Gambone.
- Township Manager Hennessey said the township needed to adopt a Resolution for Friendly Condemnation with Gambone for the purchase of the subdivision called Coventry Heights, located on Kemp Road. Solicitor Sager said he received a call from Karl Glocker about it but Mr. Sager told Mr. Glocker that the township needed a time extension until the end of May so it could be discussed further. Mr. Sager explained that the utility company, UGI, would agree to grant a perpetual easement but that they want the township to maintain the gravel road and cut the grass. Mr. Sager said the township did not intend to pave the gravel roadway and this was affirmed by Chris Washburn, who said it was part of the original agreement between UGI and Gambone.
- Chairman Paravis said there is a gate up there where UGI has access to their facility and the township originally did not allow access to the subdivision from South Hanover Street and that is the reason for the easement. But now, the township wants access to the park. Mr. Sager said this issue came back after Mr. Glocker met with Michael Gambone, who indicated it was to be a 'walking' trail only and Mr. Sager told them no, it was to be a gravel drive and walkway. The Solicitor said that UGI is willing to give the permanent easement for vehicle traffic if the township agrees to maintain it. Mr. Washburn said they need to remove the gate and post appropriate signage there. Chairman Paravis said it would be kept as farm-able land and could produce a possible income for the township. Mr. Sager said if the agreement is fee simple, with the township maintaining it, then the Board needs a motion.
- The Solicitor further explained that the easement in perpetuity gives the township the maintenance of the right of way, including the grass and gravel road, with the gate being moved to the back area, allowing for the signage on the right of way with respect to the park. Township Manager Hennessey suggested if it is a "fee simple" arrangement, did the Board want to seek a concession on the purchase price? Chairman Paravis asked if it was part of the 9.6 acreage and Mr. Hennessey said no, it's in addition to. The Township Manager explained that with UGI, they get 'fee simple' ownership and then they dedicate the road to the township and the original acreage is still the same with the entrance being a separate 1.1 acre of access. Chris Washburn said the appraisal included the 1.1 acre of access road.
- Solicitor Sager questioned if grants were available and Mr. Washburn said yes. Mr. Sager pointed out that if the grants require the township to keep the acreage as open space, there is no economic benefit to have access unless the township decides to sell it later. Mr. Washburn said the 9.6 acres are deed restricted but not the 1.1 acre access parcel. Mr. Sager said any developer who would consider

purchasing it would need the access to make it economically feasible. Mr. Washburn said if the township gets the grants, then there would be a restriction on any development and Mr. Sager replied that if the township does not get any grants, then the township could sell it or do any number of things with the parcel. Mr. Washburn said it is not 'formally' deed restricted but is intended to be open space. Mr. Sager said the township could give back any money to the open space account if it is developed.

- Vice-Chairman Jenschke asked where the access road goes and Township Manager Hennessey said it runs to the back to the UGI pump station, which is in the legal description. Jay Kline said that at the eastern end of the property it is a wetland and the township should go south to continue the trail. Vice-Chairman Jenschke asked if the agreement of sale included the 1.1 acre and Mr. Hennessey said yes, it had to be included so that the township could take dedication of the road.
- Vice-Chairman Jenschke asked who UGI approached and Chris Washburn said it was between UGI and Gambone but was not a finalized subdivision. He further explained that the township agreement with Gambone requires Gambone to acquire it fee interest subject to giving the access and including all parts of the subdivision. The Township Manager showed the plan to the Board and explained Mr. Washburn's comments.
- Chairman Paravis asked why the Solicitor was negotiating with UGI for the easement. Mr. Sager said that at the meeting, UGI asked if the easement concept worked for the township and then they were talking about only a pedestrian trail, to which Mr. Sager said no. Mr. Sager said he called the UGI representative and they seem to be willing to take care of the access issue with open space only. The Township Manager said that this will be a public road and UGI will have access to their facility. Vice-Chairman Jenschke asked who would maintain the road and Mr. Hennessey said the township would.
- Vice-Chairman Jenschke said the current situation is that the township owns all the acreage and UGI has a concern about their access and Mr. Hennessey said they won't sell it without the easement in place. Solicitor Sager said that UGI won't sell it to Gambone unless it is developed and a public road, where they are willing to give an easement to the township. Vice-Chairman Jenschke said it appears that UGI gets a huge economic benefit from the township maintaining it and suggested the Solicitor go back to re-negotiate. Township Manager Hennessey agreed that Vice-Chairman Jenschke had a valid point. Mr. Sager pointed out that the price for the property is in an undeveloped stage and the township has that benefit. Township Manager Hennessey said it appears that this matter needs to be tabled and discussed in the Executive Session and Mr. Sager and the Board agreed.
- Supervisor High said that there are potholes on Keim Street. Township Manager Hennessey said that Keim Street was on the list for the double oil and chipping and the road crew will do a skim coat first.
- Chairman Paravis said there is a PSATS seminar concerning the Act 32 – EIT collection and asked if anyone was attending. Township Manager Hennessey said that he attended one of these sessions that was through the OJR School District and there are proposals being put together. Mr. Hennessey said he planned to attend the May 28th seminar and requested a Board member also attend and get on the County Task Force. Mr. Hennessey said there are major costs to create a tax entity to oversee the collection and it may end up being more costly to the township and Vice-Chairman Jenschke agreed.
- Township Manager Hennessey asked that the employee handbook issue be table until the next meeting.
- Chairman Paravis said the township's elected Auditors submitted a memo regarding the township instituting a purchase order system. The Township Manager said he would come up with a proposal on this and send it to the Board for review. Vice-Chairman Jenschke said the Auditors also recommended an inventory be done in all departments. Mr. Hennessey said the township currently has an inventory and equipment is reviewed on a yearly basis, but that the suggestion of counting ammunition is pushing it a little too far. Vice-Chairman Jenschke asked if there are only 2 auditors and the Township Manager said he believed Susan Tornetta will be on the ballot for one of the auditor

spots. Supervisor Marks asked if the Local Services Tax is audited and if it is \$1.00 per week, how is it made up if someone only works 30 weeks in the township. Township Manager Hennessey said the township can only charge for the number of weeks a person works in the township. Supervisor Marks asked if this was accounted for in the budget and Mr. Hennessey said yes, it was adjusted downward.

- Supervisor Marks said there is an increase in traffic in the residential areas near Route 724 due to the stacking of cars at the Hanover Street and Route 724 traffic light and suggested the township do something with the timing of this light. Township Manager Hennessey said that McMahon had extended the S. Hanover Street timing for as long as possible when it was designed using the Penn Dot specifications, but still the excess time is given to Route 724 traffic. Chairman Paravis said that S. Hanover is becoming the main street, not Route 724. Vice-Chairman Jenschke suggested taking the timing from the road into the cemetery and giving it to the S. Hanover side. Mr. Hennessey said he would contact Penn Dot regarding this issue.
- Supervisor Marks said he received an email from a resident who would like to hook up with Verizon. Solicitor Sager said that Verizon has not come back with a revised agreement yet.
- Vice-Chairman Jenschke said he had nothing for the checklist.
- Chairman Paravis asked Chief Schurr if he had anything and informed him that the Proclamation for Police Appreciation Week had passed.
- Chief Schurr said a resident at 726 Chester Drive sent him a letter with concerns about no stop signs or speed limit signs. He said he checked the ordinance and this street should be posted at 25 mph.
- Chief Schurr said there have been complaints on the site distance at 1966 Shenkel Road where the bushes have grown onto the roadway and are causing sight problems. The Chief said that Title 67 states there should be a 249 foot sight line. He requested that the township send a letter to the property owner and the Township Manager said he would.

Public Comment

- Ginny Wade said the food pantry received 3 truckloads of items and that the food pantry now services over 60 families per month. The Chairman asked how they check to ensure no one is ‘double dipping’ and Ms. Wade said they have to provide their proof of address and the pantry works with other food distribution centers to ensure it is one per family. Chairman Paravis suggested she contact the local churches for donations and thanked all the volunteers for doing such an incredible job.
- Township Manager Hennessey said a street light on Whartnaby Street is needed due to reports of vandalism in that neighborhood and the Board needs to budget it in for 2010.
- Township Manager Hennessey said a tree came down on Riverside Drive and tore a street light out and he was checking with the insurance company to see if they will cover the costs of replacing it.

There being no further business, the meeting recessed at 8:35 p.m.

The Board recessed from the Executive Session at 8:55 p.m. and **Vice-Chairman Jenschke made a motion to authorize an approval of the purchase of the Hurchalla property. Supervisor Marks seconded the motion and it unanimously carried.**

At 9:05 p.m., **Vice-Chairman Jenschke moved to authorize Solicitor Sager to agree to the easement from UGI, provided the township has the ability to erect signs; the township will maintain the gravel road and the grass; UGI is to maintain the pipe and move the gate, with the township receiving some concession from Gambone on the purchase price. Supervisor Marks seconded the motion and it carried at 3 to 0 with Supervisor High abstaining from the vote.**

With no further business before the board, the meeting was adjourned at 9:07 p.m.

Respectfully Submitted,

Kevin F. Hennessey
Township Manager