

**Minutes of the Meeting
December 28, 2009**

The regular meeting of the North Coventry Township Board of Supervisors was called to order at 7:02 PM, December 28, 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; and Kevin Hennessey, Township Manager, Lawrence Sager, Solicitor.

Chairman Paravis asked if there were any changes or corrections to the December 14, 2009. Supervisor Marks and Chairman Paravis said that the comment on page 5, “and everyone will be using satellites” be stricken from the record. **Supervisor Marks made a motion to approve the December 14, 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 \$74,581.94 **Vice-Chairman Jenschke made a motion to approve payment of the bills totaling \$74,581.94 and the motion was seconded by Supervisor High, unanimously carried.** There were no other comments.

Developer’s Bills

- Vice-Chairman Jenschke asked why Coventry Lakes was past due and Township Manager Hennessey said that he had talked with David Erb who explained that he did not have any work and could not pay at this time. Mr. Erb promised to pay the bill when he had work in the future and assured Mr. Hennessey that they would finish the basins in the spring. Mr. Hennessey said he would speak to the Building Code Official regarding this matter.
- Solicitor Sager questioned why there was no escrow for The Woods at Chestnut Hill subdivision. Township Manager Hennessey said there is an escrow. Supervisor Marks asked if the \$3,138.07 was related to the liquid fuels and Mr. Hennessey said it is related to the punch list items. The Township Manager said he received a letter today from LTL about the escrow reduction. Solicitor Sager questioned why there was not a note about this amount being deducted from the escrow and the Township Manager said there is a comment at the bottom that it would be deducted on the due date. The Solicitor asked if the escrowed balances of all the developers could be put on the sheet and Supervisor Marks and Vice-Chairman Jenschke agreed. Vice-Chairman Jenschke said the township needs to implement that the charges will be deducted from the escrows monthly. Township Manager Hennessey said that in 2004, the township started requiring escrows for the charges and when the amount in escrow goes below 50%, the developer is sent a letter requesting replenishment. Mr. Hennessey said for example, the Woods at Chestnut Hill’s escrow was done in the security agreement and to list each developers balance would cause additional work for the Treasurer. Mr. Sager said he is sensitive to the additional workload, but felt it was necessary. The Township Manager and Solicitor agreed to work out the matter later instead of continuing the discussion at this time and there were no other comments.

Swearing in Supervisor

- Chairman Paravis introduced newly elected Supervisor Spencer Claypoole and told the audience that Mr. Claypoole will begin his 6 year term on January 4, 2010 and was being sworn in today so that his family could be present. Judge Jamie DeAngelo used Mrs. Claypoole's bible and had Mr. Claypoole repeat the Oath of Office. Vice-Chairman Jenschke is who Mr. Claypoole was replacing and the Chairman thanked Vice-Chairman Jenschke for serving the township. There was a round of applause afterward.

Public Comment

- There were no comments.

Subdivision and Land Development and Conditional Use

Rosewarne/Miller Crossing

- Chairman Paravis said the developer has requested and the Planning Commission recommended an extension through June 30, 2010. **Supervisor High made a motion to extend this application through June 30, 2010 and it was seconded by Supervisor Marks, unanimously carrying.** There were no comments.

Coventry Mall/Stoltz

- Chairman Paravis said that Stoltz has submitted a plan for the redevelopment of the supermarket and out parcels and asked if there is a motion to accept same and forward it to the Planning Commission. Vice-Chairman Jenschke and the Chairman said they would like to see a landscape architect involved in this redevelopment since the plan was lacking in landscaping. **Vice-Chairman Jenschke made a motion to accept the plan, forward it to the Planning Commission and other appropriate reviewing agencies for review and comment, and have the Planning Commission assign a landscape architect. The motion was seconded by Supervisor High and unanimously carried.** There were no other comments.

Cedar Mill Crossing

- The developer has requested an escrow release of \$19,000.00 and LTL has approved the request. **Supervisor High made a motion to approve the release of the \$19,000.00 escrow and it was seconded by Supervisor Marks and unanimously carried.** There were no other comments.

The Woods at Chestnut Hill

- Chairman Paravis said this subdivision was discussed extensively at the previous township meeting. Township Manager Hennessey said the township received the letter from LTL just this afternoon and suggested moving this issue to a future meeting so that the Supervisors could review the LTL letter. Supervisor Marks asked if the \$3,784.00 represented 2 years of costs of snow plowing the roads and Mr. Hennessey said it represents 1 year and the Solicitor suggested that in the spring, the township can take dedication and get Liquid Fuel money for the additional roads. There were no other comments.

2010 Budget

- Chairman Paravis said the 2010 budget has been advertised for adoption and he asked the Township Manager to read the Resolution aloud. Afterward, the Solicitor asked that the public be made aware of the balances in the reserve accounts and Mr. Hennessey said there is approximately in excess of 2 million. Supervisor Marks asked how the township fared in 2009 and Township Manager Hennessey said that in November, the township was about \$65,000.00 in the black. Supervisor Marks then asked

if the money will be shown as income in 2010 and Mr. Hennessey said no, this will go into the reserve. Mr. Hennessey further explained that the reserve money does not carry over to 2010 and Mr. Sager commented that it is a debit/credit issue. **Vice-Chairman Jenschke made a motion to adopt the 2010 budget and it was seconded by Supervisor Marks and unanimously carried.** There were no other comments.

Public Hearing on Township Zoning Ordinance Amendment

- Chairman Paravis opened a Public Hearing on the proposed Amendment to the Township Zoning Ordinance. He stated that the hearing was properly advertised according to the MPC and a copy was both sent to the Township and County Planning Commissions and the Chester County Law Library. Mr. Paravis said the township Planning Commission has recommended some minor changes and the Solicitor has incorporated them and it does not require re-advertising and for the record, a copy of the proposed amendment was provided to and acknowledged by the Shenkel United Church of Christ. Mr. Paravis asked for comments.
- Kim Yocum thanked the Board for the action on the proposal but questioned what would happen if there is an emergency such as a flood. Supervisor Marks replied that this question is answered in paragraph 10, section 2. Mr. Sager said the emergency would have to be declared by local officials and there is no need for a federal declaration. Reverend Bonnie Moore asked where the idea for the proposal comes from and if there were similar ordinances in other townships. Solicitor Sager said this amendment was created to address the dispute that has developed between the church and the township regarding the housing the homeless and that he had researched other municipalities and federal court decisions. Mr. Sager said this amendment helps to address the issues to avoid misunderstanding and to insure matters of community interest are taken care of appropriately and that it satisfies the legal matters. The Reverend thanked the township for efforts to resolve the issues but she wanted to look over the amendment more carefully before commenting on it.
- Supervisor Marks questioned section 2 paragraph 1 about how the owner/operator of the shelter shows adequate means and resources. Mr. Sager explained that the ordinance shows there must be supervision and adequate training. Supervisor Marks said that paragraph 4 says the supervisors must be at least 18 years old and have first aid training and are knowledgeable about using a fire extinguisher and he questioned how the church would prove this. Mr. Sager said that this was brought out at the Zoning Hearing during testimony and the church will verify that it is done and wants to have trained individuals in order to avoid any liabilities on their part.
- Supervisor Marks said that paragraph 3 indicates that every evening the church must notify the police and code departments and asked why. Solicitor Sager said the church needs to notify the township 3 days before housing the homeless and that the Zoning Hearing Board will decide on any other advance notification requirements.
- Supervisor Marks asked about the 30 day clause. Solicitor Sager explained that the church can house the homeless up to 30 days as a temporary arrangement and if there is a true emergency, then it may be a different matter. Township Manager Hennessey said the church had requested a month's stay for any individual who needed shelter. Reverend Moore said that this time period takes care of the rotation and local emergency issues.
- Supervisor Marks said that paragraph 8 requires a daily log be kept of supervisors and the individuals staying there and the records must be kept for one year and he felt this created a privacy issue. Mr. Sager said these logs should be kept longer than a year for the church's protection against negligence claims. Supervisor Marks said that requiring someone to give their name and personal information may cause them to shy away from using the shelter. Reverend Moore said this requirement is a necessary part of the intake process and it also protects the church. Chief Schurr commented that the Salvation Army and the Lansdale Ministries have this requirement.

- Supervisor Marks questioned paragraph 9, the transportation, in that if an individual is dropped off, is it the shelters responsibility to transport them back to their community? Mr. Sager said yes, the church would be responsible and the Reverend agreed. Solicitor Sager asked the Reverend if the church supports this amendment and she replied that they have a concern on limiting the number of people who can stay overnight and at this time she would not comment either way.
- With no other comments or questions, Chairman Paravis closed the Public Hearing. **Vice-Chairman Jenschke made a motion to adopt the Amendment to the Zoning Ordinance to allow temporary shelter in North Coventry Township under the conditions listed. The motion was seconded by Supervisor High and unanimously carried.** There were no further comments.

Clear Wireless LLC Lease

- Chairman Paravis asked if there were any questions on the lease for the use of the Urner Street Water Tank. Solicitor Sager said that there is \$2,000.00 monthly rental in the lease and this matter was looked at by the Water Authority’s engineer and solicitor, but their engineer has not fully reviewed the drawing and plans. Mr. Sager recommended the Board approve this with the condition that the drawing and plans are approved by the Water Authority’s engineer and that the escrow be established immediately. **Supervisor High made a motion to authorize the execution of the lease subject to:**
 - a. Approval of the description, drawing and plans;**
 - b. The escrowing of monies for legal and accounting;**
 - c. Approval of the lease by the Water Authority.**
- **The motion was seconded by Supervisor Marks and unanimously carried.** There were no other comments.

Exoneration of Tax Collector and Waiver of Rollback Taxes

- Chairman Paravis said that with the recent sale of the tenant house to Mr. Kaas, the transfer has triggered a breach of the Act 319 Covenant for split off of this parcel. The Chairman explained that by splitting off this parcel and selling it, the township caused it to be placed back on the tax rolls, but it also creates a rollback situation. The County Tax Assessment Office has calculated the amount to just over \$400.00, with \$17.37 being due to the township and the Board can waive the township’s portion and request waivers from the School District and County. **Supervisor High made a motion to adopt the Resolution to waive the township portion, exonerated the tax collector from collecting same, and authorize the Township Manager to request the waiver from both the School District and the County. The motion was seconded by Supervisor Marks and unanimously carried.** Township Manager Hennessey said the School District will approve the waiver if the township approves it and the County will approve it if both are approved. There were no other comments.

Administration

Action Item List

- Supervisor High asked about #5 the Cherry Hill guide rail. Township Manager Hennessey said there were no funds budgeted for the replacement of the white posts that Mr. High requested and establishing chevrons.

Checklist

- Township Manager Hennessey said the settlement on the tenant house went well and there is a \$1,500.00 escrow that will be held for 90 days until the rollback tax issue is resolved. Mr. Hennessey said the township received \$110,923.00 for the sale and both this and the escrow money will be deposited into the open space fund.

- Township Manager Hennessey said that under the Uniform Construction Code, the township will start to enforce the 2009 UCC in January 2010.
- Chairman Paravis said he had nothing for the checklist.
- Supervisor High said he had nothing for the checklist.
- Supervisor Marks said that in 2007, the Planning Commission suggested some changes be made to the Pottstown Metropolitan Regional Planning Commission but to date, the changes have not been incorporated in the plan. Chairman Paravis said he spoke to Mr. Cover who promised to put them in. **Supervisor Marks made a motion to authorize the forwarding of the changes again to the PMRPC and have them incorporated into the Regional Plan. The motion was seconded by Supervisor High and unanimously carried.** There were no other comments.
- Vice-Chairman Jenschke said it has been a privilege to serve the township and felt it is and will be in good hands. He thanked the Board, the Solicitor and the staff. Mr. Sager said that he would miss Mr. Jenschke who has contributed a lot of time and effort to the township and that the township has been blessed to have him.
- Solicitor Sager said that regarding Kline Place Apartments, the master, John Koury, has requested that the township review what is necessary for the complex to be brought up to the code standards. Mr. Sager said a summary report would cost approximately \$3,800.00 and he recommended the township not do this at this time, due to the litigation that has proceeded. The Solicitor said Mrs. Tripodi's attorney has filed paperwork in order to avoid compliance with the judge's ruling and it would not be beneficial to the community to take it over during the cold months. The general consensus was to agree with the Solicitor.

Public Comment

- Roadmaster Joe Wood thanked Vice-Chairman Jenschke with issues and concerns that were dealt with and said he would be missed. Mr. Wood said he found Mr. Jenschke to be approachable and reasonable and the Township Manager seconded Mr. Wood's comments.
- Vice-Chairman Jenschke welcomed new supervisor Spencer Claypoole and wished him luck.

The meeting was recessed at 8:15 pm for five minutes before an executive session.

Thereby no further action was taken, the meeting was adjourned after the executive session.

Respectfully Submitted,

Kevin F. Hennessey
Township Manager