

Minutes of the Meeting, February 8, 2010

The meeting of the North Coventry Township Board of Supervisors was called to order at 7:00 PM, February 8, 2010 at the Township Building, 845 South Hanover Street, Pottstown. Present were, Andy Paravis, Jim Marks, E. Kent High, and Spencer Claypoole, Supervisors; and Kevin Hennessey, Township Manager, Lawrence Sager, Solicitor.

Chairman Paravis thanked Roadmaster Joe Wood and his crew for the great job they did during and after last Saturday's snow storm.

Chairman Paravis asked if there were any corrections or changes to the January 25, 2010 minutes and Vice-Chairman Marks corrected the spelling of Andy Yucha from the incorrect spelling of Andy Yuhaz on page 2 and 3. **Supervisor High made a motion to approve the minutes as corrected and the motion was seconded by Supervisor Claypoole and carried at 3 to 0.** Vice-Chairman Marks abstained from the vote due to being absent at that meeting. There were no other comments.

Chairman Paravis asked if there were any questions or comments concerning the bills totaling \$74,583.57 from the Board or the audience and there were none. **Vice-Chairman Marks made a motion to approve the payment of the bills totaling \$74,583.57 and it was seconded by Supervisor Claypoole and unanimously carried.** There were no comments.

Developer Bills

Vice-Chairman Marks asked what happens with the Elliott Trust receivable and Solicitor Sager explained that it is different from the Timber Harvest Plan that Mr. Basile submitted for the same property. Mr. Sager said there had been a hearing in court this past Friday and the Basile's say they have claims. Mr. Sager said he would explain this in detail during the checklist part of the meeting.

Supervisor High commented that the accounts receivable was the highest ever and Vice-Chairman Marks said the total reflects the amounts owed by Wawa and the Woods at Chestnut Hill and that both receivables are current. There were no other comments.

Hopewell Big Woods – Trail and Recreation Concept Plan

- Chairman Paravis said that at the last meeting, Supervisor Claypoole commented that the plan didn't appear to offer a lot for senior citizens and this was relayed to Mr. Robert Folwell, who asked to appear tonight. Mr. Folwell said he is the Trails Project Coordinator and has noticed that the majority of trail users are seniors and he explained that the study is a concept, and tracks special populations. Mr. Folwell explained that the plan is not specific to the types of users, but is ADA compliant for the handicapped. He used the example of Nottingham Trail and explained how it meets the ADA requirements.
- Solicitor Sager questioned if there is a bike trail, how does one get around the issue of ADA compliance. Mr. Folwell said the requirement is that an opportunity for recreational enjoyment cannot be denied and if it is not, then the ADA compliance is met. He said that at the Hopewell Big Woods, all people have the advantage to enjoy the scenery and this meets the criteria of the plan.
- Supervisor Claypoole asked where the plan goes from this point on. Chairman Paravis said that the Resolution that is up for adoption is to support the principle of the plan and that trails are a good idea. Chairman Paravis said he hoped this to be a driver for economic development to happen and Mr.

Folwell agreed with that statement. Vice-Chairman Marks asked Mr. Folwell what advice he can offer to people who object to the trail in their backyard. Mr. Folwell said it depends on each situation, that he preferred to meet directly with the property owners and talk with them, possibly move the trail to a footpath a little further away. Supervisor High commented that most people prefer open space so that there aren't strangers walking near their properties. Vice-Chairman Marks said it is an educational issue, where you show them where trails don't bring crime, but rather have the opposite effect and make the area safer. Mr. Folwell said there is a management plan in the works for the Schuylkill River Trail to connect between Philadelphia and Pottsville.

- Township Manager Hennessey said he spoke to someone who lives near the Wilderness and that person told him the trails get used a lot and he was happy for that. Mr. Hennessey said that it may be possible to have that resident speak to other residents about the effects of having trails. Mr. Folwell said that he found that for the most part, it is the people who live in the area using the trails. **Vice-Chairman Marks made a motion to adopt the Resolution accepting the principles of the Hopewell Big Woods Trails and Recreation Concept Plan. The motion was seconded by Supervisor Claypoole and unanimously carried.** There were no other comments.

Public Comment

There were no questions or comments.

Subdivision, Land Development and Conditional Use

Whispering Ponds

- Chairman Paravis said at the last meeting the Board granted a 30-day extension after the developer's request for a 90-day extension with the understanding that they were to go to the Planning Commission. The Chairman said they sent a letter indicating they have a conflict on February 17th but will appear at the Planning Commission's March 17th meeting. **Vice-Chairman Marks made a motion to extend as per their request until April 30, 2010; the motion was seconded by Supervisor Claypoole and unanimously carried.** Supervisor High asked if this was the former Rexrode property and Chairman Paravis said yes. There were no other comments.

Giant Conditional Use

- Township Manager Hennessey said he spoke to Attorney Michael Murray who had contacted the Giant representative. Mr. Hennessey said he advised Mr. Murray that it would be best if the Conditional Use Hearing was put on the Board's February 22nd meeting, unless it is withdrawn or there is a 60-day continuance due to the time constraints. Solicitor Sager said that Giant may not find the gas pump situation viable, especially now with the new Wawa across the street and said there needs to be a resolution to this issue. Mr. Sager suggested the Board hold the Conditional Use hearing on February 22nd and advertise it. Chairman Paravis asked why the Board should hold the hearing at all and Township Manager Hennessey said it could be denied at the hearing. **Supervisor Claypoole made a motion to advertise the Giant Conditional Use Hearing for February 22, 2010 and if required, a 60-day continuance, making that the last continuance. The motion was seconded by Supervisor High and unanimously carried.** Jay Kline asked if the Planning Commission needs to make a recommendation by February 22nd and Mr. Sager said it was not necessary. There were no other comments.

2010 Budget Amendment

- Chairman Paravis informed the audience that the Budget was set to be increased by \$3,949.00, which provided for a 4% salary increase for the Township Manager, which amounted to the same as all other employees. Mr. Paravis said he will also be subject to the 2% contribution toward his pension as all

other full time employees. The Chairman said he would prefer tabling this until Supervisor Greenawalt could be present. The Chairman opened a hearing on this and asked for comments from the Board and audience. There were no questions or comments and Chairman Paravis asked for a continuance on the budget amendment until February 22, 2010. He closed the hearing and asked for a motion. **Supervisor Claypoole made a motion to continue this to the Board's February 22, 2010 meeting and the motion was seconded by Supervisor High and unanimously carried.** There were no further comments.

Police K-9 Donation

- Chief Schurr said he received a proposal for a free german shepherd dog from an East Pikeland resident/breeder who currently supplies dogs to the federal government. The breeder would like to keep the dog in the local area. The Chief said the department would save approximately \$6,000, which is what the current dog Greif cost, but would need to budget expenses for training and an additional K-9 vehicle. Chief Schurr said that Officer Greif is currently 8 years old and the department may get another 2 to 4 years out of him and the free dog would be available at age 18 months, which would fit in to the timeline of the current K-9's retirement. The Chief said that Diane's Discount Pet Store donates the food, Gilbertsville Veterinary Hospital donates its services and he has 2 officers who are interested in becoming K-9 officers. The Chief explained that the new dog will be x-rayed when he reaches 6 months of age to determine if there is any hip dysplasia. Vice-Chairman Marks asked what happens to the dog if an officer leaves and the Chief said the dog belongs to the police department, not the handler. Vice-Chairman Marks asked the cost of training and the Chief said he will check and this would have to be budgeted in 2011. Supervisor High asked if this is a purebred and the Chief said yes.
- Supervisor Claypoole asked if there was a need for a K-9 in the township and the Chief responded that it would be a benefit to the township to have 2 K-9's. Solicitor Sager asked what's the benefit of the dog and the Chief said a dog could be part of the patrol unit, respond to alarm calls, do tracking of missing persons and narcotics detection. Solicitor Sager asked how much the dog works in any given week and the Chief said 40 hours. Supervisor Claypoole asked if it would be easy to have the dog crossover between handlers and the Chief said he did not know. Township Manager Hennessey said the cost of the current K-9 is minimal and hopefully revenue is better next year and the township could realize a cost savings of \$6,000.00 if they accept the donated dog. Mr. Hennessey said he viewed this as a good opportunity and the dog comes from good lineage, that other dogs of this breeder were used for police service for the FBI and Federal units. **Vice-Chairman Marks made a motion to authorize the Chief to pursue the acquisition of the donated police dog. The motion was seconded by Supervisor Claypoole and unanimously carried.** There were no other comments.

Administration

Action Items List

- There were no comments on this list.

Check List

- Township Manager Hennessey said that on March 11th, the County Convention is being held at the Sheraton in Paoli from 8 am to 3 pm and said the Chief will give a training seminar on how to start a small police department. Mr. Hennessey asked which supervisors will be attending and said the township needs a voting delegate. Chairman Paravis said the seminar on green building seemed interesting. **Vice-Chairman Marks made a motion to confirm that Chairman Paravis will be the voting delegate from Chester County at the PSATS Convention. The motion was seconded by Supervisor Claypoole and unanimously carried.** There were no other comments.

- Township Manager Hennessey said that on March 26th, Miller-Keystone is holding a blood drive.
- Township Manager Hennessey said he had received the information on the costs to repair the Kulp Road drainage issue and it is not within the budget because it is estimated to be around \$154,000.00. Mr. Hennessey said maybe it could be done in the future. Joe Wood commented that he thought the estimate was high regarding the supplies, especially for the basins.
- Supervisor High said he had nothing for the checklist.
- Chairman Paravis gave a copy of the Corridor Master Plan Summary Report from DVRPC to the manager.
- Chairman Paravis thanked the crew, the police and the Fire Marshal for their work during the snow storm this past Saturday. He also thanked Dr. Smock of the West Mont Christian Academy. Township Manager Hennessey said the township office received phone calls complimenting the road crew and there was only 1 complaint about a broken mailbox.
- Vice-Chairman Marks said he had been having computer problems but was able to finally update the township web page.
- Vice-Chairman Marks asked if the Whitetail Deer Rules & Regulations was available in electronic form. Mr. Hennessey said yes, but the Board has yet to approve the rules and regulations. Township Manager Hennessey said a copy had been forwarded to the insurance company and they have blessed it and remarked that it was so good that they may forward it to other townships if the issue comes up.
- Vice-Chairman Marks asked if the board was going to vote on appointing the volunteers that had been interviewed earlier and Chairman Paravis said the board needed to discuss this in an Executive Session.
- Vice-Chairman Marks asked how many requests the township received for open records and Township Manager Hennessey said there had been approximately 12, of which one third were from businesses getting information to solicit. Mr. Hennessey said that there were 3 or 4 that were legitimate. Vice-Chairman Marks expressed concern over the policy on emails from personal computers that are used to communicate with residents and other board members. Solicitor Sager explained the exposure and suggested that township and personal emails be kept in separate folders because the open records law views this as a public record. Vice-Chairman Marks said that PSATS will address the issue of emails between constituents.
- Supervisor Claypoole asked if the forester ever got the permit for tree harvesting and Township Manager Hennessey said the application is being reviewed and the deficiencies thus far have been noted. Solicitor Sager said that Jay Kline did a stellar review on the ordinance and now the application is in the township's code enforcement officer's hands. Mr. Sager said the plan needs to reflect all the ordinance requirements and so far, there appear to be at least 28 deficiencies in the plan. Mr. Sager said his suggestion to the code enforcement officer was to have them address the deficiencies first and give them a 30-day extension to do this, then they should end up with a forester at the end so that everything can be addressed in the proper manner.
- Solicitor Sager said that the courts deemed Basile's tree harvesting plan approved and that the plan met the prior ordinance and they should be granted a permit. Mr. Sager explained that the Basile's are now being aggressive by demanding the township issue a permit immediately and it seems the township has concerns about the good faith on their part by performing the plan. Mr. Sager said the Basile's filed a motion to have sanctions to get the court to say the township was wrong and this is incorrect. Mr. Sager said that Judge Nagle established the conditions and noted the courts decision to the audience. One condition is that there is a 5 year moratorium on whether there can be a subdivision on the property after the tree harvesting is done. Judge Nagle discussed the conditions directly with the Basile's but now there is an impasse on Basile's part concerning the identity of each tree that will be cut. Mr. Sager said their forester received the judge's ruling and a letter from the township about the parameters, but there has been no action.

- Township Manager Hennessey requested an Executive Session on real estate.
- Mr. Hennessey said that Christie Morrell was here and explained to her that the ordinance calls for a 25 mph on Coyne Alley and in order to reduce it, the township needs to amend the ordinance but not before a traffic study can be completed in the spring.
- Vice-Chairman Marks asked to discuss personnel for Parks & Rec in the Executive Session.

Reports – Road, Police, Fire Marshal

- There were no questions or comments on the reports.

Public Comment

- Roadmaster Joe Wood requested a Snow Emergency be declared from Tuesday 3pm to Thursday at noon, due to the impending snow storm. Vice-Chairman Marks asked what a snow emergency declaration meant to the road crew and Mr. Wood said that with the CDL requirements, the drivers can only be out for 10 straight hours, but with the declaration, they are permitted to be out more than that and that cars are not permitted to be parked on the streets that are “snow emergency routes”.
- Joe Wood said that in 1996, all the fire hydrants had been marked so that the drivers plowing snow knew where they were located, but now, all the markers are gone and he requested getting new hydrant markers. Fire Marshal Ron Comtois said the new markers are made of fiberglass and last longer. Chairman Paravis asked the Roadmaster to get prices on the new type markers. The Chairman also suggested that the Township Manager send a letter to the Water Authority requesting that they mark the hydrants.

The meeting was recessed at 8:35 pm for five minutes before an executive session.

The meeting reconvened at 9:15 pm and **Supervisor Claypoole moved the appointment of Louise R. Griffiths to the Historical Commission for a term expiring on 12-31-2013. The motion was seconded by Supervisor High and unanimously carried.**

Thereafter, **Vice-Chairman Marks moved to appoint Steven Weil to the Parks & Rec Commission for a term expiring on 12-31-2013. The motion was seconded by Supervisor Claypoole and unanimously carried.** There were no other comments.

With no further business before the Board, the meeting adjourned at 9:17 pm.

Respectfully Submitted,

Kevin F. Hennessey
Township Manager