

**Minutes of the Meeting  
February 22, 2010**

The regular meeting of the North Coventry Township Board of Supervisors was called to order at 7:02 PM, February 22, 2010 at the Township Building, 845 South Hanover Street, Pottstown. Present were, Andy Paravis, Chairman, Jim Marks, Vice-Chairman, E. Kent High, Harvey Greenawalt and Spencer Claypoole, Supervisors; and Kevin Hennessey, Township Manager, Lawrence Sager, Solicitor.

Chairman Paravis asked if there were any changes or corrections to the February 8, 2010. Vice-Chairman Marks changed the first sentence on page 2 regarding “he asked Mr. Folwell what advice is available for people who object to the trail”. Vice-Chairman Marks asked for clarification on page 3, naming Chairman Paravis as the voting delegate. Township Manager Hennessey explained that Mr. Paravis will be the Chester County voting delegate at the PSATS Convention. Vice-Chairman Marks also corrected the sentence on page 4, regarding the rules and regulations of deer management and asked for it in an electronic format. Township Manager Hennessey said the Board may approve the rules and regulations sometime in the future. **Supervisor Claypoole made a motion to approve the minutes of February 8, 2010 as amended. The motion was seconded by Vice-Chairman Marks. The vote carried at 4 to 0, with Supervisor Greenawalt abstaining due to being absent at that meeting.** There were no other comments.

Chairman Paravis asked if there were any questions from the Board or the audience concerning the bills, totaling \$25,365.94. Supervisor High commented that this was the lowest the bills have been in a while. **Supervisor High made a motion to approve payment of the bills totaling \$25,365.94 and the motion was seconded by Supervisor Greenawalt, unanimously carried.** There were no other comments.

**Developer’s Bills**

- Vice-Chairman Marks noted that the receivable for Wawa Route 100 had moved into the over 30 day column and Township Manager Hennessey said he would call them. Chairman Paravis said that Wawa seems to be slow pay once they get their store opened and that they did the same thing when the Route 724 store was opened.
- Supervisors Marks asked the Township Manager to contact Cedarmill Crossing regarding the balance. Township Manager Hennessey said he would also speak to the Woods at Chestnut Hill when they have their staff meeting this Friday to finalize the development.

**Public Comment**

- There were no comments from the public.

**Subdivision and Land Development and Conditional Use**

**Giant**

- The Township Manager said that the township received notification that Giant has withdrawn their Conditional Use Hearing for the gas pumps at Suburbia Shopping Center. **Supervisor Greenawalt made a motion to accept the withdrawal for the Giant Conditional Use for the gas pumps at Suburbia Shopping Center. The motion was seconded by Supervisor Claypoole and unanimously carried.** There were no other comments.

### The Woods at Chestnut Hill

- Chairman Paravis said the developer has requested a staff meeting and has agreed to pay for those costs, to come to an understanding of how, without a Maintenance Bond, they can bring closure to the project. The Chairman said the meeting is set for February 25<sup>th</sup> at 9:00 am and he questioned why it was needed. Solicitor Sager said that the issue is unique in that LTL felt the road appears to be all right, they did inspections and there are no consequences. Mr. Sager said it would be a benefit to the community to finalize the project. Chairman Paravis asked who is responsible if something goes wrong. Township Manager Hennessey replied that there is a Performance Bond and explained that the road had a layer of asphalt put down when the temperature was beyond Penn Dot's range and LTL wouldn't guarantee it. Mr. Hennessey said the road coring was done and it appears proper and sufficient and LTL signed off on a base coat and the township will be able to tell if the top coat has held up in approximately 6 months when the weather is better. The Township Manager said their company is now defunct and they want out and that the township holds an escrow for the pedestrian bridge.
- Vice-Chairman Marks asked why they can't get a bond and Township Manager Hennessey said that according to their counsel, the insurance company would not issue a bond. Supervisor Greenawalt said they should present denials from other insurance companies, not just one. Vice-Chairman Marks said the same situation happened at Robert Joseph Drive and Solicitor Sager agreed. Township Manager Hennessey said that the developer's counsel, David Malman said the developer is willing to pay for the Solicitor's and engineer's time for the February 25<sup>th</sup> staff meeting.
- Jay Kline asked the status of the stream crossing permit from DEP and the Township Manager said they would need to contact LTL concerning this. Vice-Chairman Marks suggested that Jay Kline attend the February 25<sup>th</sup> staff meeting to represent the Planning Commission. There were no other comments.

### North Coventry - Bentley

- Chairman Paravis said that the Board has the Township's application to subdivide the 1.45 acres from the Hill School as part of their skeet range and needed to forward it to the Planning Commission and various committees for review. Solicitor Sager asked Chris Washburn if everything was good with the application and Mr. Washburn said yes. He explained that the timing of the 2 agreements had to be locked together, especially with 3 townships being involved. Mr. Washburn further commented that Warwick and South Coventry Townships have already signed off on the agreements. **Supervisor High made a motion to forward the application to the Planning Commission and various township committees for review. The motion was seconded by Supervisor Claypoole and unanimously carried.** There were no other comments.

### Laurel Grove

- Chairman Paravis said that the township has received requests from the developer to extend both their Preliminary Plan Application and their Conditional Use Application until July 31, 2010 and the township's Planning Commission had recommended the extensions. **Supervisor Greenawalt made a motion to approve the extensions of both the Preliminary Plan Application and the Conditional Use Application for Laurel Grove to July 31, 2010. The motion was seconded by Supervisor High and unanimously carried.** There were no other comments.

## 2010 Budget Amendment

- Chairman Paravis said at the last meeting the Board had continued a Public Hearing on the proposed Amendment to the 2010 Budget in the amount of \$3,949.00. The Chairman opened the Public Hearing and asked for comments. Vice-Chairman Marks asked if the Manager received a new contract and Supervisor Greenawalt said no. Solicitor Sager suggested the Board make this obligation clear in that the fringe benefits are still there and it is an 'at will' type of situation. Chairman Paravis closed the Public Hearing and called for a vote. **Supervisor Greenawalt made a motion to adopt the Resolution for the 2010 Amended Budget in the amount of \$3,949.00; that all other provisions of the Township Manager's contract remain in force; the contract is 'at will' between the Manager and the Township. Supervisor High seconded the motion and it carried at 4 to 1 with Vice-Chairman Marks voting no.** There were no other comments.

## Water Authority Engineer's Letter

- Chairman Paravis said there were 2 letters, one regarding the new zoning that the Planning Commission had recommended that LTL redo the zoning in relationship to the Master Plan. The Chairman said that the Township Manager asked the County and LTL for proposals for this work and the County has indicated they were too busy and short staffed to do it until June 2010 and LTL's proposal was for \$19,500.00. This matter was tabled on June 8, 2009. The Chairman said that Mr. Hennessey has checked and the financial assistance from the County will not be available until June 2010 and the township cannot apply for the grant retroactively.
- Township Manager Hennessey said that June 2010 is the earliest the township would be eligible for the grant money from the Preservation Partnership program. Chairman Paravis said that he was told that Will Hallman of WHRD is not the representative for the property owner and it is not under an agreement of sale. Supervisor Greenawalt agreed with the Chairman's comments. Solicitor Sager said that if Mr. Hallman does not get the zoning, then he won't give the water either. Chairman Paravis said that Charlie Dickinson is the property owner and he assured the township that Mr. Hallman was not. Chairman Paravis said the township needs to review the Comprehensive Plan regarding the R-1 zoning affecting the areas east of St. Peters Road and he asked if there are funds from the County for this. Township Manager Hennessey said he approached the County and was told the funds are not available until June and that the township did incorporate the Route 100 Master Plan into the Comprehensive Plan as an addendum.
- Supervisor Greenawalt asked if the township had anything regarding the Water Authority's long term growth planning and if they had any other sites picked out for the well. Township Manager Hennessey said that there had been 3 sites picked by the Board and the Kenilworth site was off the list due to easements; the Marshall site was off because the property owner said he was not interested; and the only one left was the site at Cedarville Road and Route 100. Solicitor Sager said that someone should inform the water authority that the developer for this site will not give permission to have the well unless they get the zoning change, quid pro quo.
- Supervisor High said they don't need the well at this time. Supervisor Greenawalt commented that there is not enough data points to decide and asked who was negotiating with Pottstown concerning the bulk water rates. Chairman Paravis said that Dennis Hullmann was supposed to make Pottstown a counter offer on the current rate. Supervisor Greenawalt suggested looking at where the water authority is going to get water for the next 20 years and have the authority give figures to substantiate it. Chairman Paravis said the recommendations to recharge had been written by former Board member Bud Jenschke. Supervisor Claypoole commented that the study is old and there should be a letter or report given to the township with newer data. Supervisor Claypoole said he had a concern

about the well site, a backup source and ground water removal. Vice-Chairman Marks said that ¾ of the township depends on wells but can offset the water costs to those who are on the system.

- Solicitor Sager said that there is a dilemma on where to bite the bullet, either from Pottstown or drilling a well, but with the current economic situation, the developers have no driving force to give anything and the township must have proper planning when deciding to dig a well. Chairman Paravis said the motion from the November 9, 2009 meeting say nothing regarding the watershed and gives the Water Authority carte blanche to do whatever they want and he suggested the motion be rescinded.
- Solicitor Sager said the water authority is faced with the same problem that the Township has and if you were a property owner giving up some land for a well, wouldn't you expect some form of compensation. Mr. Sager said a meeting with the water authority would be in order so that the planning issue can be discussed. The Solicitor said the water authority needs a backup plan so as not to rely on one water source and at this time, they have no pressure to proceed. Mr. Sager said if it is a benefit for future planning, the township needs to have the meeting to that it can move forward.
- Chairman Paravis said that Pottstown needs to provide the township with a new proposal on the rates and Supervisor Greenawalt commented that there should be a 15 year projection for water usage and the negotiations with Pottstown. Supervisor Greenawalt said the water authority's report should state any liability and long term planning projections. Chairman Paravis and Vice-Chairman Marks both commented that the November 9, 2009 motion is open ended and should be rescinded. Township Manager Hennessey read the motion and suggested that the Water Authority wait 6 months for the rezoning and in that time, they could submit their long term plan prior to initiating and they could also formulate a response from Pottstown on a proposed rate for 15 years. **Supervisor Greenawalt made a motion that the Board authorize the Township Manager to advise the Water Authority to waiting 6 months until the zoning is done; that the Water Authority provide the township with a 15 year plan and a projection of the sources; that a formal response from Pottstown as to what the Water Authority feels is a fair price for 1,000 gallons of water; that the Water Authority continue negotiations with Pottstown on the bulk water rate; and that the Water Authority take no action until the township receives all of the information listed in this motion. The motion was seconded by Supervisor Claypoole and unanimously carried.** There were no further comments.

### Removal of Tax Lien

- Chairman Paravis said the township has received correspondence from the Tax Claim Bureau regarding a delinquent uncollectible tax in the amount of \$76.57, which is from the mobile home which has been removed and scrapped. **Supervisor High made a motion to authorize the removal of the tax lien by the Tax Claim Bureau. The motion was seconded by Supervisor Greenawalt and unanimously carried.** There were no other comments.

### Administration

#### Action Item List

- Supervisor Claypoole said there is a sign down at Catfish Lane and Valley View Road and asked that this be added to the Action Item List. None of the other Board members had any comments on the list.

### Checklist

- Township Manager Hennessey said that on the Profit & Loss statement for January, the EIT tax was down by 1/3<sup>rd</sup> and he placed a call to Berkheimer for review since it seemed improper. Vice-Chairman Marks asked if any correspondence is received regarding the monthly collection and Mr.

Hennessey said there seems to be a wide fluctuation on the EIT, where the 3<sup>rd</sup> month should be higher than the first two. Solicitor Sager suggested the Township Manager call the school district to see if they looked at the eit income. Supervisor Greenawalt commented that Chester County is the lowest county for unemployment tax.

- Supervisor High said he had nothing for the checklist.
- Chairman Paravis said he had nothing for the checklist.
- Vice-Chairman Marks asked the Township Manager to provide a financial report for the year ending 2009.
- Vice-Chairman Marks asked the status of the Tripodi/Kline Place Apartments situation. Solicitor Sager said arguments are scheduled in court.
- Supervisor Greenawalt said he had nothing for the checklist.
- Supervisor Claypoole said he had attended new supervisor training and was planning to complete the required NIMS training so that the township will be in compliance. Township Manager Hennessey suggested that Supervisor Claypoole attend the March 2<sup>nd</sup> seminar and then the Fire Marshal would setup the NIMS testing after that.
- Solicitor Sager said that Basile has received the Timber Harvesting Permit and they have to comply with the court's order.
- Solicitor Sager informed the board that he has filed the lien against Tripodi.
- Mr. Sager said the checklist of items on Wawa is being taken care of.
- Solicitor Sager said the lease for the Clear Wire on the tower is done, but he was still waiting for the AT&T agreement. He explained that the counsel for Tower One is looking at the Kemp Road property and he would call him during the week.
- Solicitor Sager said that in order to avoid conflict with Tower One, there needs to be a proposal from Liberty Towers who filed a zoning appeal for the Route 100 parcel.

### **Public Comment**

- Gary Westlake said his property is zoned as an agricultural use and is located near the Fernbrook park. His concerns are the impacts that will occur due to the township having walking trails that go across the rite of way near his property. He said there may be environmental issues with the flora and fauna and deer management. Township Manager Hennessey said there is a Deer Management Committee that is putting together rules and regulations for archery hunting in the township's preserve and that this is necessary to maintain the deer population.
- Mr. Westlake said that a few years ago, there was discussion that the township would be willing to swap land. Chris Washburn said that a few years ago it was thought that DCNR could structure that type of swap but now, the chances are remote and now there is high risk due to the township applying for grants. Mr. Washburn said that if the deed restriction is lifted, it is possible the township will loose some funding and the west side of Hill Camp Road needs to be highlighted as to which environmental concerns are there. Solicitor Sager said there are significant legal problems with a land swap, especially where public funds are used to purchase a parcel.
- Chairman Paravis asked Mr. Westlake if his concern is that of access and Mr. Westlake said yes, because when it's township property, the public feel like they can do whatever they want. The Chairman explained that the township is cognizant of things and used the example of the controls in place for the Amphibian Alliance. Mr. Westlake said he is also concerned about trespassing. Supervisor High said the deer hunting will be controlled and it will be done with bow & arrows only, which may be an advantage to Mr. Westlake.
- Mr. Westlake explained that if he gets a crop deprivation permit, he is able to allow hunting year round on his property. The Township Manager said the township is not against hunting or any of Mr. Westlake's rights.

- John Ellwanger said he was told that the sewer would save the wells years ago and that has turned out to be untrue because the well water along Laurelwood Road is not good and his opinion is that drilling a well is not the solution. Mr. Ellwanger said the water pressure at the Cedarville Methodist Church is very low and the Water Authority needs to look into the real problems of the system.
- Fire Marshal Ron Comtois said that the township had adopted the 2009 UCC Codes, but now the PA Builders Association has filed a petition to go back to the 2006 Codes because of their objections to the Residential Fire Sprinklers. Mr. Comtois said the argument is scheduled in March 2010 and explained that currently new construction of apartments and town homes are required to have the sprinkler systems and by 2011, it will be mandatory for all new construction. Mr. Comtois said that residential sprinklers are totally different than commercial, which is what everyone thinks of when they hear sprinklers.
- Chief Schurr said the police department took ownership of the donated 9-week old K-9 today.
- Township Manager Hennessey said the Board needs to have an Executive Session with the Chief regarding personnel.

The meeting was recessed at 8:55 pm for five minutes before an executive session.

The meeting reconvened at 9:15 pm and Supervisor Greenawalt motioned to authorize the Chief of Police to start the advertising process for a new officer since we have received word that Officer Gro will be resigning in March of this year. The motion was seconded by Supervisor Marks, and unanimously carried.

With no further business before the Board, the meeting was adjourned at 9:18 pm.

Respectfully Submitted,

Kevin F. Hennessey  
Township Manager