

North Coventry Township
Board of Supervisors

**Minutes of the Meeting
February 27, 2012**

The regular meeting of the North Coventry Township Board of Supervisors was called to order at 7:00 PM, February 27, 2012 at the Township Building, 845 South Hanover Street, Pottstown. Present were, Chairman Harvey Greenawalt, Vice-Chairman Marks, Supervisors Spencer Claypoole, Rebekah Elliott and Andy Paravis by telephone; and Kevin Hennessey, Township Manager, Lawrence Sager, Solicitor.

Chairman Greenawalt asked if there were any corrections or additions to the January 23, 2012 minutes and there were none. **Supervisor Claypoole made a motion to approve the January 23, 2012 minutes as presented. The motion was seconded by Vice-Chairman Marks and unanimously carried.**

Chairman Greenawalt asked if there were any corrections or additions to the February 13 2012 minutes and there were none. **Supervisor Claypoole made a motion to approve the January 23, 2012 minutes as presented. The motion was seconded by Supervisor Elliott and unanimously carried.**

Chairman Greenawalt asked if there were any questions from the Board or the audience concerning the bills, totaling \$45,510.82 and there were none. **Supervisor Elliott made a motion to approve payment of the bills totaling \$45,510.82 and the motion was seconded by Supervisor Claypoole and unanimously carried.** There were no comments.

Developer's Bills

- Vice-Chairman Marks commented that the bills were at the lowest in a long time and Mr. Hennessey said it helped that Caribou paid the \$39,000 that they had owed. Solicitor Sager commented that there was even an overpayment from Wawa that is on the books.

Public Comment-5 minutes

- Lou Scottolini asked the status of fixing the stormwater problem on Reif Avenue. The Township Manager said that no decision will be made until the Board looks at it during the April Road Tour.

Subdivision, Land Development, and Conditional Use

Coventry Lake Estates

- Chairman Greenawalt asked the Solicitor to give the board and audience an update on the staff meeting. Mr. Sager said that the developer David Erb and Cory Wasson, President of the Home Owners Association were present tonight. Mr. Sager said there are substantial issues of the driveway construction and that the homeowners association feel that this should have been taken care of in the construction phase but was not. He said that the association wants the driveways corrected or else they are willing to enter into litigation but as Mr. Sager explained further, that in his opinion the township should not be in the middle of it. The Solicitor said this issue should be addressed by Mr. Erb and LTL and the requested escrow release be tabled until the matter is resolved. Mr. Sager said there may be a means to a resolution because the construction was not in

accordance with the plan causing a substantial amount of money to fix it and the township has asked LTL to address it without any cost to Mr. Erb or the township. Mr. Sager said the board previously had given approval for LTL to have a staff meeting at the site and there was discussion regarding the fact that Heritage Builders had done the work and it was approved by LTL.

- Mr. Erb said that it is not fair to him that the township is holding the escrow money because of the situation, whereas there is \$205,000 being held and LTL stated that the cost to fix the problem is roughly \$75,000. Mr. Erb said that if ends up being his responsibility, he has insurance coverage for such things. Solicitor Sager said there needs to be a meeting as soon as possible, hopefully by the end of the week. Chairman Greenawalt asked what the relationship is between Heritage and Mr. Erb and the Solicitor responded that is not an issue, it is an issue of a certain amount of money being held for the improvements. Mr. Erb said that LTL had approved and released escrow money before and he felt that the driveway issue was not his responsibility. Mr. Sager stated that he respected Mr. Erb's position but was told the driveways are substandard and the Home Owners Association states that they are not up to the Penn Dot standard. The Solicitor said that is why it would be improper for the township to release any funds at this time and that there needs to be more discussion on how to resolve the issue with the association stating that there may be a reasonable fix and cure and that they are willing to come to the table to get it resolved.
- Mr. Erb again asked if the township could release some funds in the meantime. Chairman Greenawalt said that there may be more information available to the board in the next two weeks for a release and Vice-Chairman Marks said he felt there are too many sides and agreed that more information is needed before anything can be released. Mr. Erb said this is unjust and that meeting with everyone isn't going to solve it because no one will take the responsibility. **Vice-Chairman Marks made a motion to authorize another staff meeting with LTL, the Home Owners Association and Mr. Erb, to be held within a week if possible; that the issue be addressed at the next board meeting, hopefully with a resolution to the problem. The motion was seconded by Supervisor Claypoole and unanimously carried.** There were no further comments.

Caribou

- Chairman Greenawalt said the developer has requested a 90 day extension and the Planning Commission has recommended the same. **Supervisor Elliott made a motion to grant the 90 day extension for Caribou until June 9, 2012. The motion was seconded by Vice-Chairman Marks and unanimously carried.** There were no other comments.

Shops at Coventry Mall

- Chairman Greenawalt said the developer has requested a 6 month extension and the Planning Commission has recommended the same. **Supervisor Claypoole made a motion to grant the 6 month extension for the Shops at Coventry Mall until September 16, 2012. The motion was seconded by Supervisor Elliott and unanimously carried.** There were no other comments.

Rosewarne/Millers Crossing

- Chairman Greenawalt said that Joe Margusity of 997 Malvern Drive was present to discuss his extension request for this development but he did not make it to the Planning Commission meeting this month to get a recommendation from them due to a personal matter. Mr. Margusity said the original presented plan was rendered insolvent due to the real estate market, but now he has a new by-right plan from EB Walsh that is a concept and does not need waivers or any zoning changes. He asked for an extension in order to go to the Planning Commission with the concept plan.

Solicitor Sager said the original plan was filed back on June 4, 2004 and there have already been numerous extensions granted and that none of the Planning Commission's or LTL's recommendations have been addressed due to the real estate downturn. Mr. Sager said it was his understanding that there are serious financial issues and that the property is subject to a sheriff's sale on March 15, 2012 and with that, the plan needs to come off the table since it has been 8 years. The Solicitor said that Mr. Margusity can come back at a later time with a viable plan and there is no purpose in dealing with a non-viable plan now, especially with the expense of plan reviews. Mr. Sager told Mr. Margusity that besides from the fact that he respected his feelings, that after the sheriff's sale, that Mr. Margusity may not even own the parcel and it would be a benefit to the community to withdraw the plan voluntarily and start over at another time. Mr. Sager said the plan should go away in light of a foreclosure action looming.

- The Solicitor said that he has prepared a Resolution of Denial for the board and that the denial is based on non-compliance, but that ultimately, it is up to the board to deny or extend. Chairman Greenawalt asked if anyone had any comments or questions. Mr. Margusity said he felt the township is punishing him and Vice-Chairman Marks asked why he felt that way. Mr. Margusity said he was advised by his attorney not to say anything. Vice-Chairman Marks suggested waiting until the foreclosure was done and said that Mr. Margusity may not be the new owner after March 15th, so he didn't see any harm in waiting. Mr. Margusity said his attorney advised him that he would retain the rights to the engineering of the plan and if there is a new owner, they would need to re-apply. Solicitor Sager said the township has the risk with the plan floating around of the cost of reviews and a possible deemed approval of a non-viable plan and whatever deal is made between Mr. Margusity and the new owner is between them and has nothing to do with the issue at hand. **Vice-Chairman Marks made a motion to adopt the Solicitor's Resolution denying the application for the reasons stated in the Resolution. The motion was seconded by Supervisor Elliott and carried at 4 to 1 with Supervisor Claypoole being opposed.** Vice-Chairman Marks told Mr. Margusity that this action does not hurt him since the plan is non-viable and it is a benefit to the residents. There were no other comments.

Integral

- Chairman Greenawalt explained that the representatives of the Integral Development LLC are here tonight to make a presentation and asked the Solicitor to give everyone an update from the staff meeting that was held last Thursday. Solicitor Sager said the staff met with the developer, their engineer and attorney and the 60 unit facility is proposed to be an assisted senior housing center, located at Cedarville Road and Route 100. Mr. Sager said that Integral has a good reputation nationwide and they are here to request support from the township to the PA Housing and Finance Agency, whom which they have filed an application and have given the township a copy of same. Mr. Sager said that with the Board's letter of support to the PA Housing and Finance Agency, it is also indicated that there are no approvals at this time, the development will be a for-profit entity and there will be ratables. Mr. Sager said these types of projects are in high demand and it will be a tax benefit for the community without any impacts to the community. Mr. Sager said the township's letter will also state that the township is in favor of the development as long as any zoning requirements are met.
- The Solicitor said that there will be a benefit to the elderly and the township will establish conditions with respect to an overlay in zoning and keep control of the project with Integral's cooperation. Mr. Sager said that Integral had asked for the township's support at the staff meeting as long as they meet all conditions set forth; that the township agrees to the design; but if they

don't then Integral will walk away from the project. Mr. Sager said he received the letter from their attorney memorializing the agreement and there are no claims, that Integral will follow all the township requirements and zoning. Chairman Greenawalt reported on 2 fun facts, one that 7,000 people retire each day and the other that the state has 4 applications against each dollar. Mr. Sager said the representatives had pictures of what they are proposing and asked them to let the public see them. Joanne Montowski of 1339 Temple Road asked where the entrance would be located. Daryl Jones, VP for the Integral Atlanta Division, along with Amon Martin of the Real Estate Division and their engineer Tom Smith were present. Amon explained that it is a conceptual site plan that sits off Cedarville Road and offered the pictures to the audience.

- Vice-Chairman Marks asked if Integral had talked with West Mont Christian Academy and Daryl said they have not yet. Solicitor Sager said there will be a road improvement and a benefit to West Mont. Chairman Greenawalt suggested making West Mont aware of the consideration. Amon said there would be a dedication and a trail and road constructed for the township, but that they will need a PECO easement, but that the conceptual plan will need to be refined as it moves along. Solicitor Sager said the finance agency will meet in March so it is imperative that Integral proceed even without any approvals. Daryl said they do need to proceed quickly because if they get the credits from the agency, they need to have the building done as soon as possible. Vice-Chairman Marks asked what the time line is and Daryl said he believed they would need to have the building done by December 2014.
- Chairman Greenawalt asked if anyone had any objections to the concept. Vice-Chairman Marks asked how much of a change is allowed on the plan. Daryl said the plan is only a concept that provides the costs and services and how a building looks and meets code. Vice-Chairman Marks commented that they may face substantial issues in the process and it seems like an aggressive task. Vice-Chairman Marks asked if they have addressed traffic flow and Chairman Greenawalt said this will be addressed later in the process. Supervisor Elliott asked if the corner dwelling would be demolished and Daryl said no, it was not part of their property. Roadmaster Wood suggested they consider the property across Route 100 where the Hallman retirement center had been proposed. **Supervisor Claypoole made a motion to authorize the drafting of a support letter to be sent to the PA Housing and Finance Agency, pursuant to the acknowledgment, agreement, and representations as proposed as set forth in the February 12, 2012 letter from Robert Kerns. The motion was seconded by Supervisor Elliott and unanimously carried.** There were no further comments.

Fire Company Permits to Exceed Posted Weight Limit

- Chairman Greenawalt said the Fire Company has requested the township have its engineer review their application to use the Creek Road Bridge in an 'emergency only' such as a house fire on Creek Road. **Vice-Chairman Marks made a motion to forward their application to LTL for review and the motion was seconded by Supervisor Claypoole and unanimously carried.** There were no comments.

Chester County Proposed Resolution

- Chairman Greenawalt said that in the packets was a copy of a draft Resolution that will be voted on at the March 8th convention and the proposal is to request legislation to increase the Operational Reserve Fund Limit from 5% of the general funds revenues. Township Manager Hennessey explained that the township is allowed to have a reserve that equals 5% of the general fund and the legislation will allow an increased percentage in excess of the 5% and the voting delegate will have

an opportunity to vote on. **Chairman Greenawalt nominated Supervisor Claypoole as the voting delegate at the March 8th County Convention. The motion was seconded by Supervisor Elliott and unanimously carried. Vice-Chairman Marks made a motion to authorize Supervisor Claypoole to vote supporting the Resolution at the March 8th convention. The motion was seconded by Supervisor Elliott and unanimously carried. There were no other comments.**

Roadmaster's Report on Yard Waste Pickup in 2011

- Chairman Greenawalt said that at the present time, the township charges \$10.00 per resident and \$5.00 per senior citizen for the yard waste pickup but the Roadmaster and Township Manager suggested that the Board substantially increase this fee and that a limit be set on the size and layout of the piles that the township will accept. Vice-Chairman Marks commented that an increase to \$50.00 is not unreasonable since the township spent approximately \$10,000.00 last year to do this. Chairman Greenawalt said that last year was not typical because there had been tropical storms that hit the area. Township Manager Hennessey said that some residents take advantage of the yard waste pickup by dragging things from their woods and that was not the intent of the pickup. Roadmaster Wood said some residents have their landscapers trim their trees and put the debris out for the yard waste pickup, which is unfair. Chairman Greenawalt asked how the township could enforce any policy on size and Mr. Hennessey said the township can give the roadmaster the authorization to decide to remove a pile or not and increase the fees to \$20.00 for seniors and \$30.00 for other residents. Roadmaster Wood said that some landscapers said the township was taking their work and Vice-Chairman Marks said he agrees that the township should not be in the 'landscaping' business. Fire Marshal Ron Comtois suggested making the piles follow the size that is in the burn ordinance, which is 3x5. Roadmaster Wood said there were several piles last year that were rejected.
- Chairman Greenawalt commented that since the residents don't have the right to burn anymore, it is difficult to get the larger branches out to Arborganics. Vice-Chairman Marks said that it was DEP who instituted the burn ban not the township. Mr. Sager said that if the township decides to purchase the \$12,500.00 chipper, that expense needs to be recouped. Chairman Greenawalt said you can't determine the load based on 2011 numbers and that it took about 5 weeks to cleanup from the 2011 storm. Roadmaster Wood said that he had rented a large chipper last year to aid in the cleanup effort. Supervisor Claypoole suggested raising the fees to \$10 and \$15, limit the size of the pile and anything if there are bigger piles, the township can require another permit. Mr. Wood said the logs and branches should not exceed 6 inches in diameter. Chairman Greenawalt agreed that the rules and regulations need to be tightened up and said the Roadmaster should be the one who decides if a pile is rejected. Supervisor Elliott said that the township is still going to be short on revenues versus the income with a \$60 per haul estimation and there needs to be a break even point.
- Audience member Karl Yerger asked if any contractors were hired to help and Roadmaster Wood said no, the road crew did the work. Chairman Greenawalt said that in looking at the Roadmaster's report, it does not include the \$25,000 from the State for recycling. Supervisor Paravis said he feels the township should look at hiring a subcontractor to do this work and take the road crew completely out of the picture, thereby eliminating the need for another road crew person. Mr. Wood said that only 2 or 3 road crew people did the work in 2 or 3 days a month in the beginning. Chairman Greenawalt said there are always issues with subcontractors, such as not showing up or doing the cleanup correctly. Vice-Chairman Marks said the fee needs to be at least \$25 and the

guidelines strengthened on the pickup rules. Supervisor Elliott said that the Roadmaster gave the board a good report and the cost of the fees can be re-visited each year.

- Solicitor Sager asked if there is pile dimension in mind and Mr. Wood said it could be a 3x5 pile and the Solicitor suggested the piles be no larger than 5x10 subject to the Roadmaster's decision. Chairman Greenawalt said he did not agree with that size because there are branches that spread out larger than that. Joanne Montowski of 1399 Temple Road asked if the township was definitely getting the recycling money from the state and Chairman Greenawalt said that depends. Township Manager Hennessey said that it is an on-going program and is funded by hauler tipping fees but with more municipalities beginning to apply for these funds, he was not sure how much the township would get this year. Mr. Hennessey said the rented chipper last year cost about \$2,700.00. Vice-Chairman Marks asked if the rented chipper was only used in November after the big storm and Mr. Wood said no, one is used throughout the season to trim trees in the township parks and along some roadways. Chairman Greenawalt said it adds up to about \$4,000 per year in chipper rentals so the purchase of one will pay for itself in about 3 to 4 years. Vice-Chairman Marks asked to see the chipper rental costs. Township Manager Hennessey explained that West Goshen recycles their equipment and are currently waiting for a new chipper but in the meantime are offering this used chipper to other municipalities for \$12,500 when in reality, it could be sold for about \$18,000.
- Vice-Chairman Marks asked how many of the permits were purchased by senior citizens and Roadmaster Wood said there were 117 senior permits and 109 regular ones. Chairman Greenawalt said he would like to table this matter until the next meeting. Supervisor Elliott suggested giving the Roadmaster some recommendations on the fee increase and Chairman Greenawalt said there also needs to be a new set of rules put into place. Vice-Chairman Marks commented that he was not ready to vote on the purchase of the chipper until the board knows how much was spent last year. Supervisor Paravis agreed that there is not enough information to make a decision and asked that the Township Manager get estimates on what subcontractors will charge for this service. Supervisor Elliott asked if there is a funding source for the chipper purchase. Roadmaster Wood said that there are 2 other townships looking at purchasing the chipper. There were no other comments.

Administration

Action Item List

- Vice-Chairman Marks suggested that #4, the Chestnut Hill Road repair, be deleted from the list since there have not been any complaints about the road. There were no other comments on this list.

Checklist

- Township Manager Hennessey said that Stan Stubbe will give a presentation to the board at their March 12th meeting.
- Township Manager Hennessey said the Chief is requesting a shredding event and the board will have the information for the next meeting.
- Mr. Hennessey said he has filed for the county grant on the Coventryside parcel.
- Township Manager Hennessey said he had met with Carol Stauffer concerning the Vision Partnership Grant and she informed him that there are 6 to 8 other municipalities looking for grant money also. She had suggested that the scope of work be revised and the request be made for

\$15,000 or \$20,000. Mr. Hennessey said he spoke to Ed Latshaw of LTL about concentrating the grant on the Route 100 Gateway Plan and he had agreed.

- Supervisor Elliott had nothing for the checklist.
- Vice-Chairman Marks and Chairman Greenawalt also had nothing for the checklist.
- Supervisor Claypoole said the signage at the Fernbrook access to Coventry Woods had been put up by the Scouts, who did a good job. He said the signage refers to the environment and the types of animals that live there.
- Solicitor Sager said that Lee Mauger had asked if he could put bee hives in Fernbrook Park. Township Manager Hennessey said that Mr. Mauger wanted to locate the hives at the caretaker house and also near the garage, but he has no insurance and the township's insurance carrier has advised Mr. Hennessey not to allow it. Mr. Sager said it could be educational to have the hives. Chairman Greenawalt said that kids will get stung. Township Manager Hennessey and Solicitor Sager said they agree that the first line of responsibility comes from Mr. Mauger and if he does not have the insurance then the township cannot permit him to put out the hives. Supervisor Elliott said that someone destroyed his hives in Warwick Park and that he would like to contribute to the community by putting the hives in Fernbrook, along with caution signs. Mr. Sager said the exposure is there to defend the liability.

Extended Public Comment

- There were no questions or comments from the audience.

With no further business before the Board, the meeting adjourned at 8:55 p.m.

Respectfully Submitted,

Kevin F. Hennessey
Township Manager