

North Coventry Township
Board of Supervisors

**Minutes of the Meeting
July 22, 2013**

The regular meeting of the North Coventry Township Board of Supervisors was called to order at 7 PM, July 22, 2013 at the Township Building, 845 South Hanover Street, Pottstown. Present were, Chairman Jim Marks, Vice-Chairman Spencer Claypoole, Supervisors Harvey Greenawalt, and Rebekah Elliott; and Kevin Hennessey, Township Manager and Lawrence Sager, Solicitor.

Chairman Marks asked if there were any corrections to the July 8, 2013 minutes. **Vice-Chairman Claypoole made a motion to approve the July 8, 2013 minutes and the motion was seconded by Supervisor Greenawalt and unanimously carried.** There were no comments.

Chairman Marks asked if there were any questions from the Board or the audience concerning the bills, totaling \$126,404.11 and there were none **Supervisor Elliott made a motion to approve payment of the bills totaling \$126,404.11 and the motion was seconded by Supervisor Greenawalt and unanimously carried.** There were no other comments.

Developer's Bills

- There were no questions or comments.

Police Presentation for Brad Fox's Family

- Chairman Marks said that the police department had held a car show as a fundraiser for the family of Plymouth Township's Officer Brad Fox, who was tragically killed in the line of duty. The Chairman welcomed the 3 Plymouth Council members and Police Chief, and commented that he himself was originally from there. He then asked Chief Schurr to continue the presentation.
- Chief Schurr said that in past years, the department held police week inside the mall and had decided last year to hold their first car show to honor Officer Pagerly, which featured about 80 vehicles and raised about \$5,000 . He explained that Officer Machese had taken charge of putting the car show event together and that this year, they had over 260 cars and had raised \$12,000 for the Fox Family. Chief Schurr said that Officer Fox was a K-9 officer and left behind a wife and 2 children.
- Chief Schurr introduced the 3 Council members, Sheldon Simpson, Lenore Bruno, and Dean Eisenberger and their Police Chief Joseph Lawrence, who said that the Fox Family and everyone from Plymouth Township were very grateful to North Coventry for having the event. Chief Schurr also introduced Jason Owens, the owner of Patriot Pontiac-Buick dealership who had raised money for the Pagerly and Fox events and has helped a great deal to make the event successful. The Chief said that Mr. Owens had also donated \$7,000 towards the township's new K-9, Brox, who was named after Officer Fox once his family and officers approved.
- Chief Schurr presented Officer Machese with a commendation for working very hard putting the event together and also said that Vic put in a lot of his own time trying to get things done for the car show. The Chief also presented Ann Gery, the Police Office

Manager with a commendation award for working alongside of Officer Machese to get the event put together. Officer Vic Machese and Ms. Gery presented Chief Lawrence a check for \$12,000 that had been raised for the Fox Family. Chief Lawrence thanked everyone and said he knows it is a big effort to do a show like that, but that the area came together and made it happen. There was a round of applause and handshakes.

Public Comment 5 minutes

- Mark Flynn asked if the township has had any correspondence with Penn Dot regarding them fixing their roads in the township, especially Route 724 and on Route 100 from the bridge to Cedarville Road. Township Manager Hennessey said there has not been any correspondence with them, and last year they kept stating that their budget is very tight. Mr. Hennessey said he will contact them again. Mr. Flynn said the roads are getting torn up due to truck traffic from detours in other municipalities.
- Mark Flynn asked if the inspector could go take a look at 778 S.Keim Street. He said there are a lot of cars parked on the grass and it appears that the fence surrounding the pool may not be up to code. Mr. Flynn asked if there is an ordinance against parking on the grass as opposed to parking in the driveway and Mr. Hennessey said no there wasn't. Assistant Zoning Officer Ron Comtois explained that if the vehicles parked at the property have valid registrations, there isn't anything the township can do. Mr. Comtois said he would do a drive by this property. There were no other comments.

Subdivision, Land Development, and Conditional Use

North Coventry Commercial LP

- Chairman Marks said that the applicant has submitted a revised plan and other information and is supposed to appear before the Planning Commission on August 21st. The Chairman said this leaves a very short turnaround time for the Planning Commission to prepare their recommendation for the board and it has been suggested that the September 12th Conditional Use Hearing may need to be moved back, but the good news is that the applicant appears to be moving the process forward. Solicitor Sager said that the applicant's attorney, Mr. Hosterman, indicated that they agree to extend through November 2013 if the hearing is re-scheduled. Township Manager said the hearing can be moved into November, pursuant to the agreement of the applicant. Chairman Marks suggested a date of Thursday, November 14, 2013 to hold the Conditional Use Hearing and **Supervisor Greenawalt moved to the hearing to November 14, 2013. The motion was seconded by Vice-Chairman Claypoole and unanimously carried.** There were no further comments.

Caribou Development

- The Chairman said that originally, the board extended this until July 31st and that they had offered \$1,000 on their outstanding balance secured by the lien and that the Solicitor has drafted a Resolution denying the application. Solicitor Sager said that he received communication from them that they are willing to pay \$5,000, but want a 1 year extension and that they will pay \$2,500 now and then another \$2,500 at the end of August. Supervisor Greenawalt suggested waiting for any decision until the township receives the first payment and that the developer now has the opportunity to sell it with a plan attached. Township Manager Hennessey explained that the applicant only has a Conditional Use not a Preliminary Plan. The Solicitor said that the Planning Commission feels strongly that it is

a good plan and that it should be promoted because this developer is not going to build it, they will sell it. Planning Commission Chairman Jay Kline commented that it is important for the township to have flexibility and if there is a denial, the new developer will start from the beginning.

- Township Manager Hennessey said that in talking to the developer's attorney, Ed Campbell, it had been discussed to extend to the end of the year, and Mr. Hennessey said that he told Mr. Campbell that a \$5,000 payment was the minimum and explained to him that the board was not pleased with how this is going. Mr. Sager said that if the property is sold the township will recoup the amount owed. Vice-Chairman Claypoole said he was not in favor of granting a 1 year extension and the general consensus was to agree. **Supervisor Greenawalt moved to grant an extension to the end of August 2013. The motion was seconded by Vice- Chairman Claypoole and unanimously carried. Vice-Chairman Claypoole moved that if they pay the \$5,000, then the Board will agree to re-extend for 6 months from August 31st until February 13, 2014.** The motion was seconded by Supervisor Greenawalt and unanimously carried. There were no other comments.

Confirmation of Authority of Planning Commission to Draft an Official Map and Ordinance for the Route 100 Corridor

- Chairman Marks said that Nance Sarcinello, the consultant working with LTL on the incorporation of the Route 100 Master Plan into the Zoning Ordinance, has questioned if the board wants to work with them directly, or have the Planning Commission do a draft map and ordinance for the board's review and action. The Chairman said that the Municipal Planning Code allows, "the governing body of each municipality...the power to make or cause to be made an official map.." and ordinance. Mr. Marks said the scope of work for the project called for a work session with the board and both the Township Manager and Solicitor believe it would be best for the Planning Commission to prepare the draft and then have the board review it, once they have prepared the information. The Township Manager explained that since the Planning Commission has been working on this, that they should make a recommendation to the Board for adoption along with having the Solicitor review it. Mr. Hennessey said the scope of work was written in a way that indicates the Board of Supervisors will draft the map and ordinance. Solicitor Sager said that the Planning Commission has to approve it anyway. **Supervisor Greenawalt made a motion to have the Planning Commission work with the consultant; to have the Planning Commission prepare the draft map and ordinance and present it to the board as the original intent. The motion was seconded by Supervisor Elliott and unanimously carried.** There were no other comments.

Rejection of Counter Offer for Right of Way by Penn Dot

- Chairman Marks said that Penn Dot has responded verbally to the \$25,000 offer and an easement for trail by saying 'no' and are moving the matter forward for eminent domain action. Township Manager Hennessey explained that this is a small piece of land in the western end underneath the 422 bridge near the Chester/Montgomery County boundary. Mr. Hennessey said the parcel is landlocked and Penn Dot had offered \$5,000 and the township counter-offered with the \$25,000 and also asked for a trail easement. The Township Manager said the Penn Dot office he was dealing with said they do only procurements and that Penn Dot only approves trail easements when there is a trail plan

already in place. He recommended tabling the easement matter and said that someday the township will get the easement. Mr. Hennessey suggested that the township counter offer again with \$15,000. Solicitor Sager suggested contacting Karl Glocker to see what his opinion about the value would be and what the cost of an appraisal is so that the township can show something to Penn Dot. Township Manager said he will contact Mr. Glocker and report back to the board what an appraisal will cost and also what Mr. Glocker's opinion is. There were no other comments.

Workmen's Compensation Coverage

- Township Manager Hennessey said that he apologized for emailing this to the board so late and that it was in the packets and needs to be addressed since the coverage with the current provider, Selective Insurance, is up on August 1st. He said that he contacted the sister trust of the Health Insurance Trust that the township joined 2 years ago for a quote. He said that all commercial carriers are using the State Workers Insurance Fund to cover volunteer firefighters because they refused to write insurance for the firefighters due to the legislation that says if they are exposed to carcinogens and later develop cancer, the presumption is that the cancer came from the firefighting. Mr. Hennessey said that if the firefighters are insured on the current policy, there is approximately an \$8,000 increase. He pointed out that by choosing to go with Delaware Valley Worker Compensation Trust, DVWCT, the township will save approximately \$17,000 this year, receive lower rates for the heart & lung coverage for the police and also receive a 3% discount on the workers comp for being members of the DVHIT and an additional 1.5% discount on the health insurance. The Township Manager said that DVWCT is a viable solution and has regular audits performed, they also have 67 other municipalities that are members and recommended that the township join it to save money. **Vice-Chairman Claypoole made a motion to go with the DVWCT, the lowest cost for the taxpayers, with authority to sign all necessary paperwork and it was seconded by Supervisor Greenawalt and unanimously carried. Supervisor Greenawalt made a motion authorize the advertisement of the ordinance joining the trust. Supervisor Elliott seconded the motion and it unanimously carried.** Supervisor Greenawalt commented that Mr. Hennessey has saved the township a lot of money over the past few years by shopping the insurance pricing. There were no other comments.

Reports

- Solicitor Sager asked if the board wanted to discuss the Northern Federation and Supervisor Greenawalt said he preferred not to discuss it now because the Federation was working on it and they need more time.

Administration

Action Item List

- Township Manager Hennessey said that Karl Glocker asked that if he pays for the demolition of the old Citgo/Davis Brothers Station in Suburbia Shopping Center, would the township condemn it. Mr. Hennessey said that Mr. Glocker is frustrated having this eye sore and had prospective tenants who won't come into the shopping center with the building being there. The Township Manager said it would be unfair to use taxpayer

money to demolish the building and also said that he was going to call their attorney Bob Wilson to discuss it and if they agree to the demolition, but to date, he has not heard back from Mr. Wilson.

- There were no other comments on the Action Item List.

Checklist

- Township Manager Hennessey said that Nextel is leaving the tower behind the township building and they want to know if the township wants the building that housed their equipment. Mr. Hennessey said that when Nextel built it back in 1998, it cost approximately \$60,000 to \$80,000 new. Supervisor Greenawalt asked what would be allowed and if it could be used for storage. Mr. Hennessey said he thought maybe the police could use it for confiscated items. Roadmaster John McKee said there is minimal roof damage that can be easily repaired. Jay Kline asked how big the building is and Mr. Hennessey said about 10x18 or 10x20 and about 10 feet high. Supervisor Greenawalt said that it may be worth taking to use as a storage locker.
- Supervisor Elliott had nothing for the checklist.
- Chairman Marks asked if there has been an update on the status of the mall and Mr. Hennessey said he had not heard anything but he did know that the Verizon store refused to go into the Suburbia Shopping Center due to the old Citgo/Davis Station being an eye sore. The Chairman commented that the Lone Star building looks like it is falling apart.
- Supervisor Greenawalt said he had nothing for the checklist.
- Vice-Chairman Claypoole said that he gave a Historical talk last Saturday evening in East Vincent and there were about 30 people present for it.
- Solicitor Sager suggested discussion on the open space at Town Square. Chairman Marks said that the efforts of Jay Kline and Chris Washburn were appreciated. Mr. Sager said that of the 22 acres, he doesn't get the feeling of any development for active open space but it may depend on the construction and development plan and possibly some dirt could be transferred around on the parcel. Mr. Sager said there appears to be no problem with using 6 to 10 acres for municipal use, but with 3 or 4 acres for open space, there may be an issue. Jay Kline said that depending on how much land is needed for the building and open space activity, there may not be room for fields, but it is much too early in the process to pick the acreage. Solicitor Sager said that he is not comfortable that the court will not question what will happen with the parcel. Chairman Marks asked if the 7 acre block is accurate and said that he thought the access from Hanover Street may be best. Jay Kline said there are constraints at the adjacent Saylor property and there is also a gas line easement and stormwater basin there. Mr. Kline said the township needs an engineer to do some soil compaction tests. Mr. McKee said there is a lot of water in that area and the tests need to be done to see how much change there has been since construction was done. The Township Manager said that there was a rough grade done at one time, but now the area is sinking and because there is no drainage in place there is water collecting there. Chairman Marks asked how many acres are above and below the Saylor property where it is protected and Mr. Hennessey replied 9.9 acres, with approximately 12.5 acres not being restricted. Mr. Sager said that if it is 9.9 acres, then how usable is the property and questioned what size is needed for a baseball or football field. Mr. Sager said it appears that what is being said is there are no plans to improve it. Supervisor Greenawalt said that the previous proposal for that area was for 1 field but there was a parking issue there and he

suggested that the wet area be used as open space. Mr. Sager said it would not be prudent to spend money on consultants or engineers before receiving approval from the court. The Solicitor said the court may suggest a different number on the acreage to make it viable and plan to have future activities. Township Manager Hennessey said that the township has a walking trail outline which includes a pavilion and playground and doesn't plan to have a football or baseball field. Solicitor Sager said the court probably won't suggest adding acreage so he suggested the petition include the whole portion of the top, which is about 12 acres. Mr. Sager questioned how long of a time period it takes to do the soil compaction tests and Mr. McKee replied that the township can have LTL do the elevations and it should not take too long but the township should not put restrictions on the other areas for the dirt. Mr. Sager said that if the board wants to, they can have the roadmaster do the soil compaction tests and get the land surveyed for elevation information. Jay Kline suggested petitioning the court and see what happens. Mr. Sager asked Chief Schurr for comment and the Chief said he believes this is a perfect spot for a new police station but this discussion is far from his realm of expertise. The Solicitor asked the Chief what would be his preference for the ingress/egress and the Chief said he preferred it on Lenape Road not South Hanover Street. Mr. Sager said it sounds like everyone is on the same page as far as the ingress/egress. Chairman Marks said he remembered Newman grading it for the entrance off of Lenape and suggested the board move forward to preserve the 12 acres and not do any testing at the current time. **Vice-Chairman Claypoole moved to have the Solicitor petition the court to preserve the 12 acres at Town Square for municipal use. The motion was seconded by Supervisor Greenawalt and unanimously carried.** Chairman Marks said it is important to think about a consultant for the project and Mr. Hennessey said he has 3 people to talk to about this project and he would contact them. Supervisor Greenawalt suggested that Supervisor Scheler be involved since he is well versed in things like this. Supervisor Elliott said that there is a resident who is an architectural engineer named Barkasi and Mr. Hennessey said she is not an architect. Solicitor Sager said that part of the petition states 'to adhere to C-3 Standards with respect to the architectural design'. Solicitor Sager asked the Chief about a modular type building and the Chief said that it had been discussed before. Mr. Sager questioned if the preliminary price was manageable with the DEA funds and the Chief said he will have to look at the numbers again and the Chairman said he agreed that the numbers need to be looked at closely.

Extended Public Comment

- Three was no public comment.

With no further business before the Board, the meeting was recessed at 8:25 pm before and Executive Session on personnel.

With no further business before the Board and no action taken on the personnel issue, the meeting was adjourned at 8:35 pm.

Respectfully Submitted,

Kevin F. Hennessey, Township Manager