

North Coventry Township
Board of Supervisors
August 28, 2017

The meeting of the North Coventry Township Board of Supervisors was called to order at 7:02 pm, August 28, 2017 at the Township Building, 845 South Hanover Street, Pottstown. Present were, Chairman Jim Marks, Vice-Chairman Spencer Claypoole, Supervisors Harvey Greenawalt, Rebekah Elliott, and Rick Scheler; Kevin Hennessey, Township Manager and Larry Sager, Solicitor.

Chairman Marks told everyone that there would be an agenda change, adding the approval of a new Planning Commission member.

Chairman Marks asked if anyone had any corrections or changes to the August 14, 2017 meeting minutes and Supervisor Elliott made a correction on page 4, whereby replacing her name with the Vice-Chairman's name. **Supervisor Elliott made a motion to approve the August 14, 2107 meeting minutes as amended and the motion was seconded by Supervisor Scheler. The motion carried at 4 to 0, with Chairman Marks abstaining due to being absent at that meeting.** There were no other comments.

Chairman Marks asked if there were any questions from the board or the audience on the bills to be paid totaling \$48,314.42. The Chairman said there is also the list of paid bills and payroll in the amount of \$268,747.59 and asked if anyone had questions and there were none from the board or the audience. **Supervisor Elliott made a motion to approve the payment of the bills in the amount of \$48,314.42 and acknowledge the other paid bills and payroll in the amount of \$268,747.59. The motion was seconded by Supervisor Scheler and unanimously carried.** There were no comments.

Developer Bills

- There were no comments on the developer bills list.

Hearing on Economic Development Liquor License

- The Chairman said the owner of the mall has requested that the township hold a Public Hearing on their desire to obtain an Economic Development Liquor License for another restaurant at the mall. Chairman Marks said that this hearing has been advertised twice in successive weeks as required and Township Manager Hennessey said it was advertised on August 11 and 18. The Solicitor commented that the board has 45 days from the date to make a decision. The Chairman asked the Court Stenographer to record this part of the meeting. The Public Hearing was opened and the stenographer report is attached to the minutes.

Subdivision, Land Development, and Conditional Use

- Chairman Marks said that there is a request in for 1095 Temple Road for the Riparian Buffer so that environmental issues can be reduced has been being worked on since June by the engineers and attorneys. One suggestion was to use the existing driveway rather than having another driveway come out onto Temple Road. The Chairman said that these lots were subdivided years ago before changes that currently require a private street with a wider cart way and thicker base and since these lots pre-date the more stringent standards, the parties seek to mitigate the issues by having a common driveway. Township Manager Hennessey explained

that this is a flag lot and the driveway will not be on the flag pole due to an environmental issue. Mike Murray said that since the shared driveway exists and by letting the Bruce's use it, they are considering purchasing the lot. Solicitor Sager commented that this action, if approved, will not set precedence and the layout using the driveway is better than adding another one. Mr. Sager told Mr. Murray that there has to be a shared driveway recorded on the plan, along with a maintenance agreement and a covenant with the land to make sure there is no future subdivision and that the owners be involved and informed. Solicitor Sager said that if the board approves it, it will allow the 4th lot to have access to the current driveway. Chairman Marks said he hasn't seen any recommendation from the Planning Commission on this and Mr. Sager said they did say they did not see a problem with it as long as its noted on the recorded plans. Township Manager Hennessey said that at the Zoning Hearing, it was suggested moving the house to avoid the Riparian Buffer. Mr. Murray said that LTL made the recommendation for the house and the shared driveway, which means no further impervious cover. Vice-Chairman Claypoole asked if this is considered a street or driveway and Mr. Sager said it is a driveway. **Supervisor Scheler made a motion to allow the driveway to serve the 4 lots; subject to conditions of a maintenance easement agreement; a covenant for the land and approved by LTL and recorded on the plan; and this be presented to the Zoning Hearing Board on the September 28, 2017 hearing. The motion was seconded by Supervisor Greenawalt and unanimously carried.** There were no other comments.

Public Comment on MS4 Application

- Chairman Marks said that DEP requires that we have advertised and had for inspection our MS4 Application and that we are going to file for the new MS4 Permit. He asked if any member of the public wished to comment and there were no comments and he moved on with the agenda items.

Firefighters Tax Credit Ordinance

- Chairman Marks said the Solicitor has prepared a Draft Ordinance for the board to consider. Solicitor Sager said he used a model draft ordinance and has it in the proper form. He said that some changes of the model had been made by Delaware Valley Municipal Management and one significant change was the time the ordinance goes into effect and the rights of the tax payer, but that these items have been resolved. Mr. Sager commented that this ordinance has not yet been advertised. **Supervisor Greenawalt made a motion to advertise the Firefighters Tax Credit Ordinance, and due to the time, it will be effective in 2018. The motion was seconded by Supervisor Elliott and unanimously carried.** There were no other comments.

Fernbrook Subcommittee

- Vice-Chairman Claypoole said that the Fernbrook Subcommittee met on August 25th and there was another suggestion about doing the repairs to the Stubblebine House and getting estimates for the work to follow Patty Werth's email. Vice-Chairman Claypoole said that Mike Lane, the Regional Park Coordinator, suggested setting up a Stewardship Plan. Mr. Claypoole said that Mr. Lane looked at the lodge and suggested 2 1,500 gallon tanks for discharge and also suggested getting McGee Electric to give an estimate on the upgraded electric repairs. The Vice-Chairman said that Mr. Lane feels that when the work is done, perhaps the township

should consider using the lodge as a rental property because this has worked well in other municipalities. Mr. Claypoole said the committee's next meeting will be on September 8th at 9am. Township Manager Hennessey said that Mr. Lane told them that usually the State Police are targeted for that type of rental and that Mr. Lane is willing to speak to the board about it. Mr. Hennessey said there had been discussions on make it a museum but if it open to the public, it must be ADA compliant, which is costly, but if it is a rental, it does not need to be. Chairman Marks said all this seems to be a little premature. Patty Werth said she will get estimates to see if it is a viable option for the township to spend money. Supervisor Greenawalt asked if the Stubblebine House is ready on the inside and Vice-Chairman Claypoole said that it has been used over the years and the interior seems good, but the exterior needs to be repaired. The Chairman asked how many bedrooms it has and Mr. Claypoole replied 2. Ms. Werth said that some of the repairs relate to structural fixes and Supervisor Greenawalt asked what she meant. Ms. Werth said it would involve the gutters, the wood and the porch repairs. Supervisor Greenawalt asked what the historic value is and Vice-Chairman Claypoole said it was connected to the Battle Axes and recently was a 20th century farm, although the original home was built in 1835. Vice-Chairman Claypoole asked about the septic tank at the lodge and Supervisor Scheler said that Dick Franz is supposed to provide a cost synopsis and Mr. Hennessey said that information will be available for the next meeting. Supervisor Greenawalt said there were discussions on how the lodge would be used and there should be a decision made. Ms. Werth said that the township received a \$25,000 grant from Pottstown Health and Wellness and needs to get moving using the grant dollars because there is only 8 months left to do that. Mr. Hennessey said that Mr. Franz suggested putting in the septic and electric at the lodge and using part of the grant. Supervisor Scheler asked if the 2 tanks are what is recommended and the Township Manager said yes, it was recommended by the environmental engineer from Birdsboro, who advised not to spend money on a septic system. There were no comments.

Rejection of all Bids for Cherry Hill Lane Footbridge

- Chairman Marks said that our engineer and staff has recommended that all bids received on August 14, 2017 be rejected and that the project be re-bid with an alternative foundation and extension of the time to do the work, in hopes of receiving lower bids. **Supervisor Greenawalt made a motion to reject all bids for Cherry Hill Lane Footbridge and re-bid the project revising the specs and the time to do the work. The motion was seconded by Vice-Chairman Claypoole and it unanimously carried.** Chairman Marks said that LTL had recommended the bid changes. Township Manager Hennessey said that LTL suggested pre-cast blocks for the foundation as opposed to poured concrete. There were no other comments.

New Planning Commission Member

- Chairman Marks said that there was an Executive Session to interview Karl Russek for the open seat on the Planning Commission tonight at 6:30pm. **Supervisor Scheler made a motion to appoint Mr. Russek to the Planning Commission for an open term. The motion was seconded by Supervisor Elliott and it unanimously carried.** There were no comments.

Administration

- Vice-Chairman Claypoole said that in the last Police Department report, there was a very complimentary letter concerning the township's Accreditation. He suggested recognizing this achievement by putting a copy of the letter in the minute book for the meeting of August 14th.
- Supervisor Elliott said that Penn Dot finally mowed on Route 100.

Action Item List

- There were no comments on this list.

Checklist

- Township Manager Hennessey said that Assistant Fire Chief Chuck Hipple had mentioned that the Chairman needed to sign the paperwork for their new 2018 Pierce Pumper for the principal amount of \$794,000.00. They require township approval so they can move forward with the purchase. Solicitor Sager asked how this will be financed and Chairman Marks said they plan to use the money from the sale of the older fire truck and then with this financing, they will have a 2% loan for the balance. Supervisor Scheler asked if the township would be guaranteeing this loan. Fire Marshal Ron Comtois said no, it is a state-backed loan and they will use money from their Fire Relief Fund. Township Manager Hennessey read the agreement and it clearly states that the township is not responsible for their loan. **Supervisor Scheler made a motion to approve Chairman Marks signing the document for NORCO Fire Company for the purchase of their new 2018 Pierce Pumper Fire truck. The motion was seconded by Supervisor Greenawalt and it unanimously carried.** There were no comments.
- Supervisors Elliott, Scheler and Greenawalt had nothing for the checklist.
- Chairman Marks and Vice-Chairman Claypoole also had nothing for the checklist.
- Solicitor Sager said that last Friday, there had been an Executive Session via phone conference about moving forward with the inspections at Kline Place Apartments and today, the inspections began. Mr. Sager said this was the order from Judge Nagle and that Mrs. Tripodi's counsel had been advised of this 20 days ago, but he had not responded, but on last Thursday, Judge Nagle received a motion to stay the inspections. Solicitor Sager explained to the audience what had happened with the complex and said that there was no representation for Mrs. Tripodi. He said the locksmith was there, as well as township officials and the inspectors from Yerkes and Lewis Environmental, due to the significant mold in the units. Mr. Sager said the inspectors were supplied breathing apparatus, booties and gloves and they inspected all 27 units' interiors. The Solicitor said that the master, John Koury had advised the township to change the locks and give him the new keys, which Mr. Sager will do and he will advise Mr. Koury about the mold issues .during a phone conference at 4 pm today. Township Manager Hennessey said that Lewis Environmental will provide costs of remediation of the mold to Mr. Koury and thus, Mr. Koury said there needs to be money put into an escrow from Mrs. Tripodi for this remediation. Township Manager Hennessey said that Yerkes will come back to inspect the exterior another day and also provide costs for that. Fire Marshall Ron Comtois said there was a structural engineer at the site today. Chairman Marks asked if the township would need a court order to go back onto the property and Solicitor Sager replied no. The Chairman asked what the end goal is and Mr. Sager said either they can move forward with remediation of the judge can give power to the master to sell it. Chairman Marks asked if Mrs. Tripodi could appeal a decision from the judge to sell and Mr. Sager said yes, but the present appeal is a final decision of the lower court and both sides must address the appeal. The Solicitor said that

everyone felt that a lot had been accomplished today and would like to keep it moving along. Township Manager Hennessey said that this has been the first inspection in over 10 years and that the Fire Marshal and BCO Deborah Russo were at the site today but not involved with the inspections. Solicitor Sager said it is such a waste of the property and it should have been taken care of but it has deteriorated quite a lot. Chairman Marks said she should have sold it when the market was at its peak. Fire Marshal Ron Comtois said if she would have done what was needed back when the township did an inspection, it probably would not have cost more than \$1,000.00, but she had refused back then. There were no further comments.

- Solicitor Sager said the Hake 2-lot subdivision has a common driveway issue and our ordinance says that the township can mandate it to be a private street built to certain specifications, which is very costly. The Solicitor said he spoke to the Hake's about it and they are willing to do an easement and covenant on the land that it cannot be subdivided any further. Township Manager Hennessey said that the Planning Commission had not made a formal decision yet, because the Hake's engineer has to re-do the plan and go to the next Planning Commission, but the Planning Commission seem ok with the common driveway. Solicitor Sager said that Supervisor Elliott made an appropriate comment about setting a precedent with common driveways but maybe it would be a benefit for the community. Chairman Marks asked what that benefit is and Solicitor Sager said that the property would not be able to be subdivided in the future. Supervisor Greenawalt asked if the covenant will hold off any future subdivision and would it be recorded on the deed and Mr. Sager said yes to both questions. Supervisor Greenawalt asked if there will be public water and sewer and Township Manager Hennessey said no, that is private. Jim White said there is already a house there but due to the steep slopes there is only room for one more house and he way the township wouldn't enforce the paved street ordinance. Chairman Marks said that putting in a street adds more impervious surface and they would need at least 500 feet to create a new driveway and asked if they can do a by-rite and Solicitor Sager said they can try for a variance for a new driveway, but there could be environmental issues. Mr. Werth said this situation is different than the one on Temple Road. Mr. Sager said that is because there are no steep slopes on the Hake parcel. Supervisor Scheler said he preferred there not be a driveway on a steep slope because then all that vegetation would come out. Mr. White said the driveway would have to be done as a curved one. Mr. Comtois said it would be much steeper. Supervisor Scheler asked if they need a by-rite to develop the lot and Solicitor Sager said yes, but they still need to put in a driveway, which is too expensive and not a feasible idea with the slopes. Township Manager Hennessey said they could subdivide and request a flag lot and they are suggesting a common driveway. Chairman Marks asked if the board would have to approve the flag lot and the answer was yes. Supervisor Scheler said he would need to see a plan before rendering any opinion. Ms. Werth said they already have a plan because it was seen at the last Park & Rec meeting. The matter was tabled so that the board could receive and review the plan and information.
- Solicitor Sager said that West Lake Tree Farm is challenging the acreage in the Timber Harvest Ordinance and he sent a supplement in within the 10 day requirement. He said he received a copy of the Johnson's attorney to the West Lake's attorney and a copy of the letter from the Attorney General regarding East Nantmeal Ordinance that was challenged in 2016. Mr. Sager said he spoke to East Nantmeal's Solicitor and they had discussed changing their ordinance and then Mr. Sager shared information from the Marcellus Shale issue and asked to see a copy of the revised one, but he has not heard anything yet.

Public Comment

- Ms. Werth said that the water company's tanker trucks have destroyed the driveway next to Fernbrook and now there is a pile of rocks in the roadway. Township Manager Hennessey said that he had notified Penn Dot about the pothole in the road at the driveway. Supervisor Greenawalt said there is a water problem there from the houses higher up on the hill and there seems to be the need for a culvert there. Supervisor Greenawalt said this has created a hazard and is a road safety issue. Mr. Hennessey said that he will send a letter and talk with the property owner.
- Ms. Werth asked if the Coventry Woods Bonfire could be announced in the fall newsletter and that the Roadmaster told her he would like to put the leaf collection dates in the newsletter too.

With nothing else before the Board, the meeting was adjourned at 9:02 p.m.

Respectfully Submitted,

Kevin F. Hennessey
Township Manager