

North Coventry Township
Board of Supervisors
September 11, 2017

The meeting of the North Coventry Township Board of Supervisors was called to order at 7:00 pm, September 11, 2017 at the Township Building, 845 South Hanover Street, Pottstown. Present were, Chairman Jim Marks, Vice-Chairman Spencer Claypoole, Supervisors Rebekah Elliott, and Rick Scheler; Kevin Hennessey, Township Manager and Larry Sager, Solicitor.

Chairman Marks told everyone that there would be an agenda change, moving the police commendations ahead of SALDO.

Chairman Marks asked if anyone had any corrections or changes to the August 28, 2017 meeting minutes and there were none. **Vice-Chairman Claypoole made a motion to approve the August 28, 2017 minutes as presented. Supervisor Elliott seconded the motion and it unanimously carried.** 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 \$102,225.76. The Chairman said there is also the list of paid bills and payroll in the amount of \$116,259.26 and asked if anyone had questions. Supervisor Scheler said he would like to know what the township was paying Phillips & Donovan, the road building architect for and Mr. Hennessey said he would have to check and let him know. Vice-Chairman Claypoole asked if it was for the USDA application and Mr. Hennessey said he wasn't sure. Solicitor Sager asked if Mr. Scheler wanted to approve the bills but hold out this one and Mr. Scheler said no, that he was willing to approve it but he was curious what was done for the money. **Supervisor Scheler made a motion to approve the payment of the bills in the amount of \$102,225.76 and acknowledge the other paid bills and payroll in the amount of \$116,259.26. The motion was seconded by Vice-Chairman Claypoole and unanimously carried.** There were no comments.

Developer Bills

- There were no comments on the developer bills list.

Commendations for Township Police Officers

- Chief Schurr introduced Michelle Monzo and John Fulford from the Montgomery County Emergency Service, who were present to give commendations Chief Schurr Corporal Hollis, and Officer Machese. Ms. Monzo gave some background on their services and told the audience that they deal with mentally ill patients at a hospital in Norristown and serve as the Montgomery County consultant for the last 12 to 15 years. She read aloud one of the commendations and said it related to an incident in Limerick Township back on January 6, 2017 during a very cold evening, and the incident ended peacefully. She said that the West Swat Region was used and this was a very serious situation, but the negotiators talked the suspect into surrendering peacefully. Chairman Marks took photos of the officers receiving their commendations. Chief Schurr said that Michelle & John provide training for emergency services and do such a tremendous job because they care. Chief Schurr said he was at the incident as a Command Officer and it was a really tense situation and he is very proud of his

officers, although the Swat isn't used that often, it is great to have them when needed. There was a round of applause from everyone.

Subdivision, Land Development, and Conditional Use

- Chairman Marks said that at the last meeting the Hake Subdivision was tabled, but tonight, their engineer, Roger Lehmann, was present to seek permission to allow a flag lot and allow the use of a private drive vs. a private street. Mr. Lehmann showed the plan of the proposed parcel and said that they would like to create a rear flag lot due to the steep slopes on the property and that they are willing to put in a driveway easement that would be approved by Mr. Sager. Supervisor Scheler commented that the driveway would snake around if shared, and asked where it would be located if it is a separate driveway and Mr. Lehman replied that it would come up the flag pole. Supervisor Scheler asked if they would be held to the driveway specifications and Mr. Lehmann explained the specs and how a new driveway would impact the trees on the private street and also affect the grading of lot. Mr. Lehmann said that the current driveway was already paved. Supervisor Scheler questioned how they were going to handle the storm water from the slopes and Mr. Lehman said there are storm water management facilities at the house and sides of the driveway that LTL is reviewing. Solicitor Sager asked how big the lots are and was told one is 2.65 acres and the other is 4.1 acres. Solicitor Sager asked if there are any covenants yet and Mr. Lehmann said no, there is no subdivision and they're hoping to have the shared driveway. Vice-Chairman Claypoole asked if the Planning Commission has reviewed this yet and Ms. Washburn said they will at their next meeting. Chairman Marks asked what the board needed to do and Township Manager Hennessey said that the board needs to support the requested waiver of a private street and also support a flag lot. Mr. Hennessey said that the Planning Commission didn't object to it and Mr. Lehmann agreed with him and said they did suggest a 'pull off' area so that 2 cars can easily get by. Vice-Chairman Claypoole asked if the Planning Commission reviewed this and Mr. Sager said that they generally review a plan after all engineering is complete, but that Mr. Lehmann does not have the engineering completed at this time because he wanted to approach the board about the issues and get some direction. Chairman Marks questioned the flag lot. Supervisor Scheler said he would be ok with the shared driveway if there are covenants, no future subdivision and not 2 driveways coming onto St. Peters Road, as did Supervisor Elliott. Vice-Chairman Claypoole said that he was supportive of the shared driveway but wanted to wait for the Planning Commission to make a full recommendation, especially on the flag lot. Supervisor Scheler asked what happens if the neighbors don't want to share the driveway and Solicitor Sager said they have to if there is no flag pole. Mr. Lehmann said he may be able to move the house over some. Supervisor Scheler asked what if there was no flag pole and Mr. Lehmann said then it would become a zoning issue. Solicitor Sager suggested that he go to the Zoning Hearing Board for a variance and ask to remove the flagpole and use that area as frontage and Mr. Lehmann said he would then need to get waiver to use the easement because this becomes a hardship. Solicitor Sager asked if the board would support the hardship and Chairman Marks said yes. **Supervisor Scheler made a motion that the board supports the conditions; that the applicant will have a macadam pullover with approval from the Planning Commission; use existing driveway with no frontage for the new lot; accept the easement; no further subdivision; maintenance agreements; and covenants that run with the driveway lot and subdivision. Vice-Chairman Claypoole asked if the 16 feet macadam pullover is on St Peters Road and Solicitor Sager said no, it is in the easement and Mr.**

Lehmann said the driveway is only 16 feet wide at the pullover. The motion was seconded by Supervisor Elliott and unanimously carried. There were no comments.

Public Hearing on Amendment to Zoning Ordinance – Flood Plain Overlay District

- Chairman Marks opened the Public Hearing. Township Manager Hennessey explained that this amendment has been properly advertised and the draft amendment has been reviewed and approved by the Chester County Planning Commission and the township's Planning Commission and a copy is on file at the Chester County Law Library also. Mr. Hennessey said that the revisions have been drafted by the State Consultant to make sure that we comply with FEMA so that our residents can get flood insurance. Vice-Chairman Claypoole asked where the Law Library is located and Mr. Hennessey said it is in the Justice Center at the Court House. Randy Lockowitz of Riverside Drive asked what had been changed and Mr. Hennessey said the terminology where the 100 year flood is now called a base line flood and FEMA has reviewed and there were also some minor changes to the flood maps and the State Consultant hired by the County had also made some minor changes to our ordinance. Chairman Marks asked if any of the changes affects Riverside Drive and Mr. Hennessey replied no. The Township Manager said that this is a mandate from FEMA so that the residents are eligible for flood insurance and that there is no effect on that insurance but the township did have to comply. Chairman Marks closed the Public Hearing. **Supervisor Scheler made a motion to approve the draft Amendment to the Flood Plain Overlay District in the Zoning Ordinance. The motion was seconded by Vice-Chairman Claypoole and unanimously carried.** There were no further comments.

Scott Armstrong Sewer Connection

- Chairman Marks said that a few months ago, Mr. Armstrong asked the board to approve the directional drilling of a sewer connection under Laurelwood Road, but the Municipal Authority would not accept dedication of such a line and Mr. Sager had advised against it. The Chairman explained that since we passed the new road opening ordinance, Mr. Armstrong has asked the Municipal Authority if they would accept dedication of a line that would run alongside of the road in the Township's Right of Way and then cut diagonally to the existing manhole. Chairman Marks said that since the first alternate plan was denied, the Manager wanted to bring this before the board for consideration. Chairman Marks asked what portion of Laurelwood this is located and the Township Manager said it is between Cedarville and Hunters Run Roads and the right of way line connects Mr. Armstrong's house to the sewer line. Chairman Marks asked if the road opening ordinance is needed to open and close this and Mr. Hennessey said yes. The Chairman asked if it cost the township anything and Roadmaster McKee said no, the permit will be in the Municipal Authority's name. Solicitor Sager said he agrees with Mr. McKee's statement and added that the Municipal Authority has the right to install lines in the easement. Chairman Marks asked if the authority is required to do this and Mr. Hennessey said yes, for all new sewer lines. The Chairman asked if the authority knows this and Mr. Hennessey said yes. Supervisor Scheler asked if the new ordinance has inspections and Mr. McKee said yes, they are minimal and he can do them. Chairman Marks asked if the authority is aware they need to call the township for the inspections and Mr. Hennessey said yes. Vice-Chairman Claypoole asked if there are other homeowners in the area that have to connect and Mr. Hennessey said no, Mr. Armstrong has an on-site septic. The

Chairman asked if Mr. Armstrong has a well and Mr. Hennessey said he thinks so. **Supervisor Scheler made a motion not to object to this connection if the line will be accepted for dedication by our Municipal Authority. Supervisor Elliott seconded the motion and it unanimously carried.** There were no further comments.

Park & Recreation Commission Members

- Chairman Marks said that Park & Rec has interviewed and recommends the appointment of both Kathy O'Connell and Karl Danielson to fill two vacancies on their commission with both terms ending on 12-31-2020. **Supervisor Elliott made a motion to appoint both Kathy O'Connell and Karl Danielson to fill two vacancies on the Park & Rec Commission, with both their terms ending 12-31-2020. The motion was seconded by Supervisor Scheler and unanimously carried.** There were no comments.

Chicken Ordinance from Planning Commission

- Chairman Marks said the Planning Commission has provided a draft and asked what the next step is. Township Manager Hennessey said with the board's consensus, it can be advertised and adopted and the Chairman suggested putting this on the next agenda. Solicitor Sager said the ordinance is not in advertisement form yet. Supervisor Scheler asked if it would be better as a stand-alone ordinance and Solicitor Sager said he didn't think so. Ms. Washburn, Chairperson of the Planning Commission, said that the County Planning Commission had recommended a stand-alone ordinance. Solicitor Sager said it is not written that way. Ms. Washburn explained that the definitions stay with the ordinance and Mr. Sager said this is the first time he has seen the ordinance. Supervisor Scheler said that in Section 4, Paragraph C, it states something about a sketch and Ms. Washburn said that the model ordinance has drawings but it is not necessary because people can understand building a chicken coop from the wording. Supervisor Scheler said the Planning Commission did a good job putting this together. Solicitor Sager asked why the words 'small animals' are not listed in it and Ms. Washburn said that chickens aren't considered small animals and that small animals refers to having 4 legs and a mammal and the County and Penn State had both said to separate it out and use the term domestic chickens or fowl instead of just chickens. Solicitor Sager said that doesn't include turkey, duck or geese and Ms. Washburn said that is correct. Solicitor Sager asked if the intent is with chickens and Ms. Washburn said yes, the County had recommended using the word fowl and Solicitor Sager said he will need to know more and have his questions answered. Chairman Marks suggested tabling the matter and re-visit it when the Solicitor is satisfied. There were no other comments.

Administration

- Department Head Reports – There were no comments or questions.

Action Item List

- Supervisor Scheler asked the intent of #3, the playgrounds because the township did receive playground money from CVS and that Patty Werth had mentioned grant money that needs to be used and suggested moving it forward. Chairman Marks suggested getting a status report from Park & Rec about the intentions and priorities of the parks. Supervisor Scheler said he would like to see an updated status report on Kenilworth Park and Hanover Meadows.

- Supervisor Elliott asked if there was an update on the “no right turn” issue from Town Square onto Cedarville Road. Township Manager Hennessey said that he had advised the new management on this and told them they will need a Highway Opening Permit from Penn Dot but has not heard back. Chairman Marks questioned why they would choose to spend money on it because it could be expensive. Supervisor Elliott said that since the township doesn’t have anything to do with it, then it is inappropriate for the Action Item List. Solicitor Sager asked what is Penn Dot’s requirement and Mr. Hennessey said a formal application to Penn Dot by the property owner. Chairman Marks suggested this be taken off the list. Chief Schurr said he gave a warning to a truck driver that he caught today make the illegal right turn there. The Chief said that Andy Paravis wanted the ‘no right turn’ for the Cedarville Road neighbors, but the illegal turns happen anyway. Township Manager Hennessey said the new owners are supposed to come to the township to discuss mulch provisions and maybe the board can use this as leverage. Supervisor Elliott questioned how Mr. Paravis put this into place and if empowered back then, why isn’t the board empowered now and Solicitor Sager said it is now a Penn Dot issue. Mr. Sager explained that certain size vehicles do not have enough turning radius to make a good right hand turn there. Ms. Washburn said that back when this was decided, there wasn’t a traffic light on Hanover Street and Cedarville Road and that Mr. Paravis didn’t want all that traffic on Cedarville. The Solicitor asked the Chief if the intersection was specifically designed for left turns and there will be reconstruction done if there are lefts and rights. Chairman Marks said that is why they don’t want to spend the money. There were no further comments.
- Township Manager Hennessey said the street light bids are due for October 4, 2017 and so far, there are 6 bidders.
- Mr. Hennessey said there was a meeting last Friday and now we are waiting for the contractor’s estimate for repairs on the Stubblebine house.
- Supervisor Elliott asked about the street lights not working and Mr. Hennessey said that 149 street lights will be replaced with LED’s and that this item will be on the agenda for award on October 10, 2017. He said the lights were purchased through a CoStar vendor and the bids will be just for labor to install them.

Checklist

- Township Manager Hennessey said that on the wall behind him, a picture fell from water seeping from condensation from the police department’s a/c and furnace, which is very old and needs to be replaced. Chief Schurr said he received 3 estimates and would like to move forward and spend the \$8,300 with Wallace Electric. The Chief said that the old unit has outlived its usefulness. Chairman Marks asked if any of the contractors looked for mold and Chief Schurr said no one mentioned it. Chief Schurr said that Wallace Electric spent the most time examining the unit and that they do excellent work. Supervisor Scheler said that Wallace Electric is very reputable. **Vice-Chairman Claypoole made a motion to authorize the Chief to spend the \$8,300 with Wallace Electric for the a/c and furnace and duct work in the police department. The motion was seconded by Supervisor Scheler and unanimously carried.** Supervisor Scheler said a new unit will also save electric costs and the Chief said that the new one will be a Lenox Elite brand. Chairman Marks asked if there are only 2 systems in the building and Mr. Hennessey said there are 3 and 2 of them are from the late 1990’s. Supervisor Scheler asked if there is a maintenance agreement with the new system and the Chief will ask Wallace to quote one with the price. There were no other comments.

- Township Manager Hennessey said the mall met with the township staff last week to discuss a proposal for the township garage and they have proposed constructing it at the old Carmike Theater and renovate the theater to house the police department and township office. Mr. Hennessey said they would do the construction of the garage and are willing to use the current road building plans from Phillips & Donovan and will get back to us about the numbers. Chairman Marks said that township officials have always kept their eyes and ears open for the best site option since 2013 and it was the best intention to listen to the proposal. The Chairman said it will be at the mall's expense to construct and renovate and Supervisor Scheler said they will build it to 'turnkey' and then sell it to the township. Supervisor Scheler said that the township had approached the mall 4 years ago, but the owners at that time did not want to do anything like that. Solicitor Sager said another idea is to rent a portion of the mall if the numbers don't work.
- Township Manager Hennessey said that the township has received notice of a 2014 recycle grant that we will receive. Mr. Hennessey said it is approximately \$19,000.
- Township Manager Hennessey said that the township has received notice of the 2018 Liquid Fuel Appropriation and it will be approximately \$292,000 which is about \$8,000 more than last year's. Mr. Hennessey said that the township always receives an estimate of the Liquid Fuel Appropriation and that it comes from taxes on licenses and registration fees collected by the state.
- Township Manager Hennessey said the township received an invitation to the Green Valley Water Shed's annual dinner at 10-5-17 and the cost is \$95 per person.
- Supervisors Elliott and Scheler had nothing for the checklist.
- Chairman Marks suggested setting a date for meeting to begin the 2018 budgeting process. Mr. Hennessey said he has started working on the budget and should have something for the board in mid-October.
- Chairman Marks suggested that the Fall Road Tour be scheduled for the first week in October and everyone was good with 10-4-2017 at 7:30 am.
- Vice-Chairman Claypoole said that his meetings with COG are canceled until October.
- Supervisor Scheler said that the Northern Federation meeting is on September 12, 2017 at 7pm in East Coventry and will have a speaker.
- Solicitor Sager reported that the inspection at Tripodi/Kline Place Apartments was done on Monday, August 28, 2017 and that there are substantial damages to the property including mold in every unit and structural damage. Mr. Sager said he suggested a hearing in the master's office, John Koury, to establish a record concerning the extent of remediation necessary, the intent of the Tripodis to remediate as per the recommendation of the consultants, the financial ability of the Tripodis to remediate and the timing, etc. The Solicitor said he has a conference call set for 9-12 with the Master and the attorney and that he has no objection to file the brief with a 30-day extension and that he is waiting for a decision. Chairman Marks asked if the inspection report has been received and Township Manager Hennessey said there has been \$6,000 spent from the \$10,000 and that Yerkes said that the costs will be more than \$10,000. Mr. Hennessey recommended that the Tripodis post more money since the appraisal alone will be approximately \$5,000.
- Solicitor Sager said the assessment appeal for Spring Valley Church has been denied and will most likely go to trial. He explained that OJR School District has not filed anything but they may go to court. Mr. Sager said he spoke to the county's counsel and asked Mr. Comtois if they have obtained permits yet. Mr. Comtois said no, the plans came in just this week.

Solicitor Sager said he may have Mr. Comtois and Ms. Russo be a witness for the county. Chairman Marks said their taxes will go up when they do the planned renovations and Mr. Sager said they are seeking an exemption. Mr. Comtois commented that they are using the existing building as offices and that they do not do church services there.

- Township Manager Hennessey said he has not heard anything from the Eckert's concerning Fairway Farms, although there was supposed to be a staff meeting with East Coventry. He said he will contact East Coventry and this will be on the next board's agenda.

Public Comment

- Ms. Washburn said that the police officers do a good job.
- Ms. Washburn said that the county hoped to stop the south progression of the Lantern Fly but that did not work. The adults are beginning to die but the females are now laying eggs. She said to use a credit card to scrape them off of the trees and throw them away. Chairman Marks commented that they are everywhere. Ms. Washburn recommended covering your hands and arms when you have contact with the flies because she ended up with an allergic reaction. She stated that she sent out about 175 notifications about the bugs. Township Manager Hennessey said that there is information at the township from Penn State. Chairman Marks asked what the state is doing about the infestation and Mr. Hennessey said that the Department of Agriculture is working with Penn State to research insecticide sprays. Ms. Washburn said that after the 2nd spray treatment at her home, it took about 12 hours to get rid of the flies.
- Karl Yerger said there are limbs that fell on Kline Avenue from Kline Place Apartments and he had pulled them off the roadway and suggested that the inspectors look at the trees, which are rotted and also the big tree on Coyne Alley that is also rotted. Mr. Sager said he will mention this during his conference call.
- A resident of Riverside Drive said that the street lights need to be replace and Mr. Hennessey said there is a bid out to do the township street lights this fall.
- John Werth said there is gravel on the roadway still at the driveway next to Fernbrook. The Township Manager said he had called Penn Dot but had no luck getting in touch with the water company, who owns this driveway.

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

Respectfully Submitted,

Kevin F. Hennessey
Township Manager