

MINUTES OF THE
EAST COVENTRY TOWNSHIP BOARD OF SUPERVISORS
MEETING HELD ON FEBRUARY 18, 2008
(Approved March 10, 2008)

The Board of Supervisors held a special meeting on Monday, February 18, 2008. Present for the meeting were supervisors W. Atlee Rinehart, Rosemarie C. Miller, Robert F. Preston, Timothy Roland and Ray Kolb. Also, in attendance were Bernard A. Rodgers, Township Manager and Mark A. Hosterman, Township Solicitor. Mr. Rinehart called the meeting to order at 7:00 p.m.

1. Discussion of the Order of the East Coventry Township Zoning Hearing Board dated January 21, 2008 on the Application of Frank John Murray and Kristen A. Murray and for the Board of Supervisors to decide whether or not to appeal said Order

Mr. Rinehart read the advertisement from the Pottstown Mercury advertising this evening's meeting. Mr. Rinehart then turned the meeting over to the Mr. Hosterman. Mr. Hosterman stated that this particular item on the special agenda tonight is a matter of active litigation and as a result should be discussed by the Board of Supervisors in executive session and then the Board should come out and vote whether or not they will appeal the decision of the Zoning Hearing Board. Mr. Roland asked that if there is anyone here tonight to make a point that may factor into the Board's decision and does it make sense to have an opportunity to speak. Mr. Preston stated he agreed with Mr. Roland and noted he asked Walter Woessner to come and state his position before the Board meets in executive session to discuss it themselves. Mr. Hosterman stated that it is not required but if the majority of the Board is inclined to do that they certainly may, however, it is not required. Mr. Hosterman cautioned the Board not to engage in discussion with the public on this issue, they can make a statement but they cannot ask questions for the Board's response. Mr. Rinehart stated that whatever anyone on either side of the table says tonight is their own opinion. Mr. Rinehart asked the Board if they wanted to open the meeting up to public input and Mr. Hosterman stated 'in the form of statements only'. Mr. Rinehart stated 'and to not be repetitive'. Mr. Rinehart called for a vote, Mrs. Miller voted yes, Mr. Preston voted yes, Mr. Roland voted yes and Mr. Rinehart stated, okay we have a majority.

Walter Woessner of 164 Schoolhouse Road I went through the code of ordinances looking for the word livestock and it shows of fourteen times and they show up in the same category in agricultural paragraph and then I looked for animals and animals shows up in fees and you have to get a permit and pay a \$50 fee for a doghouse. It also implies that any doghouse would have to be 100 feet from the property line and any house.

Missy King of 10 Eleanor Drive stated it is her understanding that the Zoning Hearing Board deliberated on December 20, 2007 and came to a decision and Ms. King stated the Board should support their decision and not waste anymore of taxpayers' money.

Mike Culver of 19 Linda Lane stated that attended the zoning hearings and noted a property almost adjacent to the Murray has the same kind of use as kennels and it was stated they are not talking about that property but this property and Mr. Culver questioned why they are able to have the same use.

Diane Culver of 19 Linda Lane attended all the zoning hearings concerning this case and had two comments to make. The Murray's expended nearly \$100,000 of their own money to put the kennel into operation because they clearly understood from the township they had the proper permits they needed and they also support three children so why would anyone believe a young, intelligent couple would take \$100,000 of their money, advertise the business knowing they are doing something wrong. Ms. Culver felt that John and Kristen Murray were treated poorly by the Township solicitor during the proceedings – he treated them like they were criminals.

Gail Brown of 500 Sanatoga Road that in the first hearing it was stated that the Murray's were given permission for their property by the Township Manager, Atlee Rinehart and an unnamed attorney and that is where it all began because the proper procedures for our zoning ordinance were not followed by township personnel the only person that can authorize is the zoning officer they should have gone to the zoning officer which is property procedure.

Sally Kolb of 231 Baptist Church Road stated she works with a legislation branch of the Farm Bureau and Chester County has an active chapter and the state identifies canine entities as agricultural. The agricultural community has accepted them as such as well and it concerns me having a business that is agricultural and has every agricultural entity has things that can be nuisances to people who are not used to living around them. If we give the ability to one person to cause such a terrible uproar to an established well run business that is a clean operation then I think we are really opening a can of worms because these are peoples livelihoods and everything we have are invested in these properties and if we allow agricultural entities to be attacked by a single person when we all know living in a township that has changed as ours has many things that were set up wrong. If we starting allowing that, you better kiss all agricultural goodbye and sell to developers because there won't anyone left who will be willing to take on the liability of these lawsuits and hearings. You are saying every election you are trying to save open space well your decision is going to decide whether you want to save open space or not.

The Board recessed into executive session at this time.

The special meeting reconvened at 7:39 p.m.

Mr. Kolb moved to not appeal the decision of the Zoning Hearing Board of the John and Kristen Murray case. Mr. Roland seconded the motion. Mrs. Miller voted to appeal. Mr. Preston voted to not appeal. Mr. Roland voted to not appeal. Mr. Kolb voted to not appeal. Mr. Rinehart voted to not appeal. The vote carried 4-1-0 to not appeal the decision of the Zoning Hearing Board.

Mr. Hosterman stated that if any members of the Board would like to make a public statement it would be appropriate at this time now that the vote is to not appeal the decision.

Mr. Preston stated that the corrections will be made to the Zoning Ordinance to clarify who does what, where and when and all zoning issues will be in writing by the Zoning Officer.

Mr. Rinehart stated the next zoning taskforce meeting to discuss the proposed zoning ordinance

will be here at the township building, February 28, 2008 at 7:00 p.m.

Mr. Kolb stated that at 4:00 a.m. this morning the second house on the left in Fricks Locks Village burnt down. Mr. Preston stated the Chester County Fire Investigator is looking into it.

Mr. Roland stated he felt his responsibility on the outset is to uphold the integrity of the zoning ordinance and is looking forward to moving ahead and firming up and clearing up any ambiguities so as to not have another recurrence.

Mr. Rinehart stated that each of us the five-member Board is here to represent the township, we are here to represent the citizens, and we are here for you. Mr. Rinehart, speaking for himself, said you have spoken overwhelmingly on behalf of the Murray's, you have represented the Murray's, you have supported them, you have done a wonderful thing for the community by showing support for this family and we are here to represent the community and put in legislation and ordinances to protect and have growth in a controlled matter, all being said we are here to represent you.

Mr. Roland moved to adjourn the special meeting at 8:10 p.m. Mr. Preston seconded the motion. The motion carried with a 5-0-0 vote.

Respectfully submitted,

Bernard A. Rodgers
Township Secretary