

MINUTES OF THE
EAST COVENTRY TOWNSHIP BOARD OF SUPERVISORS
MEETING HELD MARCH 14, 2016
(Approved April 11, 2016)

The Board of Supervisors held its' regular monthly meeting on Monday, March 14, 2016. Present for the meeting were supervisors Ray Kolb, Karen Nocella, W. Atlee Rinehart, Michael Albert Moyer and Anthony Duffy. Also present were Bernard A. Rodgers, Township Manager, Mark A. Hosterman, Township Solicitor and Brady Flaharty, Township Engineer.

Mr. Kolb called the meeting to order at 7:00 p.m. and the pledge of allegiance was recited.

Mr. Hosterman stated that an executive session was held at 6:00 p.m. immediately preceding this meeting to discuss three (3) matters concerning real estate acquisitions and one (1) matter concerning potential litigation.

1. MINUTES

Mrs. Nocella made a motion to approve the minutes of February 8, 2016 Board of Supervisors meeting. Mr. Duffy seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

2. PUBLIC COMMENTS

Mr. Robert Bauers, 169 Sawmill Road, Pottstown, PA 19465 stated he is concerned about the stream bank eroding from under the driveway bridge on his property. Mr. Bauers presented the Board of Supervisors with a handout outlining his concerns and pictures of the water that runs under the driveway bridge. Mr. Bauers gave a description of the issues.

Mr. Bauers stated the bank under/around bridge is getting wider from all the water in the Bickle's Run creek, which the bridge crosses. He believes there is too much water in the creek stated Sawmill Road and Harley Road are constantly flooding. He asked if someone from the Township could inspect the stream conditions and make some suggestions for solutions.

Mrs. Sandy Bauers, 169 Sawmill Road, Pottstown, PA 19465 stated they are concerned the driveway bridge will disappear or collapse while driving over it.

Mr. Bauers asked if the Township could install larger pipes downstream. Mr. Kolb stated if larger pipes were installed, this would create a domino effect by pushing the flooding further down the run. Mr. Kolb would like to have the Township Engineer take a look at the Coventry Greene Retention basin to make sure the basin is functioning correctly. If the basin is not functioning correctly, it would be the Homeowner Association's responsibility to repair.

Mr. Flaharty stated the first thing to do would be to look at the Coventry Greene Retention basin. There could be a clog in the outlets. Mr. Flaharty stated if you take a look at the nature of the weather patterns over the period of time Mr. Bauers mentioned, you would probably find that the East Coventry area has had more intense storms, more frequently than it had in the period of time prior to that. Mr. Bauers agreed with Mr. Flaharty to a point, but did not think that would be the only reason. Mr. Bauers stated for the record that he does not accept that as an explanation for the problem. Mr. Flaharty stated it may not be the only reason, but it could be a contributing factor. Mr. Bauers stated it could be a contributing factor, but not the problem.

Mr. Bauers stated he thinks checking the Coventry Greene is a great idea, but he would still like to have someone come out and look at his property. Mr. Moyer stated he would like to make a motion to have the Township Engineer look at the Coventry Greene Retention basin and see if it is functioning properly. Mr. Kolb asked if Mr. Moyer would also like the Township Engineer to look at Mr. Bauers property. Mr. Moyer stated yes. Mr. Rinehart stated we should take a look, but be very cautious as far as the Township goes. Mr. Moyer stated this would only be fact finding. Mr. Rinehart stated if this is only fact finding, then he will second the motion.

Motion clarification: Mr. Moyer made a motion to have the Township Engineer look at the Coventry Greene Retention basin to see if it is functioning properly and to look at Mr. Bauers property located at 169 Sawmill Road. Mr. Rinehart seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote. Mr. Kolb stated the Township will let Mr. & Mrs. Bauers know the outcome of the site visit.

Mr. Moyer discussed the newspaper article concerning the Owen J Roberts School District School Board meeting regarding the elementary school project. Mr. Moyer would like to make a motion to strip all the trails from the East Coventry Elementary School project to make it easier for the Owen J Roberts School District to proceed with the construction of the East Coventry Elementary School. Mr. Kolb mentioned the trails are not the only item to be resolved and why eliminate trails that would go to the largest housing development in the Township and allow kids to walk to school. Mr. Moyer stated that the School District does not have the money to put the trails in and that trail location should be allowed to develop naturally with use of the property overtime.

A discussion ensued between and among the Board members and meeting attendees.

Mr. Lance Parson, 79 Brownstone Drive, Pottstown, PA 19465 stated he is on the planning commission and offered a possible compromise to have the trails installed when the other fields (activity) are installed. Mr. Moyer and Mrs. King stated they thought that was a good idea.

Mr. Flaharty stated the only waiver granted by the Board thus far is the waiver on the widening of East Cedarville Road. However, the packet information for the Planning Commission meeting on March 16, 2016, contains a partial waiver request from the Applicant to allow what is shown on the current plan for a trail to satisfy the Section requirement on trails.

Mr. Hosterman stated he has not had a chance to review this request and compare it to the Zoning Hearing Board, but the Applicant may have to go back to the Zoning Hearing Board. Mr. Kolb stated he is sticking to the installation of the trails, but does like Mr. Parsons' proposal. Mr. Flaharty stated the plan proposes three (3) fields, with the first field being constructed initially, and the other two (2) fields being constructed as budget allows.

Mr. Rodgers asked if the stormwater proposal includes the trails or whether they will have to redo the stormwater proposal. Mr. Flaharty stated the stormwater proposal includes the trails.

Mr. Kolb asked Mr. Moyer to restate his motion. Mr. Moyer stated his initial motion was to kill the trails all together, but he likes Mr. Parsons' proposal for the installation of the trails. After some Mr. Moyer stated he will keep his motion the same.

Mr. Moyer made a motion to get rid of the trails. Mr. Duffy seconded the motion. Mr. Kolb called for the vote and **the motion** failed with a 2-3-0 vote. Mr. Moyer and Mr. Duffy voted yes. Mr. Kolb, Mr. Rinehart, Mrs. Nocella voted no.

3. **REPORTS**

Township Manager's Reports

Consideration of approval of the proposed Fricks Lock Village Feasibility Study

Mr. Rodgers introduced Mr. Dale Frens of Frens and Frens, LLC Restoration Architects. Mr. Frens presented the proposed Feasibility Study for Fricks Lock Village concerning the adaptive re-use of the existing properties leased by the Township from Exelon. Mr. Frens discussed three (3) different plan options.

A general discussion ensued between the Board members, the general public in attendance and Mr. Frens. Mr. Frens stated the Township has seven years remaining in its 10-year lease with Exelon and noted that a Historic Village Zoning Overlay District would need to be created for implementation of any of the Study alternatives.

Mr. Rinehart made a motion to accept Mr. Frens feasibility report on Fricks Lock Village. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Consideration of approval for FM Development Sewer Escrow Release #1

Mr. Rodgers reviewed the request from FM Development for Sewer Escrow Release #1 in the amount of \$32,360.96. The location of the extension of the Sanitary Sewer is on East Cedarville Road. Mrs. Nocella made a motion for the Sewer Escrow Release #1. Mr. Duffy seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 4-0-1 vote. Mr. Moyer abstained

Consideration of approval for the release of the Letter of Credit for Walnut Springs Farm

Mr. Rodgers explained that the eighteen month maintenance period for the Walnut Springs Farm Land Development expired on March 8, 2016 and the Developer had requested the release of the maintenance Letter of Credit (LOC). The Township Engineer had certified that only \$7,500.00 was needed to be kept in escrow for completion of the remaining maintenance items that could not be completed due to weather conditions. The Developer deposited \$7,500.00 cash with the Township to secure those incomplete items. Mr. Rodgers requested that the Board ratify the release of the LOC and acceptance of the \$7500.00 as security for completion of the remaining maintenance items. Mrs. Nocella made a motion to approve the release of the Letter of Credit for Walnut Springs Farms with the retainage of \$7500.00 cash escrow. Mr. Kolb seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Consideration of Township Engineer's Report

Mr. Flaharty wanted to remind the Board of Supervisors the Annual Stream Cleanup will be held on Saturday, April 23, 2016. The meeting location for this event will be at the intersection of Route 724 and Bethel Church Road. Everyone is welcome to come out and help with the Stream Cleanup. Mrs. Nocella made a motion to approve the Township Engineers report. Mr. Duffy seconded the motion. Mr. Kolb called for the vote and **the motion** passed with a 5-0-0 vote.

Consideration of approving reports from various departments and committees

Mrs. Nocella stated it was still not too late to sign up for the 5K, 10K, 1 Mile/Fun Run on March 19, 2016 at 9:00 am. Mr. Duffy agreed to be the master of ceremonies. Mrs. Nocella made a motion to accept the various department and committee reports. Mr. Moyer seconded the motion. Mr. Kolb called for the vote and **the motion** passed with a 5-0-0 vote.

Consideration of approving Annual Reports from the Historical Commission and the Planning Commission

Mr. Rinehart made a motion to accept the Annual Reports from the Historical Commission and the Planning Commission. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion** passed with a 5-0-0 vote.

4. Subdivision and Land Development

5. Zoning Hearing Board Applications

6. Other Business

General Code Proposal for Codification Services

Mr. Rodgers reviewed the General Code Proposal for Codification Services. The Township in past years had used Keystate Publishers, however Keystate Publishers is going out of business at the end of March 2016. Mr. Rodgers researched different code companies and recommended the use General Code and the contract would continue on an annual basis. Mr. Rinehart made a motion to approve the contract with General Code as the Townships Codification Company. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion** passed with a 5-0-0 vote.

7. Exonerations

Mr. Moyer read the list of exonerations. Mrs. Nocella made a motion to approve the Exonerations List. Mr. Duffy seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

8. Payment of Bills

Mrs. Nocella made a motion to pay the bills as presented:

Fund Name	Amount to Pay
General Fund	142,277.02
Fire Hydrant Fund	1,016.41
Open Space	-
Sewer Operating Fund	16,274.09
Sewer Capital Fund	-
Traffic Impact Fee Fund	3,728.51
Capital Reserve	3,280.71
Highway State Aid Fund	706.31
TD Escrow	-
Totals	\$ <u>167,283.05</u>

Mr. Rinehart seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

9. Information Items and Additional Items to be Brought Before the Board

Mr. Kolb made a motion to hire George Strutyński for part time work in the Public Works Department starting May 2, 2016 through September 30, 2016 at an hourly rate of \$15.84. Mr. Rinehart seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Mark Hosterman discussed a memorandum to the Board of Supervisors regarding the petitions for a Ballot Referendum to repeal prohibition in East Coventry Township. Mr. Hosterman stated it is not clear that East Coventry Township is a dry Township. It is clear no liquor licenses have been issued, it is that restaurants cannot serve malt and brewed beverages. It is not clear to Mr. Hosterman or Mr. Rodgers whether or not beer distributors or state liquor stores are permitted into the Township. The earliest this could be a ballot question is next year in the primary election. Petitions would be required to be circulated. The same procedures the election code, which govern nomination petitions also govern these petitions. There would need to be two ballot questions and 2 petitions, but if beer

distributors and state liquor stores are also prohibited, there would be a minimum of four questions on the ballot. The number of petitioners to sign for each petition is based on the number of votes for the highest vote getting office in the Township in the General Election this November. Mostly likely this would be the President. The petitions would be submitted to Chester County and then the questions would be on the ballot.

Mrs. King asked if it mattered what party they were on. Mr. Hosterman stated no, it does not matter what party they represented, they must be a registered voter.

Mr. Moyer asked if Mr. Hosterman would have to review the language for the petition. Mr. Hosterman stated the questions are straight out of the Liquor Control Board Code. Mr. Hosterman stated the dates for the primary has not been officially stated. Mr. Moyer asked when the petitions could be circulated. Mr. Hosterman stated not before February 4, 2017.

Mr. Rodgers stated the last referendums were in 1935 and 1937. Mr. Rodgers stated the Township can find referendum references in the minutes but cannot find any documents. Mr. Hosterman stated he is not sure either. Mr. Hosterman stated he does not know if the liquor codes have changed since the 1930's.

Mr. Hosterman also wanted everyone to enjoy the run this weekend. Mr. Hosterman stated he is glad to be a sponsor, but he has a previous commitment.

Mr. Rodgers stated he was contacted by Natural Lands Trust in mid-February regarding the Township supporting and contributing funds to match a grant from Chester County to place the Taylor/Ashburn and Matt Kulp Farms in Conservation Easements. Natural Lands Trust was working with the property owners to submit grant applications by the end of February to Chester County and requested letters of support from the Township which were sent February 23, 2016. The letters advised that the Township supported the placement of these properties in conservation easements and that the Board of Supervisors would take it under consideration at the March 14, 2016 Board of Supervisors meeting to contribute matching funds. The total cost to the Township for the Taylor property would be \$99,737.00 and the County portion would be \$59,735.00, which represents 1/2 of the acquisition costs. The total cost to the Township for the Kulp property would be \$200,550.00 and the County portion would be \$162,150.00 acquisition costs and another \$38,000.00 for transition costs. The total Township cost for both the Taylor Farm and Kulp Farm would be \$300,287.00. Mr. Duffy asked where the dollars would come from. Mr. Rodgers stated the money would come from the Open Space Fund. Mr. Rodgers suggested the Board of Supervisors forward the Kulp property information to the Open Space Committee to review. The Open Space Committee has not had a chance to review the information. Mr. Rinehart made a motion to approve the applications for placing the Taylor property and the Kulp property in conservation easements and the use of Township Open Space Funds to acquire the easements in conjunction with Chester County and Natural Lands Trust. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

10. Adjournment

Mrs. Nocella moved to adjourn the monthly meeting at 8:33 p.m. Mr. Duffy seconded the motion.

Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Respectfully submitted,

Bernard A Rodgers
Township Secretary