

MINUTES OF THE
EAST COVENTRY TOWNSHIP BOARD OF SUPERVISORS
WORKSHOP MEETING HELD ON JANUARY 21, 2008
(Approved February 4, 2008)

The Board of Supervisors held a Workshop Meeting on Monday, January 21, 2008. Present for the meeting were Supervisors W. Atlee Rinehart, Rosemarie C. Miller, Robert F. Preston, Tim Roland and Ray Kolb. Also in attendance were Bernard A. Rodgers, Township Manager and Brady Flaharty, Township Engineer.

Mr. Rinehart announced that an execution session was held at 6:30 p.m. prior to this meeting to discuss sanitary sewer easements. Also, an executive session was held after solicitor interviews on January 16, 2008 to discuss sanitary sewer easements.

Appointment of Township Solicitor

Mr. Rinehart noted that the Board had interviewed several law firms for the position of Township Solicitor and asked for recommendations on an appointment. Mr. Preston moved to nominate the law firm of Wisler Pearlstine to be the Township Solicitor. It was noted that Mark Hosterman, Esquire would be the primary contact and representative to attend the Board of Supervisors meetings at an hourly rate of \$130.00. Mr. Kolb noted that Attorney Hosterman would not be able to attend meetings on the first Wednesday of each month and it was the consensus of the Board to advertise a Board meeting for the first Monday in February (February 4, 2008) and then decide on a meeting schedule for the remainder of the year at that meeting. Mr. Roland seconded the motion. No other nominations were made. Mr. Rinehart asked for the vote and **the motion** carried unanimously (5-0-0).

Mr. Roland moved to retain the law firm of Lamb McErlane as conflict counsel represented by Guy Donatelli. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Sewer Update

Mr. Flaharty provided a sewer update.

Mr. Flaharty noted Drainage Areas 1, 2, and 3 can hook up no sooner than March 10, 2008 and drainage areas 4 and 5 no sooner than April 2, 2008. There were not any questions posed by members of the public in attendance at the meeting.

A motion was made by Mr. Preston to have a hook up issuance date of April 2, 2008 for all drainage areas. Mr. Roland seconded the motion. Mr. Rinehart called for the vote and **the motion carried** with a 5-0-0 vote.

Mr. Flaharty noted that he had submitted a letter to the Township Manager including a drawing and description of the proposed stormwater drainage easement required along Spring Creek Lane. Stormwater began seeping onto Spring Creek Lane as a result of the recently installed sanitary sewer line and the easement is necessary to conduct the stormwater away from the roadway. Revisions can be made if needed.

Mr. Preston asked Mr. Brady what he thought of the condition of Harley Road between Sawmill Road and East Cedarville Road. Mr. Brady replied that it is in poor condition and Mr. Preston then asked when the Contractor would be providing temporary repairs and maintenance. Mr. Flaharty stated he has been working on this issue with the contractor and has been requesting the road to be fixed. Mr. Flaharty suggested the item be addressed at the time of the next payment application request made by the contractor. Mr. Preston suggested some of the monies be held from the contractor when the current payment request is approved.

Mr. Preston made a motion to reduce the current payment request amount to N.Abbonizio Contractor's Inc., by \$10,000 to encourage repairs to Harley Road. Mrs. Miller seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Preston inquired about the status of the drive on the DePue property and Mr. Flaharty stated that he had provided information to the Township Manager including possible alternate locations for the access drive. Mr. Rodgers retrieved the drawing and Mr. Flaharty reviewed it with the Board, discussing the location of the alternate drive and stating that site distance appeared feasible.

Mr. Rodgers provided an update regarding the request for investigation into the sewer lateral complaints at Coventry Glen and Heather Glen. He informed the Board that Eric Hawkins was transferred by Code Inspectors, Inc. to work with other clients and his replacement is Steven Young. Mr. Rodgers stated that he has been working with Mr. Young on addressing the sewer issues. There are twenty (20) building sewer laterals in driveways on Brower Lane and Rinehart Road that should be repaired and lateral clean outs and vents for eight (8) units on North Savanna Drive that are not visible. Mr. Rodgers stated that he, Mr. Flaharty and Steve Young met with Jerry Murphy representing NVHomes earlier that day to discuss the driveway laterals. NVHomes said that they would video the laterals to see if any of the vent traps were damaged within the next two (2) weeks and send a report to Mr. Flaharty. He was non-committal on any further action by NVHomes until that work was done.

Mr. Rodgers also stated that the NVHomes had requested the refund of building permit fees paid to the Township for buildings that were ultimately not built. The refund requested was approximately \$27,000 but adjustments were necessary for non-refundable portions of the building permit fees. It was noted that a portion of the refund would be from the Highway Improvements Fund (approximately \$11,000) and the remaining from the General Fund. Mr. Rodgers said he told NVHomes that he was aware of the refund request, that he felt they were due a refund and was reviewing the Township Solicitor's comments on their request.

Mr. Rodgers noted that ARRO is performing the final grading/seeding inspections on the building permits and questioned why. He felt that Code Inspections, Inc should be performing those inspections and that lack of coordination between the different inspection groups was an issue. He believed that the building sewers were being checked at time of rough grading but not after final grading. Mr. Rinehart noted that the consultants needed to communicate better.

Mr. Rodgers stated that building sewers for five homes in the Heather Glen development are also being reviewed by Code Inspections, Inc. for compliance.

Mr. Rodgers indicated that he would have a written report prepared for the Board regarding these issues at a later time.

Mr. Preston noted concerns of Code Inspections, Inc. never looking at the township for compliance as they had agreed to do.

Mr. Preston asked if Mr. Rodgers has solicited proposal for codes/building inspector services as previously directed by the Board of Supervisors. Mr. Rodgers stated he had not and believed that it was best to work through the existing issues with Code Inspections, Inc. first and see how the new person was working out. Mr. Preston asked if the issues would be resolved within 2-3 months and Mr. Rodgers said that if they were not resolved within that time frame then the Board should consider additional action.

1. MINUTES

Minutes of the November 5, 2007 Monthly Meeting

Mr. Roland moved to ratify approval of the minutes of the November 5, 2007 monthly meeting as amended version R1 and further revised this evening. Mr. Preston seconded the motion. Mr. Kolb abstained due to his absence at the November 5, 2007 monthly meeting. The motion carried with a 4-0-1 vote. Amendment being under subheading, *National Penn Bank*, in the second paragraph in the seventh paragraph change 'and to be done' to 'are to be done', under the same heading replace 'inter' with 'intra' and 'intra' with 'inter'.

Minutes of the January 7, 2008 Organizational Meeting

Mr. Preston moved to approve the minutes of the January 7, 2008 organization meeting as revised by Mr. Preston version R1 and further amended. Mr. Roland seconded the motion. The vote carried with a 5-0-0 vote. Amendment being under subheading, *Other Appointments*, second to last sentence to read 'ARRO will inspect the driveways in developments of two or more homes and where grade and soil erosion plans are necessary.

Minutes of the January 7, 2008 Monthly Meeting

Mr. Roland moved to approve the minutes of the January 7, 2008 monthly meeting as revised by Mr. Preston version R1 and further amended. Mrs. Miller seconded the motion. The motion carried with a 5-0-0 vote. Amendments being under subheading, *Public Comments*, in the fourth paragraph first sentence remove the 'e' between 'has' and 'not', under subheading, *Additional Items Brought to the Board*, noted that Mr. Rinehart voted 'no' on the motion to approved the check in the amount of \$5,000 to Barbacane Thornton and Company.

2. PUBLIC COMMENT

Missy King of 10 Eleanor Drive inquired if the Board would allow use of the meeting room for political activity. Mr. Rinehart noted that should be acceptable as long as scheduled in advanced. Ms. King stated she was inquiring if the fee for the meeting room would be waived.

Mr. Preston moved to have the Board of Supervisors allow interviews by political organizations (all political parties and / or political organizations included) for township elected or appointed positions to be held in the township meeting room and the township will waive the fee for that purpose with the condition that it would not interfere with any other scheduled function. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Bill Mullray of Mullray Builders, developer of Bethel Church Estates, was present to discuss sidewalks at Bethel Church Estates development.

Mr. Mullray stated that the residents of Wiand Lane had asked him not to install the sidewalks in the Bethel Church Estates development. Mr. Mullray presented a petition from all but one of the current property owners in the Bethel Church Estates development requesting that the sidewalks not be installed. Resident, Jami Rossman, stated that she felt the sidewalk as proposed goes nowhere and should be eliminated. Mr. Rinehart noted that he was concerned that U/O's were issued without the sidewalks installed. Mr. Kolb recommended that the Planning Commission review the item.

3. SUBDIVISION AND LAND DEVELOPMENT

Coventry Greene

Mr. Kolb asked if the manhole issues at Coventry Greene have been resolved and Mr. Flaharty stated that they have been.

Mr. Kolb moved to release the maintenance bond for Coventry Greene. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Green Acres

Glen Kelczewski of Conner and Smith Engineering and Attorney Lawrence Sager, counsel for the applicant, were present.

Attorney Sager and Mr. Kelczewski reviewed the issues concerning the sidewalks for the Green Acres Subdivision and specifically the Township Planning Commission's recommendations, and PaDOT's requirements per its' December 3, 2007 letter.

A discussion ensued wherein the pros and cons of installing the sidewalks and a payment in lieu of installation was discussed between the Board and Attorney Sager and the Developer's engineer.

Mr. Rinehart moved to waive the sidewalks on the entire Bethel Church Road from the 'Yorgey side' down to the curb having sidewalk drop people down to no mans would be just as dangerous as starting out as no sidewalk all that being in fee in lieu of to be determined by the engineer and that the fee go toward the capital reserve fund.

Rinehart did all of that make sense to the Board? Sager: and with final plan approval be

granted sticking to those conditions. **My motion stands do I have second? Mr. Kolb made the second.**

Mr. Rodgers asked if this was a final plan and the developer's engineer responded that it was a preliminary plan.

Mr. Rinehart stated that the motion was to be for preliminary plan approval and asked Mr. Kolb for a second. Mr. Kolb gave the second. Mr. Rinehart called for the vote: Kolb, yes; Roland, ney; Miller, ney; Preston abstained because he said he could see both sides of the question. Mr. Rinehart stated that the motion failed with 2 ayes and 2 ney votes and one abstention.

Further discussion ensued between Attorney Sager and the Board and Attorney Sager reviewed the positions taken/recommended by PaDOT, Township planning Commission, Township Consultants and stated that if the Board took the position of requiring the sidewalks that the Developer would have to consider litigation. Discussion continued regarding the recommended fee in lieu of sidewalks and safety and historical concerns. Mr. Preston suggested that PaDOT be required to put the sidewalks in if the road were widened in the future.

After further discussion **Mr. Rinehart made a motion** to approve waiving the installation of sidewalk along Bethel Church Road as recommended by the Township Planning Commission conditioned on a payment in lieu of the installation based on the Township Engineer's recommendation and that PaDOT be required to install the sidewalk if it widens the road. **Second? Ray Kolb, Yes; Tim Roland, No; Robert Preston, Yes; Atlee Rinehart, Yes; Rosemarie Miller, No. The motion was approved 3-2-0.**

Verizon

Mr. Sager asked the Board if it had been contacted by Verizon and Mr. Rodgers responded 'yes'. Mr. Sager said that Norco met with representatives of Verizon and the School District. Mr. Sager stated if the township have similar interests maybe they can coordinate for potential cost savings.

Bealer Subdivision

There was a discussion regarding the final plan approval resolution for the Bealer Subdivision.

Mr. Preston inquired when the improvements agreements would be approved and funded. Mr. Bealer noted that only two buildings will exist, one being the existing barn to be renovated and one new home for his brother. He did not know when the third lot would be built upon.

Mr. Preston noted the agreements should be in place and funded prior to building permit being issued. Mr. Bealer stated the road improvements will be completed immediately. Specific time-framing test for the improvements agreements are to be placed in the resolution. Mr. Flaharty will provide the text for such.

Mr. Preston moved to approve Resolution No. 2008-06 granting final plan approval for the Bealer Subdivision with the incorporation of the proper language to address the improvements agreements issue. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

4. OTHER BUSINESS

Exonerations and Exemptions

Mrs. Miller read the exonerations and exemptions as presented by the Tax Collector.

Mr. Rinehart moved to approve the exonerations and exemption as presented by, Constance Megay, Tax Collector as attached. Mr. Roland seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Pole Barn Addition

Mr. Kolb reviewed the Memo dated 1/08/2008 from Mr. Rodgers to the Board summarizing the three quotes received for the expansion of the pole building and recommending the quote in the amount of \$7,146.00 from Unlimited Structures, Inc. Mr. Rinehart moved to accept the quote from Unlimited Structures, Inc. for the pole building extension with the condition that no East Coventry Township employees will assist with the construction on this job. Mr. Roland seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Phase 2 Sewer

Mr. Roland moved to approve Payment No. 9 of the Phase II sewer project less the \$10,000 for repair to Harley Road as approved by the Board earlier during this meeting with resulting payment amount of \$337,753.83. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Sewer Lateral

There was a discussion regarding the sewer lateral request dated January 14, 2008 from Eugene Coccia of 1415 Township Line Road, Phoenixville, Pa. for the vacant lot at the corner of Buckwalter Road and East Cedarville Road.

A discussion ensued concerning laterals being installed without a timeframe for building, the requirement to pay rental fees when the lateral is not in use and charging penalties and assessing liens for non-payment, the potential for I&I (inflow & infiltration) with an unused lateral and the difficulty in locating laterals if there is a long time lapse from when the lateral is install and it is put into use.

Mr. Rinehart moved to authorize the Township Manager to write a letter answering this issue. Mr. Preston seconded the motion. Mr. Preston asked the Manager to repeat the Board of Supervisor's conclusions' of this discussion as the Manager understands the direction. Mr. Rodgers stated that the Board denies the request to install the lateral at this time because of a concern for the potential Inflow & Infiltration entering the sewer system, not knowing when the building on the lot will actually be connected and the potential for not being able to

locate the sewer lateral when the time comes for connection. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Zoning Forms

There was a discussion regarding proposed Complaint Forms and Code/Zoning Enforcement Forms proposed by the Township Manager to be used by the Township.

Mr. Preston requested a form be created for code enforcement inquiries/questions, with codes to respond on the bottom of such form and the form to be provided to those who inquired. Mr. Rodgers stated the first form is the inquiry and the second form is the response. Mr. Preston noted concerns of no record of inquiries and responses.

This matter was tabled for further review of the forms and discussion.

PSATS

Mr. Rinehart moved to authorize Mr. Preston, Mrs. Miller and Mr. Kolb to attend the PSATS seminar in Chester County. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

5. DISCUSSION ITEMS

Z-Trak Tractor

Mr. Rodgers noted that he had had concerns about trading-in personal property when buying a new item but concluded that the 2nd Class Township Code does allow the trade-in.

6. PAYMENT OF BILLS

There was a review of the General Fund bills. **It was requested that SPCA provide activity reports. Mr. Preston requested Mr. Rodgers review the telephone costs and inquired why the township is utilizing three different telephone companies.**

Mr. Roland moved to approve payment of the bills from the General Fund for \$185,662.97 which factors in the \$315 less for the Wunderlich's Garage charge which is to come from the Highway Aid Fund. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Rinehart moved to approve payment to NCD Associates for \$179.56. Mr. Roland seconded the motion. Mr. Preston voted no. Mr. Rinehart called for the vote and **the motion** carried with a 4-1-0 vote.

Mr. Rinehart moved to approve payment of the bills from the Highway Aid Fund for \$1,529.75 which factors in the addition of the \$315 for the Wunderlich's Garage charge that was in the General Fund. Mrs. Millers seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Preston moved to approve payment of the bills from the Sewer Capital Fund for the amount of \$379,757.85 which factors in the \$10,000 reduction in Payment No. 9. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Preston moved to approve payment of the bills from the Sewer Operating Fund for the amount of \$3,774.98. Mr. Roland seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Preston inquired about the \$1,250 payment to the East Coventry General Fund from the Sewer Revenue Fund and Mr. Rodgers noted that it was a reimbursement for charges paid out of the General Fund that should have been out of the Sewer Construction Fund. Mr. Preston noted that the payment was from the Sewer Revenue Fund and not the Construction Fund. Mr. Rodgers will double-check what the \$1,250 payment was specifically for and advise the Board and that this payment would be voided.

Mr. Roland moved to approve payment of bills from the Water User Fund for the amount \$289.70. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

7. ADDITIONAL ITEMS BROUGHT BEFORE THE BOARD

Mrs. Miller noted ongoing issues with real estate signs causing sight issues at the intersection of Sanatoga Road and Route 724. Mr. Rodgers stated that it was probably a zoning matter and violation notice may need to be sent.

Mr. Kolb stating he is working on a \$3,000 grant from Workers Compensation Insurance provider for Public Works/Police safety materials and the Board will need to approve a resolution to implement the appropriate budget items for the income and expense.

Mr. Rodgers stated he received a call from Representative Dinniman's offices asking if the Township would be interested in a grant for recreation purposes, potentially for the acquisition of playground equipment. Mr. Rodgers noted that the application had to be submitted by January 31, 2008.

Mr. Roland moved to authorize the appropriate officials to sign and submit the application and authorizing approval of Resolution No. 2008-07, if required, to be submitted with the DCED application. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Rodgers noted that the NPDES and Erosion/Sedimentation permits for the Ellis Woods Park project have been approved by PaDEP and Chester County Conservation District and received by the Township. He noted that construction is expected to begin in the beginning of February. Mr. Rodgers stated that he had spoken to Kim Merritt at the County and was informed that the Township can apply for another six-month extension for the park project if necessary.

8. ADJOURNMENT

The workshop meeting adjourned at 10:10 p.m.

Respectfully submitted,

Bernard A. Rodgers
Township Secretary