

MINUTES OF THE
EAST COVENTRY TOWNSHIP BOARD OF SUPERVISORS
MEETING HELD ON FEBRUARY 4, 2008
(Approved March 10, 2008)

The Board of Supervisors held their regular monthly meeting on Monday, February 4, 2008. Present for the meeting were supervisors W. Atlee Rinehart, Rosemarie C. Miller, Robert F. Preston and Ray Kolb. Timothy Roland was not present. Also, in attendance were Bernard A. Rodgers, Township Manager, Mark A. Hosterman, Township Solicitor, and Mr. Larry Dietrich of ARRO Consulting, Inc. Mr. Rinehart called the meeting to order at 7:25 p.m.

Mr. Rinehart stated that the Board of Supervisors had an executive session prior to this meeting to discuss potential litigation concerning Herbert, Murray Zoning Hearing Board Decision and pending litigation concerning T.H. Properties' Ivywood Estates project and discussion regarding PS#5 sewer easement issues.

Mr. Rinehart introduced the Township's new Solicitor; Mr. Mark A. Hosterman, Esquire from the law firm of Wisler Pearlstine.

Mr. Rinehart asked if the Board would entertain moving the meeting room table as a way of improving the audience's ability to hear what is being discussed. Mr. Kolb recommended the table be placed on the far wall in front of the windows. Mr. Preston inquired if microphones may be necessary. A short discourse took place and it was the consensus of the Board to move the table.

1. MINUTES

Minutes of January 21, 2008

Mr. Rinehart moved to approve the minutes of the January 21, 2008 workshop meeting as revised by Mr. Preston, version R1, and further amended. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote. The amendments are: under *Public Comment* in the last paragraph, remove the last sentence '(Subsequently Mr. Mullray dropped his request)', and under subheading *Coventry Greene* change 'Mr. Preston' to 'Mr. Kolb'.

Since the January 21, 2008 meeting it was noted that Mr. Mullray, developer of Bethel Church Estates, informed Township staff that he would be installing the sidewalks at Bethel Church Estates.

Minutes of January 7, 2008

Mr. Rodgers discussed his memo dated February 4, 2008 containing proposed corrections to the January 7, 2008 annual organizational meeting minutes.

First Correction

Mr. Preston moved to approve correction to the first sentence in the last paragraph on page one of the minutes. The sentence should be corrected to read:

“Mr. Preston asked that if one Supervisor has authority to call another Supervisor in to make money is that a conflict of interest.” This would change from:

“Mr. Preston asked if one Supervisor calling on another Supervisor to make money is a conflict of interest in voting for each other’s salary.”

Mrs. Miller seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Second Correction

Mrs. Miller moved to approve a correction to the last two sentences of the first paragraph on page two: under **3. Affirm Supervisors Employed by the Township**, it should be corrected to read as follows:

“Mrs. Miller voted yes, Mr. Preston voted yes, Mr. Roland voted yes, Mr. Kolb abstained due to a conflict of interest and Mr. Rinehart abstained due to a conflict of interest. The motion carried with a 3-0-2 vote.” This would change from:

“Mrs. Miller voted yes, Mr. Preston voted yes, Mr. Roland voted yes, Mr. Kolb abstained due to a conflict of interest. The motion carried with a 3-1-1 vote.”

Mrs. Miller seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

2. PUBLIC COMMENTS

Catherine Allison of 804 Vaughn Road provided a brief presentation regarding recycling. She proposed recycling in East Coventry Township by initiating a recycling program and presented examples of recyclable items including; water bottles, juice bottles, newspapers, etc. noting that such items take a long time to disintegrate in the landfills. She also noted that Styrofoam can be recycled as well. Mr. Rinehart noted that voluntary curbside recycling is being done in the Township by private trash haulers. Mr. Hosterman noted that recycling is required for municipalities with populations over 5,000 as established by the most recent ten-year census.

Elaine Preston of 2013 East Cedarville Road suggested that even if the Board moves the Board meeting table microphones should still be considered.

Roger Kolb of 768 Ebelhare Road had comments on the Board’s discussion at its’ last meeting regarding sidewalks. He stated that the Township should review/reconsider where sidewalks should be required noting that some parts of Township are to remain rural in character and the township has spent money to preserve open space for people to walk. He felt that sidewalks should be placed in high density development areas and not in rural areas did not want to see concrete everywhere in the township.

Walter Woessner of 164 Schoolhouse Road noted the Planning Commission should be receiving copies of the Township Engineer's Activity and Status Reports. Mr. Rinehart asked the staff to forward those reports to the Planning Commission.

Veronica Berry of 22 Ashwood Drive noted her concerns of Limerick Township proposing a complex of power plants and approving new zoning regulations that provide fewer restrictions on nuclear power plants. Pollution and health related concerns were cited as reasons for being concerned about additional power generating plants in the area. She also presented information concerning power plants and Limerick Township's proposal for the Board to review. Mr. Preston stated the Pottstown Metropolitan Regional Planning Commission is sending a letter to Limerick regarding nuclear plant concerns.

Gail Brown of 500 Sanatoga Road asked the Supervisors review this documentation and consider sharing potential concerns regarding more power plants with Limerick Township and noted the potential impact on Parker Ford. The Board consensus was that it would review the information presented and then consider what action would be appropriate.

3. REPORTS

Reports from Various Departments and Committees

There was a review of the reports from various departments and committees.

Mr. Rinehart moved to approve the reports as submitted except for the Township Engineer's report. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

There was a review of the Township Engineer's report. Mr. Preston inquired about the status of the NPDES Phase II Stormwater Permit items found in the Engineer's Report and noted that the meeting with Mr. Breitenstein had not been held. Mr. Preston also inquired about the status of the revised Financial and Developer Agreements for the various development projects. Mr. Preston recommended the Township Manager follow up and request Parkerford Properties to submit the final paperwork to finish its' project including the punchlist items for the return of funds remaining in the construction escrow account. He also requested the Township Engineer to update the financial security for Coventry Business Park and Mr. Preston inquired about the status of the stone wall concept plan at the Wineberry Estates site.

Mr. Preston moved to accept but not approve the Engineer's Report. Follow up is to be provided. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Mr. Preston moved to accept the October 24, 2007, November 14, 2007 minutes of the Historical Commission. Mrs. Miller seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Mr. Preston commented that the Board had not been receiving minutes from the Parks and Recreation Committee and the Township Manager was asked to discuss this with the Parks

and Recreation Committee Chair.

Mr. Rodgers read the Fund Balance Report.

Fund Balances Report

Fund	Money Market	Checking	Total
General	\$97,491.94	\$7,253.11	\$104,745.05
Highway Aid	\$65,460.56	\$2,286.41	\$67,746.97
Capital Reserve	\$12,883.49		\$162,883.49
Traffic Impact	\$403,539.59	\$7,234.21	\$410,773.80
Water User		\$5,595.91	\$5,595.91
Police Safety		\$2,995.31	\$2,995.31
Sewer Revenue		\$202,522.76	\$202,522.76
Sewer Capital		\$40,177.09	\$40,177.09
General Payroll		\$6,908.43	\$6,908.43
TOTAL			\$1,004,348.81

Mr. Preston moved to approve the Fund Balance Report as read. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

There was a review of the Profit & Loss Reports.

Mr. Rinehart moved to accept the General Fund Profit & Loss Report. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

A discussion on the General Fund Profit & Loss Report noted that: Budget line item no. 361.111 (Traffic Impact Fee) should be eliminated from the General Fund and that the Tax Anticipation Note should be reflected in the Report.

Mr. Rinehart moved to accept the Highway Aid Fund, Sewer Operating Fund, Traffic Impact Fee Fund, Water Users Fund, and Capital Reserve Fund Profit & Loss Reports. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

There was a discussion of the Sewer Capital Fund Profit & Loss Report. The tapping fee should appear as \$6,797 instead of \$6,205 in Item No. 364.120 and the loan activity should appear in the reports.

Mr. Rinehart moved to accept the Sewer Capital Fund Profit & Loss report with corrections. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

4. SUBDIVISION AND LAND DEVELOPMENTS

Project: Joseph McCann Co., Inc. Applicant: Richard Shantz

William Conver of Conver and Smith Engineering was present.

There was discussion regarding waivers for the Joseph McCann Co., Inc. project.

Mr. Preston had questions about Section 406.7 and 419.2 of the Subdivision and Land Development Ordinance and Section 105.6 of the Driveway Ordinance.

Mr. Rinehart moved to approve all the waivers on the waiver matrix prepared by the Township Engineer dated January 17, 2008 except for waivers from Sections 406.7 and 419.2 of the Subdivision and Land Development Ordinance and a waiver from Section 105.6 of the Driveway Ordinance. Waivers from the following sections of the Subdivision and Land Development Ordinance are included in the motion.

- Section 301.3.B – This section established the Major Subdivision Plan classification.
- Section 304 – This section established requirements for Preliminary Plans.
- Section 305 – This section established requirements for Final Plans.
- Section 309 – This section provides the requirements for a Subdivision and Land Development Improvements Agreements.
- Section 310 – This section provides the requirements for a Performance Guarantee (i.e., financial security for construction of improvements).
- Section 416.4 – This section requires curbs to be placed around all new parking areas located within a land development.
- Section 418.2 – This section requires that sidewalks be installed on all collector streets within a subdivision, on all streets within 1,000' of and leading to a school, on all commercial streets, and at other such locations deemed necessary by the Board of Supervisors.
- Section 420 – This section provides the requirements for shade trees and screen planting.
- Section 426.3 – This section provides the requirements for recreation and open space.
- Section 427 – This section provides the requirements for outdoor lighting.
- Section 428 – This section provides the landscaping, screening and buffering requirements.

Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Because of MS4 requirements and the potential for stormwater runoff concerns, Mr. Preston questioned not having the parking lot paved. Mr. Conner noted that the Zoning Hearing Board had granted relief from paving the parking lot. Mr. Hosterman stated that the Zoning Ordinance is the Zoning Hearing Board's jurisdiction and this item appears in the Subdivision and Land Development Ordinance which is the responsibility of the Board of Supervisors. Referencing Section 406.7 of the Subdivision and Land Development Ordinance, Mr. Preston questioned the ultimate street right-of-way. It was the consensus of the Board that the ultimate right-of-way was to be provided.

Mr. Kolb moved to approve a waiver from section 419.2 to allow the existing parking lot to not be paved and curbed in accordance with the recommendation from the Township

Engineer and Planning Commission. Mr. Rinehart seconded the motion and called for the vote. Mr. Preston voted no and Mrs. Miller voted no. Mrs. Miller stated that stormwater is a big issue and it is not dying down. Mr. Kolb voted yes and Mr. Rinehart voted yes. **The motion** died with a 2-2-0 vote.

Mr. Conner asked if they could proceed without going through land development and provide proper stormwater measures. Mr. Woessner stated that the only reason the applicant was doing land development was because the Zoning Hearing Board required it.

Mr. Rinehart moved to waive the land development requirement but the requirements of Sections 406.7 and 419.2 of the Subdivision and Land Development Ordinance and Section 105.6 of the Driveway Ordinance are not waived with the exception of the ultimate right-of-way dedication. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Project: Hidden Acre Estates Applicant: AMCC Properties
Mr. Ross Unruh, counsel for the applicant, and Anthony Hibbeln of Hibbeln Engineering were present.

Mr. Preston stated that the wording in Condition No. 10 needs further clarification.

Mr. Preston moved to approve Resolution No. 2008-07 granting Final Plan approval for Hidden Acres Estates with the condition that proper language be added to the resolution to address excepting the easement across an existing adjacent lot. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Project: Green Acres Applicant: Joseph and Patricia Kandler
The Component 1 of the Green Acres Sewage Facilities Module was reviewed and completed where appropriate.

Section K. Municipal Action. The first box stating the planning module has been found to be **ACCEPTABLE** was checked. The box noting, **MARGINAL CONDITIONS** have been found, was checked and Item #2 under that paragraph, Replacement Area, was also checked.

Mr. Preston moved to authorize the proper Township signatures to be affixed and processing of the Green Acres Sewage Facilities Planning Module upon preliminary plan approval by Resolution. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Project: Ivywood Estates Applicant: T.H. Properties
Mr. Rodgers explained that the Ivywood Subdivision had been denied by the Board of Supervisors but approximately \$103.00 in Plan Review fees were being held in escrow by the Township. He requested that the Board approve the return of those funds to the Developer and the account closed. Mr. Preston moved to approve release of the remaining plan review escrow of \$103+/- for the Ivywood Estates project. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Project: Plan Review Extensions

Mr. Rinehart moved to approve the plan review extension for Wineberry Estates. Mr. Kolb seconded the motion. Mr. Rinehart made the motion, Mr. Kolb seconded and Mr. Rinehart asked if there is any other discussion. Mr. Preston inquired about the outstanding status of the stone wall at Wineberry Estates noting in the Township Engineer's comment that the applicant is to bring the stone wall concept plan to the Board of Supervisors for review. Mr. Preston read from a memo from Eric Hawkins stating "under UCC section 403.24 a building code official may exclude an entire historic building or structure or part of the building or structure from compliance with the UCC if it meets conditions of Section 902. Mr. Preston read comments from the October 24, 2007 Historical Commission minutes with respect to the stone wall. Mr. Rinehart then asked if there is any further discussion and Mr. Preston stated he would like to modify the motion to include direction to Wineberry Estates to address the wall issue and get it resolved. Mr. Rinehart agreed to amend the motion to add emphasis as needed.

Mr. Rinehart then moved to approve the plan review extension for Wineberry Estates with adding emphasis to address the stone wall issue. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

5. OTHER BUSINESS

Vehicle Sale

Mr. Rodgers read the bids receive for the sale of the 1998 Crown Victoria.

Ken Gordon	-	\$311.00
Police Car Store, LLC	-	\$759.00
James Goodwin	-	\$322.00
Marks Motors	-	\$715.00 (10% check not in submission)

Mr. Kolb stated that the Kelly Blue Book value on the 1998 Crown Victoria is \$2,500.

Mr. Rinehart moved to reject all bids. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Mr. Preston moved to re-advertise specifying bids to be opened at a given time with a minimum bid of \$1,500. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Police Vehicle

Mr. Preston moved to authorize the purchase of a new police vehicle as found in the memo dated January 29, 2008 from John Theobald, Chief of Police in an amount not to exceed \$21,473.00. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Auditors

Mr. Preston moved to approve Resolution No. 2008-08 engaging the firm of Barbacane Thornton to perform the Township's annual audit for the fiscal year ending December 31, 2007 in an amount not to exceed \$11,000. Mrs. Miller seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Mr. Rinehart emphasized that the Barbacane Thornton letter indicates the audit will be performed on all accounts for the price of \$11,000.

Mr. Preston moved to approve execution of the engagement letter dated January 29, 2008 from Barbacane and Thornton with the condition the letter be altered to identify that the fee is not to exceed \$11,000. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Data Processing Service Agreement

Mr. Rinehart moved to approve the data processing service agreement with Pottstown School District for tax bill processing. Mr. Kolb seconded the motion.

Mr. Preston asked if this is in the budget. Mr. Rodgers stated it is part of the budget under Tax Collection in the General Fund under line item 403.220. Mr. Preston stated he does not want this expense to exceed the line item of \$2,500. Mr. Preston requested the motion be amended for this expense not to exceed 2,500. Mr. Rodgers stated the service agreement must be done to process the tax bills and if a limitation is put on the approval and the amount is exceeded the tax bills would not be able to be processed.

Mr. Preston abstained. Mr. Rinehart called for the vote and **the motion** carried with a 3-0-1 vote.

Mrs. Miller stated she would like a break down and clarification of the costs and Mr. Rodgers noted he would provide that information.

Phase 2 Sewer

Mr. Preston moved to approve Change Order No. 11 – Spiece Road Sewer Modification – for the Phase 2 Sewer project which will increase the project by \$9,781.19. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Mr. Preston stated he is upset that the above item happened at the beginning of the job and the Board is just getting the change order now. Mr. Dietrich noted the ball was dropped by both the Township Engineer and Contractor on this issue.

Sewer Lateral – 260 Sawmill Road

Mr. Preston noted concerns of the placement of the lateral found in Change Order No. 12. Mr. Preston stated that the previous motion made by the Board with respect to this lateral was not followed. Mr. Rodgers stated he had met with Mr. Kolb and the Township Engineer and had given an OK to place the lateral on the same side as the pump station because he thought it would be less disruptive and costly. Mr. Preston said the motion to allow the

lateral extension was for it to come out of house then down the street and then across the street into the sewer. Mr. Rodgers said it seemed easier to not have to follow the whole tree line. Mr. Preston stated he will provide a drawing of a plan next time before a motion is made.

Mr. Kolb moved to approve Change Order No. 12 – Lateral at Pump Station – for the Phase 2 Sewer project with project increase of 2,047.50. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Mr. Dietrich stated that ARRO had recently become aware of a problem from PECO regarding the service to the pump station. Apparently there were some unresolved issues at the time of design and the current power service in the street is not at sufficient capacity to handle full voltage or cross the line starter voltage pump. PECO is requiring the installation of soft starters rather than full voltage start, however, soft starters cannot be installed on the current panels and a subpanel(s) is needed. The cost for the soft starts and subpanel is \$5,145.00. The Change Order for this work has not yet been prepared and there is the potential for a 2-3 week project delay as a result of this needed change.

Mr. Preston moved to authorize the preparation of a Change Order in the amount of \$5,145 for the installation of two soft starters at the Sawmill Road pump station and by this authorization the Board will approve this Change Order.

Mr. Preston requested a complete summary of the Phase 2 sewer project including all change orders.

Mr. Dietrich noted there would be a credit on the Tisa Lane sewer line installation of \$1,546.00 for moving the line out of the street and trench restoration not being required.

Mr. Dietrich noted the January 28, 2008 letter sent to the North Coventry Municipal Authority providing information for the Chapter 94 Annual Report.

6. DISCUSSION ITEMS (NONE)

7. ADDITIONAL ITEMS BROUGHT TO THE BOARD

Mr. Rodgers noted that the Township Engineer had prepared a drawing depicting an alternate location for the access drive to Pump Station #5 which met the required sight distances. If the alternate location is acceptable to the Board, It could consider authorizing the Township Engineer to provide the necessary Change Order and design changes to use the alternate location.

Mr. Rinehart moved to have the access drive to Pump Station #5 stay on the Leuchak property (the alternate location) in accordance with Township Engineer's drawing and authorize the Township Engineer to prepare appropriate Change Order and design modifications. Mr. Kolb seconded the motion. Mr. Preston voted no. Mr. Rinehart called for the vote and Mr. Preston voted no, Mrs. Miller voted yes, Mr. Kolb voted yes and Mr. Rinehart voted yes. **The motion** carried with a 3-1-0 vote.

Mr. Preston stated that even though the driveway meets the standards it still does not look safe and it is introducing a safety hazard.

Mr. Rodgers stated the Board has in the past appointed conflict/alternate Engineer and this was not done at the annual organizational meeting.

Mr. Rinehart moved to appoint Carroll Engineers as conflict Township Engineer. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Mr. Preston moved to set the Board of Supervisors meetings to be once a month on the 2nd Monday of the month and a special meeting to be added the 4th Monday if needed and to be advertised. Mrs. Miller seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Mr. Rinehart noted concerns of late fees being incurred by vendors such as PECO, etc. Mr. Rinehart suggested the Board authorize township staff to pay routine bills as they become due and payable and notify the Board at the next regular meeting.

Mr. Kolb moved to authorize the payment of bills to regular, routine vendors to include PECO, PA American Water, Oehlert, Verizon, VISA, Tractor Supply, and Staples. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Mrs. Miller thanked the Historical Commission and Planning Commission for all the work they do. Mrs. Miller noted the seminar she attended the noted MS4 stormwater and noted the Board may want to change the policy for retention/detention basins with developers escrowing monies for each development for the care of basins.

Mrs. Miller noted concerns of the signs blocking sight distances at Sanatoga Road and Route 724.

Mr. Rinehart inquired about the status of Sprint/Spectrum at the Faulk Tract.

Mr. Rinehart noted minutes received from COG and inquired what the Board would like to do regarding COG participation.

Mr. Preston moved to terminate the COG membership. Mrs. Miller seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

8. ADJOURNMENT

Mr. Kolb moved to adjourn the monthly meeting at 10:50 p.m. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Respectfully submitted,

Bernard A. Rodgers
Township Secretary