

MINUTES OF THE
EAST COVENTRY TOWNSHIP BOARD OF SUPERVISORS
MEETING HELD ON JULY 14, 2008
(Approved August 11, 2008)

The Board of Supervisors held a regular monthly meeting on Monday, July 14, 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 was Bernard A. Rodgers, Township Manager, Mark A. Hosterman, Township Solicitor, and Brady Flaharty, Township Engineer.

Mr. Rinehart called the meeting to order at 7:20 p.m. and the pledge was recited.

Mr. Hosterman stated that an executive session was held to discuss potential litigation concerning Painter Tract "B", Ivywood, Meadowbrooke Hunt and Heather Glen.

Sewer Update

Mr. Flaharty reviewed the sewer project punch list letter dated June 10, 2008 and also reviewed the response from the contractor, N. Abbonizio Contractor's, Inc., dated June 27, 2008 questioning certain punch list items. The Board discussed the punch list items along with the Contractor's comments and agreed that they should all remain punch list items.

No public comments were presented regarding the sewer project.

Mr. Preston inquired about the status of sewer hookups on Buckwalter Road in the area of the Woodcrest Estates development. The Township Manager noted that the sanitary sewer lines have not yet been dedicated to the Township and because it remains a private line connection letters cannot be sent. It was noted that connection could be made with the consent of the Developer.

Payment Application No. 14 for the Phase 2 Sanitary Sewer Project

Mr. Flaharty reviewed the Application For Payment No. 14 in the amount of \$64,512.74. Mr. Flaharty recommended that the amount requested for the private lawn restoration work to be reduced by one half because the work is not satisfactory and the requested amount represents 100% of the work.

Mr. Preston moved to authorize payment of Application For Payment No. 14 less one half of the amount requested under line item 24, private lawn restoration, as recommended by the Township Engineer. Mrs. Miller seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Mr. Preston requested a walk thru of Pump Station #5 once 100% complete.

1. MINUTES

Minutes of the June 9, 2008 Monthly Meeting

Mr. Preston moved to approve the minutes of the June 9, 2008 monthly meeting as amended. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Amendments are:

- Heyser Tract – last paragraph change ‘the second year \$2,100’ to ‘the second year \$3,100’
- Coventry Glen – in the third paragraph change ‘note’ to ‘not’
- Plan Review Extension – change the vote from ‘5-0-0’ to ‘4-0-1’ with Mr. Rinehart abstaining

Mr. Preston inquired about the status of Payments 12 and 13 of the sewer project and the Township Manager noted that Application For Payment No. 12 had been paid and that the requisition for Application For Payment No. 13 had been sent.

Mr. Preston inquired about the status of the resolution for the specific transfer amount (\$36,620.19) that was in reference to Resolution 2008-14 for the \$40,000 transfer to the Capital Reserve Fund. The Township Manager noted that a resolution would be prepared for either the August or September Board of Supervisors meeting.

Mr. Preston inquired about the status of the agreement with Exelon for police services. The Township Manager said that he, Chief Theobald and the Solicitor had not met with Exelon to date but noted during the last meeting of the Fricks Lock Stakeholders the Counsel for Exelon stated that he was unaware of the proposed agreement and wanted to review it before having any discussions.

2. PUBLIC COMMENT

Mrs. Miller moved to move ahead onto the Historical Commission part of the agenda. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Gail Brown, Chair, East Coventry Historical Commission, noted the potential appointment of a new member to the Historical Commission.

Mrs. Miller moved to appoint James Michael to the East Coventry Historical Commission. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Mrs. Brown stated that members of the Historical Commission attended a presentation of the Chester County Historic Preservation Network. East Coventry received the 2008 certificate for completion of the Historic Resources Map and also received the Grade under Fire Award.

Mr. Hosterman noted a meeting with the Schuylkill River Heritage on July 10, 2008 to discuss Fricks Locks police protection and also noted the additional recommendations of Gail Frens for measures to be taken for individual buildings at Fricks Locks. It was noted that Karen Marshall at Chester County is working on obtaining grants for such items.

The resolution for acknowledgement of Elaine Preston’s service on the Historical Commission was read.

Mr. Rinehart moved to approve Resolution No. 2008-30 acknowledging Elaine Preston. Mrs. Miller seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Joy Schollenberger of 1111 Old Schuylkill Road noted the Act 247 review for the Schollenberger subdivision was not submitted to the County for review.

Craig Diener of 683 Kulp Road inquired about the plunge pool at the Blossom Meadows II site. It was noted the plunge pool may not be where it is supposed to be and it is larger than it was supposed to be. Mr. Hosterman was requested to notify the developer and the letter is to be reviewed by the Township Engineer and Township Manager.

3. REPORTS

Reports from Various Departments and Committees

Mr. Kolb moved to approve the reports from the various departments and committees. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Mr. Preston inquired about the status of the development agreements and the Township Manager said he would provide a status report.

Township Manager's Report

Orchard Ridge

The Township Manager noted that the deficiencies in the public improvement at Orchard Ridge were completed last week by the Owner, however, Guy Donatelli, attorney for the Township had prepared and presented documents to draw down the maintenance bond to have the work completed.

Eckhart Subdivision

The Township Manager noted that the developer of Eckhart Subdivision completed all the outstanding deficiencies in the public improvements since last months meeting and the maintenance bond period has ended.

Agreement with Exelon for Security Services

It was noted a meeting is yet to be scheduled with Exelon to discuss police services.

Phase I Off-Site Sanitary Sewer Dedication

The Township Manager noted that Mr. Hosterman, Township Solicitor has been working with Heritage Building Group for the dedication of the Phase I Off-Site Sanitary Sewer System.

Mr. Hosterman discussed dedication process, his work and coordination with Heritage Building Group and Mr. Flaharty in preparation of the documents and recommended to the Board that dedication of the sanitary sewer facilities be accepted subject to his review and approval of the final documents.

Mr. Preston moved to accept dedication of the consortium sewer from 400-500 feet from the intersection of Ellis Wood Road and East Cedarville Road down through Pump Station #1

force main to the North Coventry Plan subject to Township Solicitor review and approval of all documents. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Code Enforcement and Inspection Services

The Township Manager noted that seven responses were received as a result of the township's request for proposal for Code Enforcement and Inspection Services. A discussion ensued regarding a review of the proposals and the possible preparation of a short list of candidates to interview. It was noted that the Board was not prepared at this time to select a shortlist for interviews but that it was anticipated interviews would be scheduled in September. Mr. Preston requested that the applicants be contacted and more consistent information be obtained for comparison of prospective costs in providing the services.

Zoning Amendment Property Notices

The Township Manager noted that approximately 134 property owners were sent a letter on Friday, July 11, 2008 informing them of the proposed change in zoning of property that they own along with a copy of the Public Notice for the hearing on the comprehensive zoning amendment and a list of all properties affected by the proposed zoning map changes.

Heather Glen

Mr. Rinehart moved to approve Escrow Release No. 13 in the amount of \$27,055.80 for Heather Glen. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Coventry Glen Field Revision No. 3

It was noted that Coventry Glen Field Revision No. 3 had been reviewed and approved by the Township Engineer and recommended for approval by the Township Planning Commission. The revision includes the relocation of driveways and Heritage Building Group will provide as-builts for this plan and also for Revision Nos. 1 and 2. It was noted that several of the buildings may be set back further on the lots to enable two cars to sit in the driveways without encroaching onto the sidewalks.

The Township Manager noted that NV Homes has agreed to install manhole covers and make the repairs as listed on the repair sheet (discussed in meetings with the developer) as necessary to be completed before Labor Day and Ryan Homes has agreed to install the missing traps and vents with the working being done the same timeframe as NV Homes.

The Township Manager requested the NV Homes escrow monies and unused permit fees less the sewer permit fee and application fees be returned to NV Homes with a combined of almost \$45,000.

Mr. Rinehart moved to approve Coventry Glen Field Revision No. 3 dated July 8, 2008 and to refund certain escrow monies and unused building permit fees to NV Homes subject to verification of the amounts by the Township Manager and to verification if Code Inspections, Inc. was paid and if so retrieve such monies as may be due. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Ellis Woods Park

Mr. Preston moved to approve Change Order No. 4 for Ellis Woods Park to extend the completion date from July 13, 2008 to July 28, 2008 with no additional cost. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

There was a discussion regarding Construction Change Directive #3 – no cost change – to have the tree and shrub planting for the Ellis Wood Park project completed in the fall, starting approximately September 15, 2008.

Mr. Preston requested that a realistic Change Order be provided in a proper Change Order format, signed by the Contractor and Engineer, contain a no cost reference and be submitted for consideration at the next meeting.

Line Painting

Two quotes for line painting were presented for the Board's consideration. One quote was for \$0.055 per lineal foot for 122,500 feet from A-1 Traffic Control Products, LLC and the second quote was from Interstate Road Management Corp for \$0.059 per lineal foot for 122,500 feet. A third quote was unable to be obtained because a contractor could not be located to provide a quote.

Mr. Rinehart moved to award the line painting for a 4" single yellow centerline to A-1 Traffic Control Products, LLC. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

4. SUBDIVISION AND LAND DEVELOPMENT

Project: Painter Tract

Applicant: Bentley Communities

There was a discussion regarding sketch plan approval for Painter Tract "B".

Present were Scott Emerson of Bentley Communities and Attorney Scott Rau, Counsel for the applicant.

There was a discussion regarding the draft resolution for sketch plan approval. Mr. Preston noted his concern of additional traffic coming out on Savanna Drive and causing traffic issues and requested a potential alternate exit be examined, possibly egress/ingress on East Cedarville Road.

It was requested that the title of the plan be Painter Tract "B" and such title be placed on the plans.

John Yurick of McMahon Associates, the Township Traffic Engineer, was present. Mr. Yurick noted issues with guest parking and that a closer examination at the parking situation is planned.

Mr. Hosterman recommended that action on approval of the Sketch Plan be postponed and he will add conditions to the resolution for future consideration based on tonight's discussion.

Project: Coventry Glen

Applicant: Heritage Building Group

Discussion regarding Revision No. 3 for Coventry Glen was discussed earlier in the meeting.

Project: Plan Review Extension

Mr. Rinehart moved to approve plan review extension for Wineberry Estates. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

5. OTHER BUSINESS

Ordinance No. 145 – Decommissioning of existing on-lot sewage disposal systems

Mr. Kolb moved to approve Ordinance No. 145 amending Chapter 18 of the Code of Ordinances of East Coventry Township. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Ordinance No. 146 – permitting waivers of Driveway and Stormwater Ordinances

Mr. Kolb moved to approve Ordinance No. 146 amending Chapter 21 of the Code of Ordinances of East Coventry Township. Mrs. Miller seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Exonerations and Exemptions

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

Mr. Rinehart moved to approve the exonerations and exemptions as presented by, Constance Megay, Tax Collector as attached. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

6. DISCUSSION ITEMS

Code Inspections, Inc.

Bob Heil, Dan Azeff, Peter Silvestri, and Tom Heisner of Code Inspections, Inc. were present.

Mr. Heil approached the Board of Supervisors to discuss several items of concern involving Code Inspections, Inc. including a recent newspaper article about their services to the Township. He noted that the sewer lateral issues were being addressed and nearly completed and that they are making progress with finalizing temporary use and occupancy permits. He noted that they receive 50% of their fee at the time a permit is issued and the remaining 50% after final inspection. He stated that if a permit was cancelled after issuance but before any inspections occurred that only 20% of the 50% would be retained by Codes Inspectino, Inc to cover plan review.

Mr. Heil discussed outstanding invoices submitted to the Township and noted that the manpower is still being provided to the township. Mr. Heil proposed better communication between Codes Inspection, Inc. and the Board and noted monthly reports would be provided. Mr. Heil noted concerns of not being aware of issues until he read them in a newspaper article.

Mr. Preston stated he objected to the statement that they were not being notified of problems and recollected Codes Inspections, Inc. was notified of various issues in 2007 by the interim Township Manager, citing issues with the sewer laterals.

There was a discussion concerning the sewer lateral specifications used by the Township versus the UCC specifications. There was an inquiry if the proper procedures were followed for such specifications in reference to the UCC. It is to be checked if the specifications were filed with Labor and Industry.

Mr. Rinehart stated he would like to see the sewer lateral issues resolved. Mr. Kolb suggested there be more consistency with the Code Inspections, Inc. representatives and recommended the issues get settled.

The Township Manager inquired why the sewer laterals inspections fees were billed at \$150 instead of the 60% or billed as 'other services' at \$45/hour. The Township Manager suggested that 60% be utilized. Mr. Preston noted he would like to see the Township Manager's suggestion in writing and investigate prior minutes to determine if such items were discussed by the Board.

The Township Manager and Township Solicitor are to make a recommendation to the Board.

Sprint Lease Agreement

The Board discussed correspondence dated June 9, 2008 from Dave Woolsey, Program Manager for Sprint Nextel requesting the Township consent to the assignment of its lease with the Township to TowerCo LLC. Also reviewed was correspondence from Andrew B. Cantor, Solicitor stating that TowerCo was capable of handling the lease.

Mr. Rinehart moved to approve the assignment of the Lease Agreement to TowerCo LLC. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Mrs. Brown, Chair, East Coventry Historical Commission, noted that there were outstanding items to be addressed relative to the conditional use approval. It was noted by Mr. Rinehart that this item will be looked into.

Parks and Recreation

Mike Laporta of the East Coventry Parks and Recreation Committee was present to discuss the Parks and Recreation Trail Proposal.

Mr. Laporta presented the Board with a rough map depicting the various trails in the Township noting that they were on private property and largely undeveloped. A discussion ensued with the Board and Mr. Laporta stressed the importance of addressing trail and open space issues before land is sold to developers. Mr. Preston suggested that the plan be reproduced so it may be passed on to the Planning Commission, etc.

Mr. Preston moved to authorize the Township Manager to solicit quotations for reproduction of the map from ARRO Consulting Engineers and Grafton Associates and e-mail the amount to the Board. Mrs. Miller seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Northern Federation

There was a discussion regarding the grant that the Northern Federation is applying for to the County for a Regional Park and Recreation Plan. The Northern Federation is requesting participating municipalities to provide the 10% match.

Mr. Preston moved to provide the Northern Federation with our share of the project cost for the Regional Park and Recreation Plan. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Challenge Grant Program

Correspondence from Chester County dated June 23, 2008 announcing application rounds for two farmland preservation programs; the Commonwealth Program and the Chester County Challenge Grant Programs was discussed.

Historical Commission

The Historical Commission was discussed earlier in the meeting.

7. PAYMENT OF BILLS

Mr. Preston moved to pay bills as presented:

Capital Reserve Fund	\$4,510.60
General Fund	\$229,073.04
General Fund – NCD	\$137.95
Highway State Aid Fund	\$4,320.68
Sewer Capital Fund	\$95,141.24
Sewer Operating Fund	\$16,198.49
Water Users Fund	\$348.58
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	\$349,730.58

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

8. ADDITIONAL INFORMATION BROUGHT BEFORE THE BOARD

Mrs. Miller noted she attended a Mascaro recycling seminar and found it to be informative and interesting.

Mrs. Miller stated she attended the East Vincent Regional Police seminar and found it very interesting and educational.

Mr. Kolb noted the 2004 police car should be put out to bid.

Mr. Kolb moved to put the 1998 and 2004 police cruisers out to bid. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Mr. Hosterman stated a citation was issued in the case of the dirt bike track on the Eckhart property.

Ann Frederick of East Nantmeal was present and inquired about the status of Fricks Locks and noted that there should be more security. Mr. Preston noted the Township Manager and Township Solicitor are working on that.

Mr. Preston noted the Board should take a position regarding Fricks Locks Village and give the Township Manager and Township Solicitor direction seeing they are attending the meetings regarding Fricks Locks Village.

Mr. Preston moved to support saving the historic Fricks Locks Village per Frens and Frens study and support discussions at the Stakeholders meetings. Mrs. Miller seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Mr. Kolb noted that he was concerned about using Township funds on property that it does not own. Mrs. Brown stated they are in negotiations. Mr. Preston noted that a 30-99 year lease would be required for potential grant monies. Concern was also noted that Exelon does not seem willing to invest money into Fricks Locks.

9. ADJOURNMENT

The monthly meeting adjourned at 11:35 p.m.

Respectfully submitted,

Bernard A. Rodgers
Township Secretary