

**MINUTES OF THE
EAST COVENTRY TOWNSHIP BOARD OF SUPERVISORS
MEETING HELD AUGUST 14, 2017
(Approved 9/11/2017)**

The Board of Supervisors held its regular monthly meeting on Monday, August 14, 2017. Present for the meeting were supervisors Ray Kolb, W. Atlee Rinehart, Karen Nocella, 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. Kolb turned the meeting over to Mr. Hosterman, who stated the Board of Supervisors held an Executive Session at 6:00 p.m. to discuss ongoing Police contract negotiations and a separate matter regarding recently filed litigation against East Coventry Township.

Mr. Kolb called on Mr. Michael R. Knouse, P.E. with ARRO Engineers, Inc. to speak regarding the Township's Public Meeting Requirement in relation to the NPDES Stormwater Discharge Pollutant Reduction Plan.

**NPDES STORMWATER DISCHARGE POLLUTANT REDUCTION PLAN –
PUBLIC MEETING REQUIREMENT**

Mr. Knouse offered a recap of the information he presented at last month's board meeting as follows:

He stated the Township is required to renew its MS4 Permit issued by the PA DEP and the renewal application is due by September 16, 2017 along with a required PRP. He further related that the Township is responsible for submitting a PRP for: 1) Unnamed Tributaries to the Schuylkill River and 2) Pigeon Creek. These waters have been identified as being impaired for siltation and the Township is responsible for demonstrating a 10% reduction of sediment entering these waters. He noted that the PRP was prepared in accordance with DEP guidelines for combining PRPs which are tributary to a common impaired waterway.

He stated several potential BMPs were evaluated to meet the required reduction and at last month's Board of Supervisor's meeting, the Board voted to accept ARRO's recommendation for the construction of one bioswale identified as BMP 09-BS1 on the Potential BMP map. He explained bioswale BMP 09-BS1 would be constructed within an existing vegetated swale for a length of approximately 30 linear feet with a probable cost of \$78,850.00. This bioswale would provide approximately 46,405 pounds/year of sediment reduction thereby meeting the Township's required goal.

Mr. Knouse noted that the operation and maintenance of the proposed bioswale will be minimal due to its location downstream of the existing stormwater basin in the Coventry Glen development where two existing swales converge. The Township has met with the development's property owner and the property owner is amenable to the plan.

Mr. Knouse relayed the proposed implementation schedule is as follows:

MS4 Permit Authorization: March 2018;
BMP 009-BS1 Bioswale: November 2022 (construction); and

MS4 Permit Expiration: March 2023.

He stated a Notice of Review for written comments has been advertised for the period of July 17, 2017 through August 16, 2017 and a public meeting for comment is scheduled at this time. The floor was then opened for public comment and there was none received. Mr. Knouse informed the Board that the Township has met the requirements for the mandated thirty (30) day review and comment period for the proposed MS4 PRP.

PUBLIC HEARING – ORDINANCE NO. 215

Mr. Kolb again yielded the floor to Mr. Hosterman to begin the Public Hearing proceedings on:

ORDINANCE NO. 215 – AN ORDINANCE AMENDING THE CODE OF ORDINANCE OF THE TOWNSHIP OF EAST COVENTRY, CHESTER COUNTY, PENNSYLVANIA TO AMEND CHAPTER 22 (SUBDIVISION AND LAND DEVELOPMENT), PART 2 (DEFINITIONS), SECTION 22-202 (DEFINITIONS), SECTION 27-202 (DEFINITIONS), TO DELETE THE EXISTING DEFINITIONS FOR “DRIVEWAY, PRIVATE,” AND “STREET, PRIVATE” AND TO ADD NEW DEFINITIONS FOR “DRIVEWAY, PRIVATE” AND “STREET, PRIVATE” IN ORDER TO MORE CLEARLY DISTINGUISH BETWEEN PRIVATE STREETS AND PRIVATE DRIVEWAYS.

Mr. Hosterman noted that the ordinance has been duly advertised. The East Coventry Township Planning Commission and Chester County Planning have both adopted recommendation to amend the ordinance as presented. He stated the Board may consider adoption of Ordinance No. 215 following the Public Hearing.

At 7:10 p.m., Mr. Hosterman opened the floor for public comment and there was none offered.

Chairman, Ray Kolb called for a vote. Karen Nocella made a motion to accept Ordinance No. 215 and the motion was seconded by Michael Moyer. The ordinance was adopted with a vote of 5-0-0.

1. MINUTES - CONSIDERATION OF MINUTES OF JULY 10, 2017 MEETING

Karen Nocella made a motion to approve the minutes of July 10, 2017 and Anthony Duffy seconded the motion. Motion carried 4-0-1 with W. Atlee Rinehart abstaining.

2. PUBLIC COMMENTS

Mr. Bill Keller, resident of 90 DoJan Drive spoke of his concerns regarding two recent accidents at the intersection of Bethel Church and Ellis Woods Roads. He cited that tall corn plantings at the intersection had limited his visibility. He stated a responding officer at a recent accident there concurred with this. He also mentioned the farmer was contacted by the Township and did not respond or cut down the corn after the first accident.

Mr. Keller asked what remedies are available to the Township to prevent further accidents at this intersection. He suggested implementing setback requirements for agricultural plantings or installing a four way stop sign. He stated he understood one roadway was a State road and, therefore, a four-way stop may not be easily accomplished. Supervisor Ray Kolb noted Bethel Church Road is a State-owned road and a couple of years ago a request for a four-way stop sign was made to PennDoT and the request was denied.

Ms. Sally Kolb, resident of 231 Baptist Church Road, introduced herself as the farmer of the corn field at the intersection of concern. She stated due to weather and work constraints they were unable to cut the corn field immediately after the first accident at the intersection. She noted they have since removed 10 rows of corn from the site and are amenable to voluntarily planting corn further back from the intersection in the future.

She stated she has not personally experienced visibility issues due to the corn's height in the vehicle she drives; however, she cited several other visual impediments along the roadway, such as: Utility pole, homeowner plantings, and roadside vegetation. She felt speed and driver error are the major contributing factors in accidents that occur there.

Mr. Roger Kolb, Deputy Chief of Ridge Fire Company spoke in agreement with Ms. Kolb's statement. He noted the recent accidents and previous ones were attributable to speed and/or driver error.

Mr. Howard Sacks, 805 Bethel Church Road, asked if there are statistics available for accidents at this intersection. Township Manager, Bernard Rodgers, provided accident statistics for the past five years including 2017.

Mr. Keller expressed his continued concern about the lack of a timely response by the farmer to the Township's notification of the visibility issue. Supervisor Kolb responded the issue was addressed within 30 days of notification and the farmer has agreed not to plant at the intersection's corner triangle which should eliminate visibility issues in the future.

Mr. Gary Hughes, 9 Hershey Drive, Pottstown, PA spoke on behalf of Mrs. Anderson. He reported tall grass and weeds at Old Schuylkill Road. Supervisor Kolb informed him he was aware of the property he was referring to and the owner has been sent a Notification of Zoning Violation. The Township's Building Code Officer is monitoring the property.

3. **ORDINANCE NO. 216 – CONSIDERATION OF ADVERTISING FOR PUBLIC HEARING AND ADOPTION AT SEPTEMBER 11, 2017 MEETING AMENDING CHAPTER 27 (ZONING), PART 13 (GENERAL AND SUPPLEMENTAL REGULATIONS AND DESIGN STANDARDS) REGARDING CHANGEABLE COPY ELECTRONICALLY CONTROLLED SIGNS.**

Township Solicitor, Mark Hosterman asked for the Board's comments and consideration to advertise amendment to Ordinance No. 216 which would permit changeable copy electronic signage for houses of worship and government buildings such as firehouses. The amendment contains conditions for siting in a residential area, such as the sign must be 50 feet from a residential structure, must have evening dimming capability, may be turned off after midnight, and the size shall not exceed 50 square feet. Mr. Hosterman noted the Planning Commission will be reviewing the amendment at their upcoming meeting in two days.

Chairman, Ray Kolb called for a vote. W. Atlee Rinehart motioned to advertise Notice of Public Hearing for Ordinance No. 216, after the Planning Commission's meeting, in order to incorporate the Planning Commission's comments. Karen Nocella seconded the motion and motion carried 5-0-0.

4. SUBDIVISION AND LAND DEVELOPMENT

CONSIDERATION OF APPLICATION OF SBA TOWERS, INC. FOR CONDITIONAL USE APPROVAL TO CONSTRUCT A TOWER-BASED WIRELESS COMMUNICATIONS FACILITY STRUCTURE AT 92 BAPTIST CHURCH ROAD.

Mark Hosterman reported all provisions in the zoning ordinances have been met. The Planning Commission has recommended approval. He referred Supervisors to the transcript and Findings of Fact provided in their Board packets.

W. Atlee Rinehart questioned if (or when) the cell tower is deemed no longer useful or obsolete is the tower company responsible to remove it and return the land to its pre-existing condition? Mr. Hosterman replied the company provides financial security to the Township to ensure the property is restored to its natural state.

Chairman, Ray Kolb called for a vote. W. Atlee Rinehart made a motion to accept the application for Conditional Use, Anthony Duffy seconded the motion. The motion carried 5-0-0.

RESOLUTION NO. 2017-22.

A RESOLUTION OF THE BOARD OF SUPERVISORS OF EAST COVENTY TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, GRANTING APPROVAL OF A PRELIMINARY/FINAL MINOR (LOT LINE ADJUSTMENT) SUBDIVISION PLAN SUBMITTED BY EXELON GENERATION COMPANY, LLC FOR THE PROPERTY LOCATED ON FRICKS LOCK ROAD IN FRICKS LOCK VILLAGE, EAST COVENTRY TOWNSHIP.

Mark Hosterman asked the Board to consider approval of a Preliminary/Final Minor Subdivision Plan on Fricks Lock Road. Exelon is requesting the subdivision in order to donate a portion of their land, outside of their exclusionary zone, to the Township for development of a trail head. The proposed trail head is to be constructed in partnership with Chester County as part of Fricks Lock Historical Village site. Mr. Hosterman noted a text change (Paragraph 4. Utility and Access Easement in Existing Frick's Lock Road.) will retain easement within the location for utility access to the exclusionary zone.

Chairman, Ray Kolb called for a vote. W. Atlee Rinehart motioned to accept Resolution No. 2017-22 and Karen Nocella seconded the motion; the motion carried 5-0-0.

5. REPORTS

Consideration of Township Manager Report

Mr. Rodgers introduced Victoria Laubach, Executive Director of the Green Valleys Watershed Association and consultant to the Association, Ed Theurkauf. As they prepared for their Power Point presentation the following item was addressed:

Walsh Driveway Notice of Violation

Mark Hosterman reported on a property owner who had installed a driveway without a Township permit. Said owner, represented by council, stated a permit application would be forthcoming. The application was received and denied due to lack of engineered drawings. The property owner notified the Township they would resubmit and in February 2017, the Board adopted a stay on enforcement proceedings. To date, no

resubmittal had been made and Mr. Hosterman recommended the Board lift the stay and move forward with enforcement proceedings.

Chairman, Ray Kolb called for a vote. Anthony Duffy motioned to lift the stay, the motion was seconded by W. Atlee Rinehart. Motion carried 4-0-1 with Karen Nocella abstaining.

Presentation by Green Valleys Watershed Association

Ms. Laubach presented the mission of her organization and reported she is meeting with municipalities to promote the protection of waterways through the use of Best Management Practices such as Riparian Buffers.

Mr. Theurkauf defined Riparian Buffers as undisturbed wooded or meadow areas containing deep rooted, native plants that serve as filters for water entering waterways, provide flood protection, promote erosion stabilization and serve as sources of food, shelter, and travel corridors for wildlife.

He stated PA DEP mandates 150-foot buffers streamside; 100-feet is left undisturbed and 50-feet is limited to disturbance with no pervious structures. Although not mandated, he reports scientific data promotes wider buffers to achieve and maintain high quality to exceptional waters. He noted Stony Run, Pigeon Creek, and French Creek waterways have good water quality ratings and the use of Riparian Buffers will serve to maintain their quality. Mr. Theurkauf opened the floor for questions.

Gary Hughes, 9 Hershey Drive, shared that his son has worked on studies involving Pigeon Creek and he stated the 150-foot buffer is so important to maintain because once the water quality goes, it's hard to get back.

Karen Nocella asked who she should contact to stabilize a muddy portion of a trail alongside Pigeon Creek. During wetter times of the year, horseback riders have a particularly difficult time navigating through this small area because the horse's hooves sink so deeply into muck which can cause them to lose a shoe.

Mr. Theurkauf recommended she contact DEP, he felt they would most likely want to see a design plan to remedy the situation. He mentioned perhaps it may eligible for exemption since it is not a large area.

Mr. Theurkauf and Ms. Laubach thanked the Board for their inclusion on the agenda. Mr. Theurkauf stated he will forward an electronic and hard copy of tonight's presentation for further viewing since not all the photos displayed properly in the Power Point presentation.

Consideration of Approval to Allow The Enclave Preliminary Plan Review Process to Continue Pursuant to a Request From the Developer(s) Dated July 28, 2017.

Ms. Wendy Manley introduced herself and her husband, Tim, to the Board as the property owners and developers of 415 Ellis Woods Road, site of the proposed residential development, The Enclave at Ellis Woods. She stated they are seeking approval to continue with project review of a preliminary subdivision plan by Township consultants. The plan review has been on hold since Township notification of an insufficient balance in their escrow account. The Manleys maintain their escrow fund balance never fell below 25%. Upon further discussion with the Manleys (after the Township's last

correspondence), Township Manager, Bernard Rodgers, states an accounting review shows funds did not dip below 25%. He stated the Manleys have contributed funds to their escrow balance and recommended the preliminary review process resume.

Chairman, Ray Kolb called for a vote. W. Atlee Rinehart motioned to approve The Enclave Preliminary Plan review process to continue. Karen Nocella seconded the motion and the motion carried 5-0-0.

Pitney Bowes – Consideration of Renewal Approval of Pitney Bowes 60 Month Contract for Mail Metering Equipment.

Chairman, Ray Kolb called for a vote. W. Atlee Rinehart motioned to approval renewal of the contract, the motion was seconded by Anthony Duffy. Motion carried 5-0-0.0

Cub Scout Pack 4 – Consideration of Rental Fee Waiver at Ellis Woods Pavilion for Bike Rodeo Scheduled for October 1, 2017.

Chairman, Ray Kolb called for a vote. W. Atlee Rinehart motioned to approve the rental fee waiver, Karen Nocella seconded and the motion carried 5-0-0.

Green Region - PECO Open Space Program

Mr. Rodgers informed the Board the Township's grant submittal for trail signage funding was denied. The proposal shall remain on file for resubmittal in the future.

Consideration of Township Engineer Report

Brady Flaharty, P.E. reported to the Board he had no new information to add to the information provided in their Agenda packets.

Chairman, Ray Kolb called for a vote. Anthony Duffy motioned to accept the Township Engineer's Report, Karen Nocella seconded the motion. The motion carried 5-0-0.

Consideration of Approving Reports from Various Departments and Committees:

Karen Nocella, speaking on behalf of the Parks, Recreation, and Conservation Committee commended the job Public Works did on the Maack property. She noted there is a line of beautiful Sycamore trees on the Wineberry side that could be more prominently featured if the weeds and underbrush were cleared from around them. She stated Mr. Richard Ashburn offered to tag the trees with ribbons. She asked if committee members could clear the brush from around the tagged trees or is this something Public Works should tackle? Mr. Kolb suggested they go ahead and mark the trees and he would have Public Works look into it.

Chairman, Ray Kolb called for a vote. W. Atlee Rinehart motioned to approve tagging of Sycamores for brush removal around them, Karen Nocella seconded the motion and the motion carried 5-0-0.

Chairman, Ray Kolb called for a vote to approve reports from various departments and committees. Anthony Duffy made a motion to approve reports from various departments and committees, the motion was seconded by Karen Nocella and the motion carried 5-0-0.

6. ZONING HEARING BOARD APPLICATION

There were no Zoning Hearing Board applications before the Board.

7. OTHER BUSINESS

RESOLUTION 2017-19.

ALL COUNTY AND ASSOCIATES MINOR SUBDIVISION (LOT LINE ADJUSTMENT) ACCEPTANCE OF DEED OF DEDICATION OF ULTIMATE RIGHT-OF-WAY ALONG OLD SCHUYLKILL ROAD AND FRICKS LOCK ROAD.

The Board considered acceptance of the Deed of Dedication for a parcel of ground, more particularly described as part of UPI No. 18-1-82 by Barry A. and Lois M. Reitnour (Grantors) to East Coventry Township (Grantee).

Chairman, Ray Kolb called for a vote. W. Atlee Rinehart made a motion to accept Resolution 2017-19 Deed of Dedication; the motion was seconded by Anthony Duffy and the motion carried 5-0-0.

RESOLUTION 2017-20.

ALL COUNTY AND ASSOCIATES MINOR SUBDIVISION (LOT LINE ADJUSTMENT) ACCEPTANCE OF DEED OF DEDICATION OF ULTIMATE RIGHT-OR-WAY ALONG FRICKS LOCK ROAD AND SAVAGE ROAD.

The Board considered acceptance of the Deed of Dedication for a parcel of ground, more particularly described as part of UPI No. 18-1-8 by Benjamin Silverberg and Caitlin Skelton (Grantors) to East Coventry Township (Grantee).

Chairman, Ray Kolb called for a vote. Karen Nocella made a motion to accept Resolution 2017-20 Deed of Dedication; the motion was seconded by Ray Kolb and the motion carried 5-0-0.

RESOLUTION 2017-21.

A RESOLUTION APPROVING THE EXPENDITURE OF \$119,075 PLUS TRANSACTIONAL EXPENSES FOR THE PURPOSE OF PURCHASING A CONSERVATION EASEMENT AND TRAIL EASEMENT ON THE TAYLOR PROPERTY.

Chairman, Ray Kolb called for a vote. Karen Nocella made a motion to accept Resolution 2017-21; the motion was seconded by Anthony Duffy and the motion carried 5-0-0.

FIRST AMENDMENT of the USSLER CONSERVATION EASEMENT TO RELOCATE A SECTION of 20-FOOT TRAIL

Bernard Rodgers stated this first amendment to the Ussler Conservation Easement is for the relocation of a 20-Foot section of trail (as outlined in a proposal from Natural Lands Trust dated 7-31-17) paid from Open Space Funds. He recommended that the Board approve the Proposal from Natural Lands in the amount of \$2,700.00.

8. EXONERATIONS AND EXEMPTIONS

Chairman, Ray Kolb made a motion to accept exoneration and exemptions as presented. Michael Moyer seconded the motion and the motion carried 5-0-0.

9. PAYMENT OF BILLS

Chairman, Ray Kolb called for a vote to accept the payment of bills as presented. Karen Nocella made a motion to accept the payment of bills as presented. Anthony Duffy seconded the motion and the motion carried 5-0-0.

10. INFORMATION ITEMS AND ADDITIONAL ITEMS TO BE BROUGHT BEFORE THE BOARD.

Anthony Duffy asked for an update on the videotaping of Bethel Church Road and Old Schuylkill Road Intersection. Mr. Hosterman stated that his office had researched the use of cameras and determined that they could not be used for the type of enforcement anticipated. Mr. Rodgers noted that concrete bollards could be installed at a cost of approximately \$2,200.00 to prevent drivers from continuing straight onto Route 724 from Old Schuylkill Road but the traffic signal plan with PennDoT would need to be amended and approved by PennDoT.

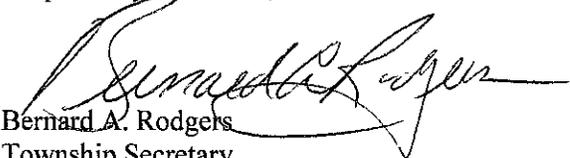
Mr. Duffy expressed his concern over Township liability should a catastrophic incident occur. Mr. Rinehart said traffic studies and other remedies are costly. He noted the Township has made efforts to mitigate liability with signage and he suggested further selective enforcement by the Police Department as a more cost-effective deterrent. The consensus of the Board was not to consider any further action at this time.

W. Atlee Rinehart made a motion to extend summer attire for one more month. Chairman, Ray Kolb called for a vote. Mr. Moyer seconded the motion and the motion carried 5-0-0.

There were no further items brought before the Board.

Chairman, Ray Kolb called for a vote to adjourn. Karen Nocella motioned to adjourn the meeting; the motion was seconded by W. Atlee Rinehart and the motion to adjourn carried 5-0-0.

Respectfully submitted,



Bernard A. Rodgers
Township Secretary