

**MINUTES OF THE
EAST COVENTRY TOWNSHIP BOARD OF SUPERVISORS
MEETING HELD MARCH 11, 2019**

(Approved April 8, 2019)

The Board of Supervisors held its regular monthly meeting on Monday, March 11, 2019. The following Supervisors were present for the meeting: W. Atlee Rinehart, Anthony Duffy, Ray Kolb, and Michael Albert Moyer. Karen Nocella was absent. Also present were David G. Kraynik, Township Manager, Brady L. Flaharty, Township Engineer and Mark A. Hosterman, Township Solicitor.

Mr. W. Atlee Rinehart called the meeting to order at 7:03 p.m. and the pledge of allegiance was recited.

Mr. Rinehart asked for a moment of silence for Ann Sage, who passed away in February. Ann was a member of the Parks, Recreation and Conservation Committee.

Mr. Hosterman stated that an executive session was held immediately preceding this meeting to discuss a personnel matter, obtain legal opinions from the solicitor, discuss two enforcement matters, and one matter of acquisition of real estate.

1. ORDINANCES

Ordinance No. 2019-231 “Specialty and Heavy Construction Contractor Ordinance”

Mr. Hosterman stated the Board of Supervisors will hold a public hearing and reviewed the proposed Ordinance amending the codified ordinances of East Coventry Township, Chester County, Pennsylvania, to amend Chapter 27 (Zoning), Part 2 (Definitions), Section 27-202 (Definitions), to Add Definitions for “Specialty Contractor” and “Heavy Construction Contractor”; to Amend Part 9 (NC Neighborhood Commercial District and C Commercial District), Section 27-902 (Use Regulations), Subsection 1 (NC Neighborhood Commercial District Uses Permitted by Right) to Permit Specialty Contractors Provided the Use is Located on a Separate Lot Containing a Single Principal Use; to Amend Section 27-905 (Other Requirements and Standards) to Add New Subsection 7 Entitled “Requirements for Specialty Contractors”; to Amend Part 10 (C-1 Commercial and Business Campus District), Section 27-1005 (Other Requirements and Standards), to Add New Subsection 2 Entitled “Requirements for Specialty Contractors”; to Amend Part 11 (LI Limited Industrial District), Section 27-1102 (Use Regulations), Subsection 1 (LI Limited Industrial District Uses Permitted by Right), to Permit Heavy Construction Contractors Provided the Use is Located on a Separate Lot Containing a Single Principal Use; to Amend Section 27-1105 (Other Requirements and Standards) to Add a New Paragraph 3 Entitled “Requirements for Heavy Construction Contractors”; and to Amend Part 13 (General and Supplemental Regulations and Design Standards), Section 27-1306 (Parking Standards), Subsection 1, Paragraph 3 (Minimum Off-Street Parking Space Requirements), to Add Parking Requirements for Specialty and Heavy Construction Contractors. Mr. Hosterman stated the Ordinance has been reviewed by the Chester County Planning Commission and the East Coventry Township Planning Commission and is recommended for adoption by the Board of Supervisors. The Ordinance has been duly advertised.

Mr. Hosterman asked if any members of the Board of Supervisors had any questions or comments regarding the proposed Ordinance. Mr. Rinehart wanted to confirm that the established heavy contractors in the Township are grandfathered. Mr. Hosterman confirmed that they are grandfathered as long as they pre-exist the Ordinance.

Mr. Hosterman asked if anyone in the audience had any questions, seeing none the hearing was closed.

Mr. Duffy made a motion to approve proposed Ordinance No. 2019-231 as advertised. Mr. Kolb seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-0.

Ordinance 2019-232 – “Amendments to Non-Solicitation Ordinance”

Mr. Hosterman stated the Board of Supervisors will hold a public hearing and reviewed the proposed Ordinance amending the codified ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 13 (Licenses, Permits, and General Business Regulations), Part 1 (Regulation of Transient Retail Business Activity), Section 13-103 (Application for Permit), Subsection 1, Paragraph H to Eliminate the Fingerprint Requirement; and to Amend Section 13-107 (Suspension or Revocation of Permit) Subsection 1, Paragraph B to Eliminate Crimes of Moral Turpitude.

Mr. Hosterman asked if any members of the Board of Supervisors or the public present had any questions or comments regarding the proposed Ordinance.

Mr. Rinehart stated previously they had discussed having a no solicitation ledger for residents to sign at the Township building and the solicitor had said they would still need no trespassing signs. Mr. Rinehart would like the next newsletter to state that anyone that has no solicitation signs should also come into the Township and sign a ledger so that if anyone would obtain a solicitation permit in the Township, we could provide them with a list of addresses that they are not able to solicit. Mr. Hosterman stated that even if a resident does not make it on the ledger as someone who doesn't want any solicitation, as long as they post their residence using the language in the existing Ordinance that would still mean that solicitors cannot go on their property in order to sell them anything.

Mr. Rinehart made a motion to approve proposed Ordinance No 2019-232 as advertised. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-0.

2. SOLICITOR'S REPORT

Resolution 2019-08 – 457 Ellis Woods Road, Sanitary Sewer Main – Acceptance of Sanitary Sewer Facilities and Sanitary Sewer Easements. Mr. Hosterman discussed Resolution 2019-08. This particular Resolution accepts the sewer easements and bill of sale from property owned by Cama Sdira, LLC FBO Andrew L. Ney IRA at 457 Ellis Woods Road. Mr. Kolb asked if we usually waive the 18-month maintenance period which is stated in the Resolution. Mr. Hosterman stated that no, we usually do not, however the Engineer did go out and televise the lines. Mr. Flaharty stated the lines were televised twice, they did review the results and it's been fully inspected. Mr. Hosterman stated it has been two or more years since completion and there were no problems with the lines so normally, they do not waive the 18-month maintenance period but due to the fact that this has been going on for so long and this was requested through their counsel it was decided to be allowed. Mr. Flaharty stated that the sewer has been inspected at the resumption of this process. Mr. Kolb said as long as the lines have been inspected recently, he is good with the Resolution.

Mr. Moyer made a motion to accept Resolution 2019-08. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-0.

3. MINUTES

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Mr. Moyer stated there is one correction to be made to page four of six, it should read “State” Senator Katie Muth's office. Mr. Kolb made a motion to approve the minutes after said correction. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-0.

4. PUBLIC COMMENT

Walt Woessner, 164 Schoolhouse Road, asked if the van that had been sitting on Brownstone Drive move on its own or did you have to prod the owner. Chief Mossman stated the owner must have moved it.

Donald Foy, 29 Wood Lea Road, asked what the status of Enclave Development is and Mr. Flaharty stated there have been no approvals nor has he seen anything regarding Enclave for over a year.

Roger Kolb, 768 Ebelhare Road, stated that Ridge Fire Company met last Tuesday, March 5, 2019 with State Senator Katie Muth. He stated one of the big topics was the condition of the roads. Mr. Duffy stated too that the condition of the roads, particularly Bethel Church Road are in bad shape. Mr. Duffy asked Roger Kolb if State Senator Katie Muth had said whether or not she was going to prod PennDOT to fix the roads and Roger said she didn't say anything.

5. **REPORTS**

Township Manager's Reports

Public Comment period on the Pollution Reduction Plan

Mr. Kraynik stated that there is a public comment period, as a requirement for the Stormwater Pollution Reduction Plan, which must be submitted to the PA Department of Environmental Protection (DEP). Back on January 14, 2019, Nate Merkel from Arro Consulting Inc. was at the Board of Supervisors meeting to give a presentation regarding the Stormwater Pollution Reduction Plan. The next phase was the written public comment period which was the entire month of February. There have been no written public comments received to date. Nate Merkel from Arro Consulting Inc. is present at the meeting for any public comments.

Sandy Bauers, 169 Sawmill Road, stated she thinks it looks good. She stated she thinks when it was originally proposed it was going to be one big project and she likes that it's small projects throughout the Township. She noticed there is a swale proposed along Sawmill Road, it looks like it's across from the springhouse that is there, where would you put the swale though? Nate Merkel stated when they came up with ideas for the BMP's (best management practices), they investigated several different types of constructed BMP's and the bioswales' receive the highest effectiveness value and the most return on investment. So, with that being said, he looks at topography and the drainage areas to identify areas where he could design and construct a bioswale to meet the required reduction. Sandy Bauers asked if it would drain into Pigeon Creek from the flood plain? Nate Merkel stated that is correct. Sandy Bauers asked, so not the road side of pigeon creek? Nate Merkel stated that is correct.

Donald Foy, 29 Wood Lea Road, recalls from the January meeting that the placement of BMP's on private property was all volunteer based upon the owner of the property giving approval, do we have all the approvals? Nate Merkel stated that they need to submit the plan to the PA Department of Environmental Protection (DEP) for their approval and once we have their approval then the Township will work with the residents for approval of construction of those BMP's and maintenance agreements being put into place, at that time. Prior to doing that, they need to receive approval from the PA Department of Environmental Protection (DEP) first. Donald Foy asked what happens if they say no, Nate Merkel stated if they do say no, then they have more BMP's they can select from and go back to the drawing board. Since they have an established list of BMP's, they can then choose and approach that potential homeowner for construction of a potential BMP on their property. Mr. Rinehart asked who is responsible for it, homeowner or the Township? Nate Merkel said that is where the owner agreement comes into play and operation maintenance agreement. Typically, what we do is fall back to the Township for inspections and maintenance of those BMP structures. Mr. Rinehart stated the residents wouldn't be overly happy if they agreed and found they agreed to more than they had anticipated.

Approval of Professional Services for the Cornice Restoration of the East Coventry Schoolhouse

Mr. Kraynik discussed the professional services contract with Frens and Frens Studio, Patterhn Ives, LLC for the Cornice Restoration of the Schoolhouse. He stated that it would not exceed \$2,400 and they will not be paid until work is underway. Mr. Moyer asked if this is paid from the Open Space account and Mr. Kraynik stated yes. Mr. Moyer made a motion to approve the professional services

contract for the Cornice Restoration of the Schoolhouse. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-0.

Special Fire Police Services – French & Pickering Creeks Conservation Trust, French Creek Iron Tour

Mr. Kraynik asked the board for approval for the request for special fire police services for the French Creek Iron Tour on June 9, 2019 from 8:15 am to 3:00 pm. Mr. Moyer made a motion to approve the special fire police services. Mr. Kolb seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-0.

Consideration of approval of the Township Engineer's Report

Mr. Flaharty stated that in support of Earth Day activities this April, the Board of Supervisors is sponsoring a cleanup of Pigeon Creek between Old Schuylkill Road and the Schuylkill River. Persons interested in keeping East Coventry clean and green are invited to volunteer a few hours of their time to participate in this 12th annual community stream cleanup initiative. Interested volunteers are to gather at the Schuylkill River Trail parking lot located at the intersection of Linfield Road and Route 724 at 10:00 a.m. on Saturday, April 27, 2019. The rain date will be Saturday, May 4, 2019. For more information please contact Brady Flaharty with Arro Consulting, Inc. (the Township Engineer) via email at brady.flaharty@arroconsulting.com or phone at (484) 995-7137.

Mr. Rinehart stated to make sure the information for this event is on the Township sign as well as the website. Mr. Kolb made a motion to accept the Engineer's Report. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-0.

Mr. Kolb made a motion to accept the various reports. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote the motion carried 4-0-0.

6. SUBDIVISIONS AND LAND DEVELOPMENT

There were no Subdivision and Land Development applications brought before the board.

7. ZONING HEARING BOARD APPLICATIONS

There were no Zoning Hearing Board applications brought before the board.

8. OTHER BUSINESS

Consideration of Approval for Purchase of Roller and Plate Tamper for Public Works Department

Mr. Kolb stated that in this year's budget in the Capital Reserve account, he had budgeted for a new roller. He received three quotes for the purchase of a Roller: Best Line Equipment \$29,105.12, Plasterer Equipment \$37,600.00 and Bobcat \$37,891.48. Mr. Kolb stated the reason we don't have to go out for bid is because they are all on state contracts. Mr. Kolb also discussed that since he budgeted \$45,000.00 and the roller is below the amount budgeted, he would also like to purchase a new plate tamper for \$2,000.00.

Mr. Rinehart made a motion to approve the purchase of the roller through Best Line Equipment and for a new plate tamper. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-0.

9. EXONERATIONS

Mr. Moyer made a motion to accept the exonerations. Mr. Kolb seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-0.

10. PAYMENT OF BILLS

Mr. Kolb made a motion to approve the payment of bills as presented.

<u>Fund Name</u>		<u>Amount to Pay</u>
General Fund	\$	437,753.56
Open Space		419,876.87
Sewer Operating Fund		16,293.70
Sewer Capital Fund		-
Traffic Impact Fee Fund		-
Capital Reserve		-
Highway State Aid Fund		1,104.88
TD Escrow		-
Totals	\$	<u>875,029.01</u>

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

11. ADJOURNMENT

Mr. Duffy made a motion to adjourn the monthly meeting at 7:31 pm. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and the motion carried 4-0-0.

Respectfully submitted,

David G. Kraynik
Township Manager