

MINUTES OF THE  
EAST COVENTRY TOWNSHIP BOARD OF SUPERVISORS  
MEETING HELD FEBRUARY 13, 2017  
*(Approved March 13, 2017)*

The Board of Supervisors held its' regular monthly meeting on Monday, February 13, 2017. Present for the meeting were supervisors Ray Kolb, W. Atlee Rinehart, Michael Albert Moyer, Karen Nocella and Anthony Duffy. Also present were Bernard A Rodgers, Township Manager and Mark A. Hosterman, Township Solicitor.

Mr. Kolb called the meeting to order at 7:02 p.m. and the pledge of allegiance was recited.

**Public Hearing On Ordinance No. 211**

**ORDINANCE NO. 2017-\_\_\_\_\_**

**“MISCELLANEOUS ZONING AND SUBDIVISION  
AND LAND DEVELOPMENT ORDINANCE AMENDMENTS”**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF EAST COVENTRY, CHESTER COUNTY, PENNSYLVANIA, TO AMEND CHAPTER 22 (SUBDIVISION AND LAND DEVELOPMENT), PART 3 (PLAN PROCESSING AND CONTENT), SECTION 301 (PLAN CLASSIFICATION AND PUBLIC NOTIFICATION), SUBSECTION 5 (PUBLIC NOTIFICATION), PARAGRAPH B TO ELIMINATE RETURN RECEIPT REQUIREMENT AND PERMIT NOTICE BY FIRST CLASS MAIL; TO AMEND SECTION 304 (PRELIMINARY PLAN SUBMISSION, RESUBMISSION, REVIEW AND CONTENT), SUBSECTION 3 (CONTENT), PARAGRAPH A (GENERAL CONTENT), SUBPARAGRAPH 8 TO REQUIRE ADDITIONAL ORDINANCE INFORMATION BE LISTED ON SUBDIVISION AND LAND DEVELOPMENT PLANS; TO AMEND SECTION 305 (FINAL PLAN SUBMISSION, RESUBMISSION, REVIEW AND CONTENT), SUBSECTION 3 (CONTENT), PARAGRAPH B (SITE DESIGN, LAYOUT STANDARDS AND CONTENT), SUBPARAGRAPH 2 TO NOT REQUIRE CERTAIN SUPPLEMENTARY DATA FOR MINOR SUBDIVISIONS; TO AMEND CHAPTER 27 (ZONING), PART 6 (R-1 RESIDENTIAL DISTRICT), SECTION 603 (AREA, BULK AND DIMENSIONAL STANDARDS), SUBSECTION A (MINIMUM NET LOT AREA, LOT WIDTH AND YARDS), TO AMEND PART 7 (R-2 RESIDENTIAL DISTRICT), SECTION 703 (AREA, BULK AND DIMENSIONAL STANDARDS), SUBSECTION 1 (SINGLE-FAMILY DETACHED RESIDENTIAL USES, AGRICULTURAL USES AND NONRESIDENTIAL USES), PARAGRAPH A (MINIMUM NET LOT AREA, LOT WIDTH AND YARDS), TO AMEND PART 8 (R-3 RESIDENTIAL DISTRICT), SECTION 803 (AREA, BULK AND DIMENSIONAL STANDARDS), SUBSECTION 1 (SINGLE-FAMILY DETACHED RESIDENTIAL USES, AGRICULTURAL USES AND NONRESIDENTIAL USES), PARAGRAPH A (MINIMUM NET LOT AREA, LOT WIDTH AND YARDS), AND TO AMEND PART 9 (NC NEIGHBORHOOD COMMERCIAL DISTRICT AND C COMMERCIAL DISTRICT), SECTION 904 (AREA, BULK AND DIMENSIONAL**

**STANDARDS), SUBSECTION A (MINIMUM NET LOT AREA, LOT WIDTH AND YARDS) TO ELIMINATE PUBLIC WATER SUPPLY AS A BASIS FOR DETERMINING NET LOT AREA AND DIMENSIONAL REQUIREMENTS; TO AMEND PART 9 (NC NEIGHBORHOOD COMMERCIAL DISTRICT AND C COMMERCIAL DISTRICT), SECTION 905 (OTHER REQUIREMENTS AND STANDARDS), PARAGRAPH 2 (REQUIRED BUFFER) TO NOT REQUIRE A LANDSCAPE BUFFER FOR LOTS ABUTTING NONRESIDENTIAL USES AND ZONING DISTRICTS; AND TO AMEND CHAPTER 27 (ZONING), PART 15 (ZONING HEARING BOARD), SECTION 1507 (NOTICE OF HEARING), SUBSECTION C TO ELIMINATE CERTIFIED MAIL BY APPLICANT AND TO PERMIT TOWNSHIP NOTICE BY REGULAR MAIL.**

Mr. Hosterman opened the public hearing at 7:03 pm. Mr. Hosterman gave a brief review of Ordinance 211 and asked if any member of the Board of Supervisors had any questions on the proposed Ordinance. Mr. Hosterman explained that the Township Planning Commission had reviewed and recommended adoption of the ordinance but that review comments from the Chester County Planning had not yet been received. He noted that the County Planning Commission comments were advisory only and any comments could be incorporated in a future amendment, if thought needed. There were no questions from the Board of Supervisors. Mr. Hosterman asked if the public had any questions on the proposed Ordinance. There were not comments from the public.

Mr. Hosterman closed the public hearing for proposed Ordinance No. 210 at 7:06 pm.

Mr. Moyer made a motion to approve Ordinance No. 211 – An Ordinance of East Coventry Township, Chester County, Commonwealth of Pennsylvania, Amending the Code of Ordinance of the Township of East Coventry, Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

**1. MINUTES**

January 9, 2017 Meeting Minutes

Mr. Kolb asked for a motion to approve the January 9, 2017 minutes unless there were corrections that were needed. Mr. Duffy made a motion to approve the minutes of January 9, 2017 Board of Supervisors meeting. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

**2. PUBLIC COMMENTS**

Sally Kolb, 231 Bethel Church Road, Pottstown, PA 19465 stated that customers visiting her store on Kolb Road were continuing to comment about drivers not obeying the new traffic pattern at Old Schuylkill Road and Bethel Road at the Parkerford traffic signal. She asked if additional police presence could be available especially during peak traffic times. Mr. Kolb stated that the matter would be directed to Chief Mossman.

Robert F. Preston, 2013 East Cedarville Road, Pottstown, Pa. 19465-8209 presented the East Coventry Township Wastewater Flow Analysis for 2016 that he prepared for the Board. He noted that the Township's sanitary sewer system was operating very efficiently and the 262.5 gpd per edu should continue to be used for future expansion of the East Coventry Township sanitary sewer system.

Mr. Moyer stated that he is the Township's representative to the Pottstown Metropolitan Planning Commission. At the last meeting of the PMPC it was discussed that members should ask for input on intersections to possibly include in a traffic study being done by the PMPC and whether there was interest in adopting a regional ordinance for Medical Marijuana. It was discussed that the intersections of Old Schuylkill Road/Bethel Road and Wells Road/Rt. 724 should be included in the PMPC traffic study.

Mr. Hosterman noted that the Medical Marijuana law takes effect in June 2017 and that it was unlikely an ordinance could be adopted by the PMPC by then, simply because of the logistics of developing the ordinance and having it advertised and adopted by all the member municipalities of the PMPC. He further stated that at the Board's direction at a prior meeting he had already drafted a simple ordinance to address the new law and it was ready to be reviewed by the Township Planning Commission. He felt it could be reviewed and adopted very timely.

After a brief discussion Mr. Rinehart made a motion to send the ordinance prepared by Mr. Hosterman to the Township Planning Commission for review and comment back to the Board. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

### 3. **REPORTS**

#### **Township Manager's Reports**

##### **Consideration of Approval to Exercise Option Under Agreement with Exelon To Accept Donation of Leased Parcel at Frick's Locks**

Mr. Rodgers noted that included in the meeting packet were the following items:

1. Copies of three (3) pages from the Agreement between the Township and Exelon Generation Company, LLC allowing the Township to lease from Exelon a portion of the Frick's Lock Village which is outside the Exclusion Area Boundary.
2. Copies of four (4) pages taken from the Chester County 2017 Budget.
3. Exhibit F-3 from Frick's Lock Feasibility Study prepared by Frens & Frens, LLC depicting renovation options for B-19 brick building

He stated that discussions with Chester County concerning the Schuylkill River Trail have included creation of additional parking on the Leased Parcel and renovating one of the structures (B-19 Brick House) to accommodate a restroom facility for Trail users.

The County has proposed a partnership with the Township whereby the County would provide matching funds for a DCNR grant to construct those improvements, i.e., the additional parking and restroom facility. However, the Township would need to be the grant applicant and demonstrate that it has ownership of or the ability to obtain ownership of the Leased Parcel. The County (Dave Stauffer) has offered to prepare the grant application which has to be submitted by mid-April, 2017 to DCNR.

The County Commissioners have approved \$400,000 as part of the County's Capital Budget to be used as matching funds for this project. The attached pages from the County's budget are provided as a demonstration of the County's commitment and the availability of funds. It is difficult to determine at this stage what the total cost may be or how much grant aid would be available, but it is not unrealistic when considering all the components of the project that the costs could easily approach \$500,000+.

In order for the grant application to be considered by DCNR the Township will need to actually own or be in the process of acquiring ownership of the Leased Parcel. The agreement between the Township and Exelon provides the means for the Township to acquire ownership. He explained that the pages from the agreement explain the action that would need to be taken by the Board in order for the Township to acquire the parcel. He also noted that Mr. Hosterman had distributed a summary this evening of the action needed and the process for acquisition.

It was discussed that the Township has the option to accept a donation of the Leased Parcel from Exelon at any time during the Lease upon written notice to Exelon (the "Exercise Date") and that following the Exercise Date and Exelon Board Approval, Exelon, at its' cost and expense, is to prepare a subdivision plan and obtain all necessary approvals for the conveyance of the Leased Parcel separate and apart from the contiguous property of Exelon to the Township.

Obviously, if the Board exercises the option to accept the Leased Parcel, the actual donation of the Leased Parcel cannot occur prior to submission of the DCNR grant application but it will be enough to support the Township as an eligible applicant under the grant guidelines.

The grant submission would occur in April, 2017; grant approval would not be until late Fall (maybe December) of 2017 and the signing of a grant contract with DCNR would not be until probably April of 2018. That should provide enough time for Exelon to receive subdivision approval and for Settlement to occur.

Design of the project could begin after notice of a grant award (with approval from DCNR) but advertising for bids would not likely occur until sometime after executing the grant contract. This would co-inside with the construction of the Schuylkill River Trail which is anticipated to begin in 2018.

Mr. Kolb asked if there were a motion to exercise the Township's option under the agreement with Exelon to accept donation of the Leased Parcel and send Exelon a written notice to that effect. Mrs. Nocella made a motion to approve the acceptance of the donation of the Leased Parcel from Exelon Generation, LLC per the agreement and send the required written notice to Exelon. Mr. Duffy seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 4-1-0 vote. Mr. Moyer voted nay.

#### Discussion of Township Sign Ordinance

Mr. Rodgers discussed the Township's sign regulations which are incorporated as part of the Township's zoning ordinance. He noted that based on some recent reviews of sign applications that he believed the signs regulations should be reviewed and updated. He requested that the Board authorize the Township Solicitor to draft new sign regulations and review them with the Township Planning Commission for recommendation to the Board. After some discussion Mr. Moyer made a motion to authorize the Township Solicitor to draft new regulations and review same with the Planning Commission for recommendations to the Board. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

#### Consideration of Township Engineer's Report

Mr. Kolb stated Mr. Flaharty was not in attendance, but wanted him to mention the proposed date for the Stream Cleanup. The Stream Cleanup of the Pigeon Creek will be Saturday, April 22, 2017, with a rain date of Saturday, April 29, 2017. If anyone is interested in participating in the Stream Cleanup, please meet at the parking area at the Parkerford Traffic Light. Mrs. Nocella made a motion to accept the proposed dates for the Stream Cleanup of Pigeon Creek. Mr. Moyer seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Rinehart made a motion to approve the Township Engineer's report. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

#### Consideration of approving reports from various departments and committees

Mrs. Nocella made a motion to approve the various department and committees reports. Mr. Moyer seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

**4. Subdivision and Land Development**

Mr. Kolb reviewed the following Resolutions concerning the East Coventry Elementary School Land Development:

Resolution 2017-05 - Consideration of approval of Resolution 2017-05 accepting the Deed of Dedication of the Ultimate Right-of-Way along Old Schuylkill Road

Resolution 2017-06 - Consideration of approval of Resolution 2017-06 accepting the Declaration of Emergency Access Easement on site of existing East Coventry Elementary School

Resolution 2017-07 - Consideration of approval of Resolution 2017-07 accepting the Dedication of Trail Easement for the Proposed Future Trail on the site of the New East Coventry Elementary School

Resolution 2017-08 - Consideration of approval of Resolution 2017-08 accepting the Dedication of Trail Easement for the Gravel/Pervious Paths on the site of the New East Coventry Elementary School

Resolution 2017-09 - Consideration of approval of Resolution 2017-08 accepting the Dedication of Trail Easement for Asphalt Walkways on the site of the New East Coventry Elementary School

Mrs. Nocella made a motion to adopt all five (5) of the Resolutions as presented and reviewed by Mr. Kolb. Mr. Duffy seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

**5. Zoning Hearing Board Applications**

Zoning Hearing Board Application No 263 – 425 Fricks Lock Road

Zoning Hearing Board application for a variance submitted by Joseph F. Ellis, Jr. relating to the transfer of property between adjacent property owners (1.15 acres) in order for the Applicant to construct a new single family home that meets required setbacks. Mr. Rodgers explained that Mr. Ellis would be submitting a lot line adjustment minor subdivision that would reduce his lot frontage below the zoning district minimum requirement and he was requesting a variance ahead of submitting the lot line adjustment. After some discussion it was the consensus of the Board not to take any action on this application.

Mr. Woessner, 164 Schoolhouse Road, Pottstown, PA 19465 asked why this application is different from other lot line changes. Mr. Hosterman stated the applicant is increasing a non-conformance.

**6. Other Business**

Resolution 2017-10 (Disposition of Police Files)

Motion was made by Mr. Rinehart to approve Resolution 2017-10 disposing of Police Files from 1988 to 2011. Motion was seconded by Mr. Moyer. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Resolution 2017-11 (Establishing Procedure for Sale of Township-Owned Personal Property Values at Less Than \$1,000.00)

Motion was by Mr. Rinehart to approve Resolution 2017-11 establishing procedures for sale of Township-owned personal property valued at less than \$1,000.00. Motion was seconded by Mr. Moyer. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Memo for 850 Schoolhouse Road

The Township had received three (3) quotes for replacement of the boiler, removal of existing internal oil tank and installation of an external oil tank at 850 Schoolhouse Road. They were: Oehlert Brothers- \$8,932.00; Plotts' Energy - \$11,395.00; and Longacre Company - \$7,330.00. Mr. Rinehart

made a motion to approve the quote from Longacre Company and authorize them to perform the work. Mr. Moyer seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Memo for 2017 Road Projects

Mr. Kolb reviewed the proposed road work for Schoolhouse Road (between Fulmer Road to South of Bishop Road) and Bishop Road (West of Schoolhouse Road to South Keim Street) of a 1-1/2” overlay on each road.

Mrs. Nocella made a motion to approve the 2017 Road projects reviewed by Mr. Kolb. Mr. Duffy seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Repeal of Dry Township Ballot Petition

Mr. Hosterman reviewed his email dated 1-26-17 to Mr. Rodgers, including all attachments, regarding the Petition for ballot question on malt and brewed beverage retail dispenser licenses, the Petition for ballot question on the granting of liquor licenses for the sale of liquor, the November 8, 2016 General Election results for East Coventry Township along with calculations, email from Kara C. Rahn, Director of Voter Services, Chester County, Pa. stating she has no comments or concerns with Petitions as drafted and confirming that at least 871 signatures are necessary and an email from Alexander Hallman, Assistant Counsel for the PLCB sending a listing of dry municipalities which confirms only two petitions are needed in East Coventry. Signatures must be from registered electors and all petitions must be notarized. Petitions may be circulated beginning February 14, 2017 and no later than March 7, 2017 and due at the Board of Elections on or before March 22, 2017.

A discussion ensued among the Board members and the public regarding the petitions and the requirements as reviewed. Missy King questioned whether the due date of March 22 for submission to the Board of Elections was correct. She thought it should be March 7, 2017. Mr. Hosterman stated that he would double check with the Board of Elections.

After further discussion it was the consensus of the Board that the Petitions as prepared were approved and could be circulated by anyone who wished to try and get the appropriate number of signatures and submit them to the Board of Elections. The Board did not take a position for or against either ballot question.

**7. Other Business**

**8. Exonerations**

Mr. Moyer read the list of exonerations. Mrs. Nocella made a motion to approve the Exonerations List. Mr. Duffy seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

**9. Payment of Bills**

Mrs. Nocella made a motion to pay the bills as presented:

Fund Name	Amount to Pay
General Fund	254,212.50
Fire Hydrant Fund	1,017.32
Open Space	5,819.11
Sewer Operating Fund	20,176.24
Sewer Capital Fund	-
Traffic Impact Fee Fund	-

Capital Reserve	-
Highway State Aid Fund	3,577.80
TD Escrow	-
<b>Totals</b>	<b>\$ <u>284,802.97</u></b>

Mr. Duffy seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

**10. Information Items and Additional Items to be Brought Before the Board**

Mr. Hosterman discussed the letter, with supporting documentation, sent to Mr. Robert A. Willig, Esquire, Senior Attorney Deputy General at the Office of Attorney General for the Commonwealth of Pennsylvania regarding the challenge to the Townships driveway ordinance by Riannon Walsh.

Mr. Hosterman updated the Board of Supervisors that the Township received a Driveway Permit application and payment for the permit application from Riannon Walsh.

Mr. Kolb requested permission to advertise for bids for the sale of the 2011 Crown Victoria police cruiser. It has about 97,000 miles and is no longer used. Mr. Moyer made a motion to advertise for bids to sale the 2011 Crown Victoria police cruiser. Mr. Duffy seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Rinehart asked if the Township ever considered sending e-mail notices to residents for things happening in the Township. Mr. Rodgers stated currently the Township does not have that capability.

Mr. Rinehart asked why the final budget shows insurance items under the Parks & Recreation items. Mr. Rodgers explained when Public Works employees perform tasks that deal with Parks & Recreation items, the benefits for that employee are deducted from the Parks & Recreation section of the budget.

Mr. Rodgers requested that the Board authorize Mr. Kolb, as Chairman, to execute the three (3) temporary construction easement agreements needed for the Kulp Road Bridge replacement project and to authorize the bidding of that project as soon as the temporary easement agreements are executed by the Township. Mr. Moyer made a motion to authorize Mr. Kolb to execute the three (3) temporary construction easement agreements needed for the Kulp Road Bridge replacement project and to authorize the bidding of that project as soon as the temporary easement agreements are executed by the Township. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Rodgers requested authorization for Chief Mossman to attend the FBI National Academy Associates, Eastern Pa Chapter, 2017 Chapter Re-trainer program held May 21 – May 23, 2017 at the Days Inn Penn State in State College, Pa. Registration is \$200.00 and room rates are \$89.00 per night. Mr. Moyer made a motion to authorize Chief Mossman’s attendance. Mr. Duffy seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Mrs. Missy King, 10 Eleanor Drive, Spring City, PA 19475 asked if the salary for the Tax Collector changed or remained the same. Mr. Rodgers stated the Tax Collector salary remained the same.

**11. Adjournment**

Mrs. Nocella moved to adjourn the monthly meeting at 8:09 p.m. Mr. Duffy seconded the motion.  
Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Respectfully submitted,

Bernard A Rodgers  
Township Manager