

MINUTES OF THE  
EAST COVENTRY TOWNSHIP BOARD OF SUPERVISORS  
MEETING HELD JANUARY 9, 2017  
(Approved February 13, 2017)

The Board of Supervisors held its' regular monthly meeting on Monday, January 9, 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, Mark A. Hosterman, Township Solicitor and Brady Flaharty, Township Engineer.

Mr. Kolb called the meeting to order at 7:01 p.m. and the pledge of allegiance was recited.

**1. MINUTES**

December 12, 2016 Meeting Minutes

Mr. Kolb proposed the following corrections to the minutes on Page 6, 2nd paragraph. The current minutes read "Mr. Kolb called for the vote and **the motion** carried with a 5-1-0 vote.", should read "Mr. Kolb called for the vote and **the motion** carried with a 4-1-0 vote."

Mr. Rinehart proposed the following corrections to the minutes on Page 8, 2nd paragraph under **Consideration of approving reports from various departments**. The current minutes read "Mr. Kolb stated they Committee will need a lot more volunteers and a lot more signs for the route's they are taking this year", should read "Mr. Kolb stated the Committee will need a lot more volunteers and a lot more signs for the route's they are taking this year".

Mr. Rinehart made a motion to approve the minutes of December 12, 2016 Board of Supervisors meeting with the corrections as noted. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

January 3, 2017 Reorganization Meeting Minutes

Mr. Kolb proposed the following corrections to the minutes on page 4, 1st paragraph. The current minutes read "Mr. Kolb called for the vote and **the motion** carried with a 5-0-1", should read "Mr. Kolb called for the vote and **the motion** carried with a 4-0-1".

Mr. Kolb proposed the following corrections to the minutes on page 4, 2nd paragraph. The current minutes read "Mr. Kolb called for the vote and **the motion** carried with a 5-0-1", should read "Mr. Kolb called for the vote and **the motion** carried with a 4-0-1".

Mr. Rinehart made a motion to approve the minutes of January 3, 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. NOTICE OF VIOLATION WAIVER REQUEST/REQUEST FOR POSTPONEMENT BY OWNER**

Mr. Hosterman requested Mrs. Nocella recuse herself from the topic to be discussed since she was involved with the topic. Mrs. Nocella recused herself from the discussion.

Mr. Hosterman provided a brief description of the Notice of Violation Waiver Request and the Request for Postponement by Riannon Walsh. The Board of Supervisors had heard the presentation by Mrs. Shields, Ms. Walsh's attorney at the December 12, 2016 Board of Supervisors meeting. The Board of Supervisors tabled action on the subject until the January 2017 meeting in order to digest all the information presented.

Mr. Hosterman stated since that time, Ms. Walsh hired new council to represent her and is requesting postponement of the discussion until the February 2017 Board of Supervisors meeting. Mr. Hosterman stated Ms. Walsh's new council is Mr. Guy A. Donatelli, with Lamb, McErlane, Attorneys

at Law. Mr. Hosterman stated he spoke with Mr. Donatelli, who was not able to attend tonight's meeting due to a previous commitment.

Mr. Hosterman stated Ms. Walsh has filed a challenge with the Office of the Attorney General for the Commonwealth of Pennsylvania. Mr. Hosterman presented copies of the letter Ms. Walsh sent to Mr. Robert Willig, Esquire at the Office of the Attorney General. Mr. Hosterman also presented a draft copy of the response letter he will be sending to Mr. Willig. Mr. Hosterman stated the draft copy is not the final letter, which will be sent to the Attorney General. Mr. Hosterman stated if the Board of Supervisors determines it would like to take action tonight, that is perfectly acceptable. Mr. Hosterman stated he would add to his letter what he deems to be fair treatment of this particular situation if the Board is inclined to make a motion similar to the motion that was handed out before the meeting.

Mr. Moyer stated in light of Ms. Walsh Acre review request, he would make a motion to deny Ms. Walsh Notice of violation waiver request. Mr. Hosterman asked Mr. Moyer if he would like to consider the conditions listed in the proposed motion. Mr. Moyer stated no, he wants to outright deny her request.

Mr. Kolb asked if the Board of Supervisors denied her request, would it be able to make some conditions from the driveway ordinance at a later time.

Mr. Hosterman asked Mr. Moyer that if Ms. Walsh moves forward with filing the application, would he be in favor of staying the enforcement of the Notice of Violation to review the conditions on the proposed motion handed out tonight. Mr. Moyer stated that would be the prudent thing to do. Mr. Hosterman stated yes, it would also save resources for the Township.

Mr. Hosterman review the conditions on the proposed motion. The conditions discussed were:

- Ms. Walsh must submit a complete application with plans and the requisite application fee within 30 days of this meeting; and
- At a minimum, the application and plans must depict relocation of the driveway to comply with the required setbacks and shall include restoration of the disturbed area within the required setback area: and
- The driveway access shall be limited to agricultural purposes and paving as required by the standards of the Driveway Ordinance is hereby waved; and
- The Board of Supervisors will consider additional waivers of the standards of the Driveway Ordinance in conjunction with the processing of the application and plans for driveway permit; and
- Enforcement of the Notice of Violation dated September 22, 2016 is hereby stayed pending submission of a complete Driveway Permit Application in full compliance with this decision. Failure to timely submit a driveway permit application will result in enforcement of the Notice of Violation.

Mr. Moyer made a modification to his original motion, to include the conditions from Mr. Hosterman's proposed motion, which was handed out at the beginning of the meeting. Mr. Duffy seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 4-0-1 vote. Mrs. Nocella recused herself from the discussion and vote.

### **3. PUBLIC COMMENTS**

Mr. Doug Kapp, 22 Bishop Road, Pottstown, PA 19465 asked if Ms. Walsh will be required to restore

the damage she did with the backhoe. Mr. Hosterman stated yes, one of the conditions is to restore the ten (10) foot setback area.

Mr. William Keller, 90 Do-Jan Drive, Pottstown, PA 19465 stated he is a member of the Zoning Hearing Board and wanted to follow up on a situation that arose at the last Zoning Hearing Board meeting. He reviewed McLaughlin Bros. variance application for relief to build three new homes and noted that the contractor stated he had never received any review comments from the Code Official on the site plan and that he could proceed after 30 days if no comments were received.

A discussion ensued and Mr. Rodgers stated he had reviewed the file after the Hearing and determined that review comments had been timely sent. Mr. Keller stated he believes the Board of Supervisors should examine how construction can start before all approvals are received.

Mr. Rodgers gave a brief description of the issues of the three (3) permits on East Cedarville Road. Mr. Keller asked how the permits got issued. Mr. Rodgers stated the Code Official made a mistake and one permit had been issued and the other two were denied subject to obtaining the proper variance. Mr. Keller asked if the Code Official knows to look for this in the future.

Mr. Kolb asked Mr. Keller if, as a member of the Zoning Hearing Board, would he have denied the application if it would have come in before starting any construction. Mr. Keller stated he would have voted against all three lots. Mr. Rodgers stated the contractor would have been able to build a house on each lot.

Mrs. Linda Ottaviano, 2364 New Schuylkill Road, Pottstown, PA 19465 asked if there would be a discussion on the Prohibition Repeal tonight. Mr. Kolb stated the Prohibition Repeal was discussed at last month's meeting. Mrs. Ottaviano stated she had some questions pertaining to how soon the referendum process would begin, how will the Township collect the signatures and how many signatures are required. Mr. Kolb stated he believes the petitions require 875 signatures each.

Mrs. Missy King, 10 Eleanor Drive, Spring City, PA 19475 stated that the petitions cannot be circulated until February 14, 2017 and the collection of signatures by sometime in March. Mrs. King stated anyone can collect the signatures. Mrs. King asked if the signatures needed to be registered voters. Mr. Hosterman stated that they do need to be a registered voter.

Mrs. King stated there is a very small window to collect signatures. Mr. Moyer stated the Township will need to collect at least 875 signatures for each petition. Mrs. King suggested acquiring at least 1,000 votes on each petition. Mrs. Ottaviano asked if anyone can help with the petitions. Mr. Moyer stated yes, he is planning on collecting signatures.

Mr. Hosterman stated there will be three (3) petitions that will need to be signed. The petitions are not restricted to only those who want to drink.

Mrs. Ottaviano stated she would like to participate in acquiring the signatures.

Mr. Duffy clarified that signing these petitions, does not mean you agree with it, it only means you would like it placed on the ballot. Mr. Duffy stated it does not mean you are in agreement.

Mrs. Linda Ottaviano asked what is the maximum height for weeds in the Township. Mr. Kolb stated the maximum height is ten (10) inches. Mrs. Ottaviano asked why Owen J Roberts School District did not have to mow the field. Mr. Kolb stated the school planned on starting construction during the summer.

#### 4. **REPORTS**

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

##### Consideration of approval for Special Fire Police Applications

Mr. Rodgers discussed the applications submitted for Special Fire Police Applications for the following events:

- East Coventry Township – Parks, Recreation & Conservation Committee – 2nd Annual 5k & 10k Run held on Saturday, March 18, 2017
- OJR High School – NJROTC – 5k Run (for Cancer) held on Saturday, April 22, 2017

Mr. Moyer made a motion to approve the Special Fire Police Applications for the East Coventry Township 2nd Annual 5k & 10k Run on March 18, 2017 and the OJR High School NJROTC 5k Run on April 22, 2017. Mr. Rinehart seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

##### Consideration of approval of the Contractor's Application for Payment No 4 for the Construction of the Parkerford Intersection Improvements in the amount of \$35,783.26

Mr. Rodgers reviewed the Contractor's Application for Payment No 4 from Marino Corporation in the amount of \$35,783.26 and approval of the contract release form NAS Surety Group, subject to the review of the Township Solicitor.

Mr. Rinehart made a motion to approve the release of Payment No 4 to in the amount of \$35,783.26 to Marino Construction for the Parkerford Intersection Improvements subject to the review and approval of the Township Solicitor.

Mr. Rinehart asked if there is a warranty for the improvements. Mr. Hosterman stated he needs to check. Mr. Kolb stated some of the topsoil needs to be redone. Mr. Kolb stated he would like to hold some of the \$35,783.26 held until everything is completed at the intersection. Mr. Hosterman stated he needs to check the language in the bond to see what is specified.

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

##### Consideration of authorization to advertise the proposed Miscellaneous Zoning and Subdivision and Land Development Ordinance Amendments

Mr. Rodgers reviewed the proposed Miscellaneous Zoning and Subdivision and Land Development Ordinance Amendments for authorization to advertise for adoption at the February 13, 2017 Board of Supervisors meeting.

Mr. Rinehart made a motion to approve the authorization to advertise the proposed Miscellaneous Zoning and Subdivision and Land Development Ordinance Amendments. Mr. Moyer seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

##### Consideration of approval for Mr. Rodgers and Chief Mossman to attend the PELRAS Training Conference from March 22 thru March 24, 2017 in State College, PA

Mr. Rodgers reviewed the PELRAS conference flyer information. The conference is scheduled for March 22 thru March 24, 20-17.

Mr. Moyer made a motion to approve the request for Mr. Rodgers and Chief Mossman to attend the PELRAS Training Conference. Mr. Duffy seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Discussion of Fairway Farms Preliminary Plan Review Time Extension

Mr. Rodgers stated the Planning Commission would like the Board of Supervisors to consider sending a notice to the Developer of Fairway Farms that the Township is rescinding the open ended Time Extension agreement, which was signed some time ago. There are 2 projects open at the property location, a single family development that goes back at least 2 years and a townhome development, which goes back at least 1 year. Mr. Rodgers stated according to the agreement, the notice would state the Developer would have 60 days to submit revised plans for review or the Board of Supervisors would consider the project as denied.

Mr. Rinehart stated for the benefit of those in the audience, the proposed development is located at Vaughn Road and East Meadowbrook Road.

Mr. Moyer made a motion to have the Township Manager send the notice to the Developer, stating the developer had 60 days to submit revised plans or the Board of Supervisors would consider the project denied. Mr. Duffy 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. 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

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

**5. Subdivision and Land Development**

**6. Zoning Hearing Board Applications**

**7. Other Business**

**8. Exonerations**

Mr. Moyer read the list of exonerations. Mr. Duffy made a motion to approve the Exonerations List. Mrs. Nocella 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	582,645.34
Fire Hydrant Fund	1,017.32
Open Space	1,665.14
Sewer Operating Fund	17,038.54
Sewer Capital Fund	-
Traffic Impact Fee Fund	-
Capital Reserve	154,093.28
Highway State Aid Fund	462.94

