

MINUTES OF THE  
EAST COVENTRY TOWNSHIP BOARD OF SUPERVISORS  
MEETING HELD MARCH 13, 2017  
*(Approved April 10, 2017)*

The Board of Supervisors held its' regular monthly meeting on Monday, March 13, 2017. Present for the meeting were supervisors Ray Kolb, W. Atlee Rinehart, Michael Albert Moyer, 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 7:01 p.m. and the pledge of allegiance was recited.

Mr. Kolb administered the Oath of Office to Joseph Harvey as a new Fire Police Officer.

Mr. Hosterman advised that the Board of Supervisors held an Executive Session immediately preceding this meeting to discuss on matter of potential litigation.

**1. MINUTES**

February 13, 2017 Meeting Minutes

Mr. Kolb asked for a motion to approve the February 13, 2017 minutes unless there were corrections that were needed. Mr. Hosterman recommended that the word "occur" in the last line of the 4<sup>th</sup> paragraph on page 4 of 8 be changed to "begin". Mr. Duffy made a motion to approve the minutes of February 13, 2017 Board of Supervisors meeting incorporating the recommendation from Mr. Hosterman. Mr. Moyer seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 4-0-0 vote.

**2. PUBLIC COMMENTS**

Alexandra Davis, 128 Anderson Road, Spring City, Pa. inquired as to the purpose of the letter questionnaire about on-lot septic systems that had been mailed by the Township. Mr. Flaharty explained that the questionnaire was being used to assist the Township in updating the Act 537 Sewage Facilities Plan for the Parkerford area of the Township. Ms. Davis also expressed concern with the vehicular speeding on Anderson Road, especially since the intersection signage change at Bethel Church Road and Old Schuylkill Road. Mr. Kolb stated that he would ask Chief Mossman to review the speeding in that area.

Mr. Robert Bower, 169 Sawmill Road, Pottstown, Pa. stated that he had seen reference that the Township was being involved with litigation regarding a driveway and requested more information. Mr. Hosterman stated that a resident had made a complaint to the Pa. Attorney General's Office concerning the Township's driveway ordinance applicability to their property with respect to the Agricultural Security Law.

Roger Kolb, 768 Ebelhare Road, Pottstown, Pa. 19465, noted that around the beginning of 2016 a member of the Board of Supervisors had requested to receive medical benefits from the Township and he thought that the Township was to be reimbursed the expense for that coverage by the Board Member. He wondered whether the medical coverage was still being provided, how long it would continue and if the Township had been reimbursed. A discussion ensued wherein Mr. Rodgers explained the process by which a newly elected member of the Board, prior to taking office could request to participate in the Township sponsored medical coverage which could continue through the individual's term of office. He noted that a Board member could not request participation mid-term but only prior to taking office.

Mr. Moyer stated that he was participating in the Township sponsored medical plan and that he was contributing the same amount toward the cost of the plan as the employees of the Township. He

stated that he was sorry about any confusion but his intention and what he had meant when originally requesting participation was that he would pay the same contribution as the Township employees toward the coverage, not that he would reimburse the Township for the full amount of the cost. He also stated that it was his intention to enroll in his current employer's sponsored health plan when he became eligible for coverage.

### 3. **REPORTS**

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

Consideration of approval for the Special Fire Police Applications for East Vincent Elementary PTA – Special Events at East Vincent Elementary School held on Tuesday, February 28 from 5:00 pm to 8:00 pm and Friday, March 3, 2017 from 5:00 pm to 9:00 pm and the Pennsylvania Horticultural Society – Thank you Luncheon on May 24, 2017 from 12:30 pm to 2:30 pm. Mr. Rinehart made a motion to approve the Special Fire Police Services for the above events and Mr. Moyer seconded the motion. Mr. Kolb called for the vote and the motion carried with a 4-0-0 vote.

#### Consideration of approval to authorize advertisement for Public Hearing on proposed Marijuana Ordinance

##### **"Medical Marijuana Ordinance"**

**An ordinance amending the Code of Ordinances of the Township of East Coventry, Chester County, Pennsylvania, to amend chapter 27 (zoning), part 2 (definitions), section 27-202 (definitions), to add new definitions relating to medical marijuana regulation; to amend chapter 27 (zoning), part 9 (nc neighborhood commercial district and c commercial district), section 27-902 (use regulations), paragraph 4 (c commercial district uses permitted by right), to add new subparagraph 1 to permit medical marijuana dispensaries and to amend section 27-905 (other requirements and standards), to add new paragraph 6 entitled "use regulations for medical marijuana dispensaries"; and to amend chapter 27 (zoning), part 11 (li limited industrial district), section 27-1102 (use regulations), paragraph 1 (li limited industrial district uses permitted by right), to add new subparagraph b to permit medical marijuana growing/processing facilities and to amend section 27-1105 (other requirements and standards), to add new paragraph 2 entitled "use regulations for medical marijuana growing/processing facilities".**

Mr. Hosterman reviewed the proposed ordinance as summarized above and explained that it was necessary due to passage of Commonwealth legislation regarding medical marijuana. He also noted that the Township Planning Commission had reviewed and recommended adoption of the ordinance. Mr. Rinehart made a motion to approve the advertising for a public hearing and adoption of the proposed Medical Marijuana Ordinance and Mr. Moyer seconded the motion. Mr. Kolb called for the vote and the **motion** carried with a 4-0-0 vote.

#### Consideration of approval of the Nationwide Investment Advisors, LLC ProAccount – Plan Sponsor Agreement.

Mr. Rodgers reviewed the Plan Sponsor Agreement explaining that it would permit Nationwide, which administered a 457 Deferred Compensation program for Township employees, to contract with a third-party consultant to provide investment advice to employees who requested such advice. Recent legal changes precluded Nationwide from offering investment advice directly to plan participants. There was discussion concerning who should be named as Plan Sponsor in the Agreement and it was the consensus that East Coventry Township should be named as the Plan Sponsor along with the Township employee who was already mentioned representing the Township. Mr. Duffy made a motion to approve the Nationwide Investment Advisors, LLC ProAccount – Plan Sponsor Agreement with the addition of East Coventry Township being added as a Plan Sponsor. Mr. Rinehart seconded the motion. Mr. Kolb called for the vote and the **motion** carried with a 4-0-0 vote.

Consideration of approval of the Bid results for the 2011 Ford Crown Victoria Police Car

Mr. Rodgers reviewed the following bids that were received on May 8, 2017 and recommended that the Board accept the bid from Mr. Willauer and approve the sale of the vehicle to him in the amount of \$2,788.00.

	<b>BIDDER</b>	<b>AMOUNT</b>	<b>BOND</b>
2011 Ford Crown Victoria	Greg Willauer	\$2,788.00	\$278.80 – Cash
2011 Ford Crown Victoria	Emergency Remarketing	\$1,880.01	\$190.00 – Check 228
2011 Ford Crown Victoria	Chicago Motors, Inc	\$1,907.00	\$200.00 – Check 6829
2011 Ford Crown Victoria	Mark's Motors	\$1,275.00	\$1,275.00 – Check 1838
2011 Ford Crown Victoria	Bay Ridge Motors, Inc	\$1,775.00	\$178.00 – Check 5457

Mr. Kolb made a motion to approve the sale of the 2011 Crown Vitoria Police Car to Greg Willauer for the bid amount of \$2,788.00. Mr. Rinehart seconded the motion. Mr. Kolb called for the vote and the **motion** carried with a 4-0-0 vote.

Consideration of approval of 2016 Planning Commission Annual Report

Mr. Rinehart made a motion to approve the 2016 Planning Commission Report. Mr. Moyer seconded the motion. Mr. Kolb called for the vote and the **motion** carried with a 4-0-0 vote.

Consideration of approval of \$1,000.00 donation to the Parker Ford Women's Club Annual Easter Egg Hunt on Saturday, April 8, 2017 at 10:00 am

Mr. Kolb made a motion to approve the \$1,000.00 donation to the Parker Ford Women's Club Annual Easter Egg Hunt. Mr. Rinehart seconded the motion. Mr. Kolb called for the vote and the **motion** carried with a 4-0-0 vote.

Presentation of updated East Coventry Township 2016 Wastewater Flow Analysis, revised February 21, 2017

Mr. Rodgers noted that this report was updated from last month's presentation by Mr. Preston by amending the total number of EDUs.

Discussion of indefinite time extension for Whispering Woods Final Plan Major Land Development

Mr. Rodgers noted that the Developer/Applicant for the Whispering Woods development provided the Township with a waiver of the time requirements (MPC and SALDO) pertaining to the Township's review of the subdivision and land development submittal.

Consideration of Township Engineer's Report

Mr. Rinehart made a motion to approve the Township Engineer's report. Mr. Duffy seconded the motion. Mr. Kolb called for the vote and the **motion** carried with a 4-0-0 vote.

Consideration of approving reports from various departments and committees

Mr. Moyer made a motion to approve the various department and committee reports. Mr. Duffy seconded the motion. Mr. Kolb called for the vote and the **motion** carried with a 4-0-0 vote.

4. **Subdivision and Land Development** no activity to report or consider.

5. **Zoning Hearing Board Applications**

Zoning Hearing Board Application No 263 – 425 Fricks Lock Road

Zoning Hearing Board application for 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 – **WITHDRAWN ON MARCH 2, 2017** – Mr. Rodgers advised that no action was required by the Board.

6. **Other Business**

Resolution 2017-12 – Acknowledge, Recognize and Commending – Girl Scout Gold Award

A Resolution acknowledging, recognizing and commending Karlie A. Kasznay for achieving the Girl Scout Gold Award from the Girl Scouts of Eastern Pennsylvania.

Mr. Kolb made a motion to approve Resolution No. 2017-12. Mr. Duffy seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 4-0-0 vote.

7. Resolution 2017-13 – Amendment to the 2017 Fee Schedule

Consideration of approval of Amendment to 2017 East Coventry Township Fee Schedule. Mr. Rodgers explained that this Resolution would amend two sections of Resolution No. 2015-11 titled LAND DEVELOPMENT AND SUBDIVISION FEES to reduce the amount charged for administrative costs from ten per cent (10%) to five percent (5%) and under PUBLIC SERVICE FEES item 16. STORMWATER MANAGEMENT PLAN REVIEW/INSPECTION add, “Such costs shall be billed to the appropriate person at the same rate normally charged the Township by such consultants for work that is not reimbursable, plus five per cent (5%) for administrative costs.”

Mr. Kolb made a motion to approve Resolution No. 2017-12. Mr. Moyer seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

8. **Exonerations** – No exonerations to report

9. **Payment of Bills**

Mr. Duffy made a motion to pay the bills as presented:

Fund Name	Amount to Pay
General Fund	342,952.14
Fire Hydrant Fund	1,017.32
Open Space	348.00
Sewer Operating Fund	16,835.38
Sewer Capital Fund	18,693.00
Traffic Impact Fee Fund	1,064.00
Capital Reserve	28,355.20
Highway State Aid Fund	2,650.05
TD Escrow	166,350.36
<b>Totals</b>	<b>\$ <u>578,265.45</u></b>

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

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

John Doyle and Flora Kapp representing the Township Park, Recreation and Open Space Committee discussed with the Board various aspects of the 5k/10k race that was scheduled for Saturday, March 18, 2017. The consensus of the Board was that the trails could not be used due to the recent snowfall and the course should only be on the designated Township roadways without using State roadways.

Mr. Kolb requested permission to hire George Strutynski, Jr. as part-time summer help from May 1, 2017 through September 1, 2017 at the approved part-time rate. Mr. Rinehart made a motion to approve hiring Mr. Strutynski, Jr. as recommended by Mr. Kolb. Mr. Moyer seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 4-0-0 vote.

Mr. Hosterman stated that the notice to Exelon Generation Corp requesting the donation of land under the terms of the Fricks Locks lease agreement had been sent. He also advised that he thought the Township Planning Commission would be recommending approval of the SBA Tower conditional use application at its March meeting and, therefore, a public hearing could be considered for the May Board meeting.

Mr. Hosterman noted that the Township had entered an unlimited time extension with the applicant of the Enclave at Ellis Woods for the review of the submission. Mr. Hosterman requested that the Board in compliance with the time extension agreement make a motion to revoke the time extension agreement.

Mr. Rinehart made a motion to revoke the Extension of Time for the Enclave at Ellis Woods Preliminary Plan. Mr. Duffy seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 4-0-0 vote

## **11. Adjournment**

Mr. Rinehart moved to adjourn the monthly meeting at 8:02 p.m. Mr. Duffy seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 4-0-0 vote.

Respectfully submitted,

Bernard A Rodgers  
Township Manager