

MINUTES OF THE
EAST COVENTRY TOWNSHIP BOARD OF SUPERVISORS
MEETING HELD ON JUNE 13, 2011
(Approved July 11, 2011)

The Board of Supervisors held their regular monthly meeting on Monday, June 13, 2011. Present for the meeting were supervisors Ray Kolb, Mariea Geho, Timothy Roland, W. Atlee Rinehart and Michael Albert Moyer. Also present were Bernard A. Rodgers, Township Manager, Mark A. Hosterman, Township Solicitor and Brady L. Flaharty, Township Engineer.

Mr. Kolb called the meeting to order at 7:13 p.m. and the pledge of allegiance was recited.

Mr. Hosterman stated that an executive session was held at 6:00 p.m. immediately preceding this meeting to discuss potential purchase of real estate for open space and litigation involving a decision of the Zoning Hearing Board.

1. MINUTES

Minutes of May 9, 2011

Mr. Rinehart moved to approve the minutes of the May 9, 2011 monthly meeting as presented. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

2. PUBLIC COMMENTS

Lisa Collins of 13 Larkspur Lane thanked the Board for their help with Creekview and noted that the developer is working on the streets.

Proposed Revisions to the Subdivision and Land Development Ordinance

Mr. Rodgers noted that at the last Board of Supervisors meeting recommendations had been received from the Township Planning Commission for amending the Subdivision and Land Development Ordinance (SALDO). During the past month those recommendations had been reviewed by the Township Historical Commission which in turn made 28 suggested revisions to the Planning Commission's recommendations. Mr. Rodgers noted that he received a Memo from Marjorie Brown, Esq. of the Township Solicitor's office and Eugene Briggs, AICP, the Township's Planner dated June 9, 2011 recommending that six (6) of the revisions suggested by the Historical Commission be approved by the Board before advertising the amendments for adoption. A discussion ensued concerning the Township Planner's recommended recreation fee-in-lieu-of requirements to conform with the Pennsylvania Municipalities Planning Code vs. what was included in the proposed SALDO amendments.

Mr. Rodgers recommended that the Board take action to advertise the required public hearing for adoption of the amendments to the SALDO and advertise the proposed ordinance for adoption at the August 8, 2011 Board of Supervisors meeting with the changes recommended by Ms. Brown and Mr. Briggs in their Memo dated June 9, 2011 and with the language originally proposed by the Township Planner for the recreation fee-in-lieu-of requirements.

Mrs. Geho moved to authorize advertising of the public hearing and adoption of the amendments

to the Subdivision and Land Development Ordinance per the Township Manager's recommendation at the August 8, 2011 Board of Supervisors meeting. Mr. Roland seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

3. REPORTS

Township Manager's Report

Refinancing of Sewer Debt

Mr. Rodgers noted that the Township had received proposals from several law firms to supply Bond Counsel services to the Township for the sewer debt refinancing. Mr. Rodgers provided a brief overview of the bid tabulations found below.

Firm	Contact	Fee	Costs
Saul Ewing	Timothy Frey, Esq.	\$11,500 - \$14,500	\$950 not including 3rd party expenses, notices, filing fees, binding, etc.
Lamb McErlane	Thomas J. O'Neill, Esq.	\$14,000	Township pays filing fee
Cozen, O'Connor	David Unkovic, Esq.	\$19,000	\$1,200 (not to exceed)
Curtin and Heefner	Ernest R. Closser III, Esq.	\$13,500	\$1,000 (not to exceed)
Pepper Hamilton, LLP	Timothy B. Anderson, Esq.	\$16,500	\$1,000 (estimate)
Wisler Pearlstine, LLP	Mark A. Hosterman, Esq.	\$18,000 (including Solicitor's opinion of \$4,500)	plus expenses

Mr. Rodgers noted that the fee for Wisler Pearlstine would be \$13,500 after the fee for the Solicitor's Opinion was subtracted from its \$18,000 fee. He noted that the \$4500 fee for Solicitor's Opinion would be paid whether or not Wisler Pearlstine was Bond Counsel.

Mr. Rinehart moved to appoint Wisler Pearlstine, LLP as Bond Counsel for the sewer debt refinancing. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Rodgers noted that a financial institution would need to be appointed as the paying agent and recommended TD Bank.

Mr. Rinehart moved to appoint TD Bank as the paying agent for the sewer debt refinancing. Mr. Roland seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Purchase of Creekview

Mr. Hosterman noted that he and the Township Manager have been working with Heritage concerning the acquisition of the property know as Phase 1 of Creekview. Mr. Hosterman stated that an agreement of sale has been received by Heritage for a payment price of \$800,000 and the property is just under fifty (50) acres, appraising at \$1.2M. Mr. Hosterman stated that the settlement date would be 90 days following the signing of the agreement of sale. The township

will not make payments on the property until January utilizing the proceeds from the open space funds.

Mr. Hosterman recommended the Board approve the agreement of sale and authorize advertising an ordinance to be adopted by the township to enter into the indebtedness.

Mr. Moyer stated that he is opposed to the township borrowing money for the purchase of land. Mr. Moyer noted that the open space tax will just trickle in.

Mr. Hosterman stated that the transaction will be a deed in lieu of condemnation and it saves payment of the real estate transfer tax. Mr. Hosterman stated that if the agreement is approved a resolution would be necessary for the condemnation.

Melissa King of 10 Eleanor Drive asked if the township borrows the money for the purchase of this land would it affect the sewer refinancing and Mr. Rodgers noted that it would not have any effect on the refinancing.

Larry Tietjen of 131 Maack Road asked if the all the monies for the open space tax would be needed to pay down the loan for the Creekview property. Mr. Rodgers stated that the amortization would only need about 25% of the expected annual revenue from the open space tax. Mr. Tietjen asked if the township could get grant monies for this land purchase and Mr. Rodgers noted that the township cannot get a grant for properties already acquired.

Mrs. King asked if open space taxes will be used to pay real estate taxes on the open space and Mr. Rodgers noted that payment of taxes would be taken from the General Fund if taxes are to be paid.

Walter Woessner of 164 Schoolhouse Road inquired about the process of selecting parcels for open space purchase and asked about an open space committee. Mr. Rodgers noted that it is recommended to use an open space committee but that the Board of Supervisors has the ability to take action independent of an open space committee.

Ed Collins of 13 Larkspur Lane asked when the timeline is for the completion of the road in Creekview and Mr. Hosterman noted that the road will be finished 120 days after settlement and settlement could be in September.

Three motions were subsequently made:

Mr. Rinehart moved to authorize execution of the Agreement of Sale with Heritage for the purchase of the Creekview property. Mrs. Geho seconded the motion. Mr. Rinehart, Mrs. Geho, Mr. Kolb and Mr. Roland votes yes. Mr. Moyer voted no. Mr. Kolb called for the vote and **the motion** carried with a 4-1-0 vote.

Mr. Kolb moved to approve the commitment letter from National Penn Bank dated June 13, 2011 authorizing the loan amount of \$850,000. Mr. Roland seconded the motion. Mr. Rinehart, Mrs. Geho, Mr. Kolb and Mr. Roland votes yes. Mr. Moyer voted no. Mr. Kolb called for the

vote and **the motion** carried with a 4-1-0 vote.

Mrs. Geho moved to authorize advertising of the required ordinance for indebtedness for a July hearing and consideration of adoption. Mr. Roland seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote. Mr. Moyer made note that his reason for not voting 'no' was to allow the authorization of publication to make the public aware.

PECO

Mr. Rodgers reviewed work that PECO is proposing on Old Schuylkill Road between Anderson and Wells Roads. He noted that PECO has requested a road opening permit to install a new 12" gas line in the right-of-way in the south side of Old Schuylkill Rd, abandoning the line on the north side. Work would begin once the permit is approved and the job would last 6-8 weeks. PECO has requested a road closure for the duration of the project from 6:00 am to 4:00 pm. The State has requested a letter from the township authorizing a detour onto Route 724 from Anderson Road. Mr. Rodgers noted that PECO needs to submit a detour plan to the township for review by the Township Engineer prior to issuance of the road opening permit.

Mr. Rinehart moved to approve sending the letter to PADOT and approve the road opening permit for the PECO project on Old Schuylkill Road. Mr. Roland seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Township Engineer's Report

Creekview

Mr. Flaharty noted that Heritage has sent a request for Escrow Release No. 20.1 for Creekview in the amount of \$39,279.70.

Mr. Kolb moved to approve Escrow Release No. 20.1 for Creekview for the amount of \$39,279.70. Mr. Roland seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Heather Glen

Mr. Flaharty noted that the end of the 18-month maintenance period for Heather Glen is on July 11, 2011. Mr. Flaharty noted all punch list items have been satisfactorily addressed per his June 13, 2011 correspondence that was distributed to the Board. Mr. Flaharty requested the Board consider extinguishing the maintenance bond that expires July 11, 2011 (which is the date of the next Board of Supervisors meeting). Mr. Rodgers recommended such request be delayed until July 11, 2011 and no action was taken by the Board.

Mr. Rinehart moved to approve the Township Engineer's Report as presented. Mr. Kolb seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Parks, Recreation and Conservation Committee

Mr. Kolb noted request for resignation from Carol Tucci from the Parks, Recreation and Conservation Committee.

Mr. Roland moved to accept Carol Tucci's resignation from the Parks, Recreation and Conservation Committee. Mr. Rinehart seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Rinehart moved to appoint Michael Hott to the Parks, Recreation and Conservation Committee. Mr. Moyer seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Reports from Various Departments and Committees

Mrs. Geho moved to approve the reports from the various departments and committees. Mr. Kolb seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

4. SUBDIVISION AND LAND DEVELOPMENTS

5. ZONING HEARING BOARD APPLICATIONS

6. OTHER BUSINESS

Exonerations and Exemptions

Mr. Moyer read the exonerations as presented by the Tax Collector.

Mr. Roland moved to approve the exonerations as presented. Mr. Rinehart seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Fire Police Requests

Mr. Kolb moved to approve the Fire Police Request for the Norco Fair for North Coventry Fire Department to be held July 4-9, 2011. Mr. Moyer seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Kolb moved to approve the Fire Police Request for the Village Walk event for South Coventry Township to be held June 30, 2011. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Kolb moved to ratify approval of the Fire Police Request for the Lunch and Garden Tour event for Warwick Township held on May 21, 2011. Mr. Roland seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Kolb moved to ratify approval of the Fire Police Request for the Community Day event for East Coventry Township held on June 4, 2011. Mr. Moyer seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Kolb moved to approve the Fire Police Request for the Ludwig's Corner Horse Show event for West Vincent Township to be held June 18-19, 2011. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Kolb moved to approve the Fire Police Request for the 100th Year Celebration event for Elverson Borough to be held June 25, 2011. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Sewer Debt Refinancing

This item was addressed earlier in the meeting.

Ordinance amending Chapter 22A

Mr. Rodgers reviewed a proposed ordinance deleting the existing Chapter 22A, Transportation Impact Fees, of the East Coventry Township Code of Ordinances in its entirety and replacing it with a new Chapter 22A, Transportation Impact Fees. He recommended that the Board authorize the advertising of this proposed ordinance for adoption in order to implement the new transportation impact fees included in the recently adopted Transportation Capital Improvements Plan.

Mr. Kolb moved to authorize advertising of the proposed ordinance deleting the existing Chapter 22A in its entirety and replacing it with a new Chapter 22A for a hearing and consideration of adoption at the August 8, 2011 Board of Supervisors meeting. Mr. Rinehart seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

7. PAYMENT OF THE BILLS

Mr. Kolb moved to pay bills as presented:

General Fund	\$134,587.11
Sewer Operating Fund	\$8,997.36
Traffic Impact Fee Fund	\$2,345.00
<u>Highway State Aid Fund</u>	<u>\$9,813.71</u>
	\$155,743.18

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

8. ADDITIONAL ITEMS BROUGHT TO THE BOARD

In-Law Suites

Mrs. Geho noted commented on the Zoning Hearing Board decision concerning an in-law suite. Mrs. Geho stated that the township needs to put a definition for in-law suites in the Zoning Ordinance. Mr. Hosterman suggested that a more comprehensive ordinance be put in place to include special exceptions or conditional use requirements and include restrictions as well.

Mr. Hosterman did note that the Board of Supervisors can appeal any decision of the Zoning Hearing Board.

Mrs. Geho moved to authorize the Township Solicitor to draft an ordinance addressing the in-law suite issue. Mr. Moyer seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Hosterman also noted that he would provide ordinances from other municipalities that address in-law suites.

Ordinance amending Chapter 22 and Chapter 21

Mr. Rodgers noted a proposed ordinance that would move the “Standard Construction and Material Specifications for Public Improvements” from Chapter 22 as an Appendix to Chapter 21, Streets and Sidewalks, of the Township Code of Ordinances.

Mr. Kolb moved to authorize advertising of the proposed ordinance to move the “Standard Construction and Material Specifications for Public Improvements” from Chapter 22 to Chapter 21 Streets and Sidewalks, of the Township Code of Ordinances for a hearing and consideration of adoption of such the same evening that the amendments to the Subdivision and Land Development Ordinance are considered for adoption. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

9. ADJOURNMENT

Mr. Roland moved to adjourn the monthly meeting at 8:40 p.m. Mr. Kolb 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 Secretary