

MINUTES OF THE
EAST COVENTRY TOWNSHIP BOARD OF SUPERVISORS
MEETING HELD ON AUGUST 13, 2012
(Approved September 10, 2012)

The Board of Supervisors held their regular monthly meeting on Monday, August 13, 2012. Present for the meeting were supervisors Ray Kolb, Mariea Geho, W. Atlee Rinehart, Michael Albert Moyer, and Karen Nocella. 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 7:10 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 several Police Department personnel issues, a real estate matter, a zoning enforcement issue and a matter of litigation.

Hearings and Adoptions

Ordinance No. 192

Mr. Hosterman opened the public hearing for consideration and adoption of Ordinance No. 192 at 7:11 p.m. This proposed ordinance amends Chapter 22 (Subdivision and Land Development), Part 4 (Development Design Standards), Section 406 (Street Right-of-Way Widths), Subsection 1, to revise the minimum paved street cart way width, the minimum street right-of-way width and the minimum shoulder width for all new streets in the township.

Mr. Hosterman provided an overview of proposed Ordinance No. 192 as follows:

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF EAST COVENTRY TOWNSHIP, CHAPTER 22 (SUBDIVISION AND LAND DEVELOPMENT), PART 4 (DEVELOPMENT DESIGN STANDARDS), SECTION 406 (STREET RIGHT-OF-WAY WIDTHS), SUBSECTION 1, TO REVISE THE MINIMUM PAVED STREET CARTWAY WIDTH, THE MINIMUM STREET RIGHT-OF-WAY WIDTH AND THE MINIMUM SHOULDER WIDTH FOR ALL NEW STREETS IN THE TOWNSHIP.

Mr. Hosterman asked if the Board of Supervisors had any comments or questions regarding proposed Ordinance No. 192. Mr. Rinehart noted that in the past the ordinance had come up short as it related to road and parking issues for various developments. Mr. Hosterman stated that all developments are considered on a case by case basis and waivers could be a factor with small developments.

Mr. Hosterman opened up the questions and comments to the public and there were no questions or comments from the public.

Mr. Hosterman closed the hearing at 7:15 p.m.

Mrs. Geho moved to adopt Ordinance No. 192 entitled “Amendment to Minimum Street Right-of-Way Widths, Paved Cartway Widths and Shoulder Widths”. Mr. Kolb seconded the motion. Mr. Kolb called for the vote. **The motion** carried with a 5-0-0 vote.

1. MINUTES

Minutes of July 9, 2012

Mrs. Nocella moved to approve the minutes of the July 9, 2012 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

- Lance Parson of 79 Brownstone Drive stated that PADOT wasted money by oil and chipping East Cedarville Road when it was just paved in 2008. Tim Roland of 43 Springhouse Lane asked Mr. Kolb if he discussed the issue with PADOT. Mr. Kolb replied that he had informed PADOT that the road was paved in 2008 but PADOT noted that the job was on the schedule and would proceed.
- Walter Woessner of 164 Schoolhouse Road stated that the sewer clean-out pipes he discussed at previous meetings were still exposed. Mr. Flaharty noted that the item is on his list and it will be addressed. Mr. Woessner also noted a new driveway on Old Schuylkill Road that does not have a pipe under the driveway or a swale and thought the driveway was not in accordance with township ordinances.
- Mr. Moyer noted that there will be a hearing between the Pennsylvania Department of Environmental Protection and the Delaware River Basin Commission on August 28, 2012 from 6:00 pm – 9:00 pm regarding Exelon using water from the Schuylkill River. Mr. Moyer noted that he has written to the governors regarding this issue and suggested that individuals who would like to speak should get there at 4:30 pm because there is a form that has to be filled out prior to the meeting by any of those wishing to speak.

3. REPORTS

Township Manager’s Report

Release of Funds - Coventry Glen

Mr. Rinehart moved to approve payment of \$326,873.67 to P.J. Reilly Contracting Co for work completed relative to the Coventry Glen project. 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 after making the contractual payments to the contractor that the Coventry Glen escrow fund would have approximately \$18, 223 remaining. He distributed information from the Township Engineer containing the number of trees/landscaping that could be replaced within the development that was not included in the original contract for an estimated cost of \$15,124.00. Mr. Rodgers stated that there was considerable legal work to be completed in order to close out the project and prepare items for dedication. He expressed concern that funds would not be left in the escrow to cover the cost of this legal work if the additional trees/landscaping work was done and monies would have to be used from the General Fund. There was discussion regarding the monies left in escrow and discussion regarding the cost of replacing the plantings/landscaping items.

Mr. Kolb recommended that the dedication process be completed prior to the replacement of the additional plantings/landscaping items. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 4-0-0 vote. Mr. Rinehart was out of the room at the time of the vote.

Mr. Rodgers noted that the public improvements within the Woodcrest Estates development had been completed and that approximately \$18,000 was remaining in that escrow account which would be used pay for the necessary legal/engineering work to complete the dedication process and to close out the project. The Township had drawn down the Developer's financial security to complete this project.

Towpath Park

Mr. Rodgers noted the recommendations that the Parks, Recreation and Conservation Committee made regarding Towpath Park, they are:

- "Ribbon cutting" ceremony for new playground equipment
- Horseshoe pit
- Frisbee golf
- Possible dog park area

Mrs. Geho provided an overview of the recent nature trail cleanup at the Ellis Woods Park site and invited anyone who was interested to attend the clean up scheduled for September 15, 2012 at 8:00 am.

Mrs. Nocella noted that the township is attempting to get registered with two different organizations as official bird watching sites.

Township Engineer's Report

Mrs. Geho moved to approve the Township Engineer's report. Mr. Rinehart 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. Rinehart 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

Glenn Kuszyk

Mr. Rinehart moved to not take any action in regards to the Zoning Hearing Board Application of Glenn Kuszyk regarding 279 and 287 Kulp Road. Mr. Moyer seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

6. OTHER BUSINESS

Exonerations and Exemptions

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

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

Per Capita Tax

There was discussion regarding amending the amount of the Per Capita Tax exemption. Melissa King, Tax Collector, is requesting that the Per Capita Tax exemption be amended to be in accordance with the federally regulated poverty levels.

Mr. Rinehart moved to increase the Per Capita Tax exemption rate to the 2012 poverty levels. There was no second to such motion therefore motion did not carry.

Further discussion ensued between Mrs. King and several members of the Board of Supervisors regarding the need for increasing the exoneration income level.

Mr. Rinehart moved to increase the Per Capita Tax exemption to federal regulated poverty levels for Family Size 1 (single) and Family Size 2 (married/family) for the purpose of exonerations and exemptions. Mr. Moyer seconded the motion. Mr. Moyer, Mrs. Geho and Mrs. Nocella voted no. Mr. Rinehart and Mr. Kolb voted yes. Mr. Kolb called for the vote and **the motion** did not pass with a 3-2-0 vote.

Fire Police Requests

Mr. Kolb moved to ratify approval of fire police request for St Peter UCC event held August 7, 2012 from 6:00 pm – 9:00 pm. 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 ratify approval of fire police request for Kimberton Fire Company for the Kimberton Fair held July 23, 2012-July 28, 2012. 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 fire police request for Eileen Rhoads for an auction to be at 1818 Schuylkill Road on August 18, 2012 from 7:00 am – 4:00 pm. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Environmental Assessment Study

There was a discussion regarding the Fricks Lock Environmental Site Assessment prepared by URS for Exelon Generation LLC pursuant to the agreement between Exelon and the Township. Mr. Hosterman stated that Mr. Herron of Wisler Pearlstine, LLP reviewed the Phase 1 Environmental Study for Fricks Lock Village and determined that all the requirements have been met but noted that the study must be updated. Mr. Hosterman stated that the study revealed that Exelon meets the objectives of a Phase 1 Environmental Study.

Mr. Moyer noted that no testing was done for radioactive/nuclear nuclides. Mr. Rodgers noted that the agreement with Exelon contains a hold harmless and indemnification clause in favor of the Township for any radioactivity on the property. Mr. Moyer noted that a hold harmless agreement or indemnification clause is useless if a Chapter 11 were to be filed.

After further discussion Mr. Moyer moved to require Exelon to go back and test for nuclear/radioactive nuclides. There was no second to the motion therefore the motion did not carry.

The remaining members of the Board agreed to wait till it gets closer to a lease and then consider further testing of the soils, sediment and water for radioactivity.

Postage Meter

Mrs. Geho moved to approve the new Pitney Bowes postage meter state contract for a monthly rental fee of \$52.00 plus any applicable taxes. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Municipal Waste Collection and Recycling Ordinance

There was a discussion regarding the draft Municipal Waste Collection and Recycling Ordinance.

Mr. Rodgers stated that he had forwarded the draft ordinance to the contact at the Pennsylvania Department of Environmental Protection who commented that it was a very ordinance and suggested only minor edits, including possible the definition of yard waste. Waste haulers will be required to pick up leaf waste. One collection of leaf/yard waste will be required in the Spring and one in the Fall. The township will need to contract with a DEP approved (licensed) compost facility. Mr. Rodgers noted that the ordinance should be adopted by the end of the year and go into effect January 1, 2013.

Mrs. Geho moved to make the appropriate amendments to the draft Municipal Waste Collection and Recycling Ordinance and authorize advertisement of the ordinance for a November adoption. Mr. Moyer seconded the motion. Mr. Kolb, Mrs. Geho and Mrs. Nocella voted yes. Mr. Moyer and Mr. Rinehart voted no. Mr. Kolb called for the vote and **the motion** carried with a 3-2-0 vote.

7. PAYMENT OF THE BILLS

Mrs. Geho moved to pay bills as presented:

General Fund	\$100,830.81
Fire Hydrant Fund	\$472.94
Sewer Operating Fund	\$12,393.39
Traffic Impact Fee Fund	\$880.00
Highway State Aid Fund	\$9,522.30
Open Space Fund	\$4,918.00
Heritage Escrow Fund	\$326,873.67
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	\$455,891.11

Mr. Kolb 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

Owen J. Roberts School District –NPDES Permit

Mr. Kolb noted correspondence received from M&B Environmental dated August 2, 2012 regarding NPDES permits for Owen J. Roberts School District (specifically for East Coventry Elementary School).

Mr. Moyer moved to authorize the Township Engineer to look into the M&B Environmental correspondence dated August 2, 2012 regarding NPDES permits for Owen J. Roberts School District. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Community Map

Mr. Kolb asked Mr. Rodgers of the status of the Community Map and Mr. Rodgers stated that he is waiting for the final copy of the map. He said he should have it by the end of this week and he will then forward to the community map company.

Employee Handbook

Mr. Moyer moved to amend the Employee Handbook to remove the requirement that vacation and personal time off must be taken in minimum four (4) hour increments and allow such time-off to be taken in any increment of time as needed. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Moyer moved to amend the Employee Handbook to approve reimbursement from the Township to employees for the cost of Medicare Part B and supplemental Medicare coverage premiums if they or their spouses waive the medical coverage offered through the Township. The amount of reimbursement is not to exceed the cost of the Township provided coverage. Mr. Rinehart seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Nature Trail Clean Up

Mr. Moyer stated that he attended the Nature Trail Clean Up on August 11, 2012 and acknowledged Ann Sage, Howard Sage, Connie Megay, Bruce Stephens, Melissa Albright, Eric Hughes, Eric Hughes' parents, Bernard Rodgers and Mariea Geho for also attending.

9. ADJOURNMENT

Mrs. Geho moved to adjourn the monthly meeting at 8:46 p.m. Mr. Moyer 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