

MINUTES OF THE
EAST COVENTRY TOWNSHIP BOARD OF SUPERVISORS
MEETING HELD ON SEPTEMBER 8, 2008
(Approved October 13, 2008)

The Board of Supervisors held a regular monthly meeting on Monday, September 8, 2008. Present for the meeting were supervisors W. Atlee Rinehart, Robert F. Preston, Timothy Roland and Ray Kolb. Rosemarie C. Miller was not present. Also in attendance were Bernard A. Rodgers, Township Manager, Mark A. Hosterman, Esquire, and Brady L. Flaharty, Township Engineer.

Mr. Rinehart called the meeting to order at 7:25 p.m. and the pledge was recited.

Mr. Hosterman stated that an executive session was held to discuss potential litigation concerning the Painter Tract, Meadowbrooke Hunt, Ivywood Estates, and Blossom Meadows II. Personnel issues were also discussed in executive session.

Mr. Rinehart closed the regular scheduled meeting at 7:30 p.m. and went into the public hearing for the Conditional Use Application of 88 Wells Road LLC by turning the Haring over to Mr. Hosterman. Mr. Hosterman explained that the time allotted for the Hearing this evening would be approximately one hour. He then explained the purpose of the Hearing, introduced several exhibits and noted that a stenographic record of the Hearing was being taken.

Bereth Graeff, Esq. of Beatty Lincke, Counsel for the applicant, was present.

Attorney Graeff presented testimony from witness, Richard Kentwell.

Testimony from witness was ended and the Board posed a few questions.

Mr. Rinehart asked if the proposed use would be more of a 'club' and Mr. Kentwell noted that was correct.

Mr. Rinehart asked if the soccer field would be open for public use and inquired who would maintain the fields. Mr. Kentwell noted there would be a fee to rent the fields and provide for maintenance.

Mr. Preston asked if the applicant has looked at other sites and Mr. Kentwell noted that they had. Mr. Preston asked if this was the best site and Mr. Kentwell noted that he felt that it was the best location.

Mr. Roland asked if there were any appropriate sites in Pottstown Borough and Mr. Kentwell noted there were not appropriate sites in Pottstown Borough. Mr. Roland noted that as part of the regional planning commission the Township is concerned with promoting development towards Pottstown.

Mr. Graeff called her next witness, Ted Gacomis, engineer for the project.

Several exhibits were moved into evidence including Mr. Gacomis' resume.

Mr. Gacomis noted the project will allow for sheet flow into rain gardens and also noted the preliminary perk test numbers were not great, which was not unexpected, and they will work with engineers to do groundwater recharge. Mr. Gacomis stated that an on-site sewage disposal system is proposed. It was also noted that there is a water line along Wells Road.

Mr. Rinehart asked if the soccer field would be open to the public by reservation and Mr. Kentwell noted that they will be available through reservation so someone may be on-site.

Mr. Rinehart inquired about buffering for residents and Mr. Gacomis stated that buffering will be provided.

Mr. Preston noted his concern for the lack of adequate sanitary sewage facilities. Mr. Gacomis stated that the system is overdesigned and Mr. Preston stated the area is a high ground water area.

Mr. Preston noted there are no bleachers outside and inquired how spectators will be accommodated. Mr. Kentwell stated that portable bleachers on-site are an option but not permanent structures.

Mr. Kolb asked if there is standing room only in the buildings and Mr. Kentwell noted that low-rise, moveable bleachers may be used indoors. Mr. Kolb inquired about the stormwater runoff from the building and possible sheet flow. Mr. Gacomis noted that the stormwater will go into the ground.

Mr. Hosterman asked if there were any comments from the audience and there were none.

Mr. Hosterman stated that members of the audience may request a party status and may be open themselves to cross examination by applicant's counsel. Nobody in the audience desired party status.

After discussion with the Board of Supervisors and the applicant Mr. Hosterman announced that the Conditional Use Hearing for 88Wells Road LLC would be continued to Monday, September 22, 2008 at 7:00 pm at the township building.

The hearing concluded at 8:25p.m.

Mr. Rinehart called for a break. Mr. Rinehart re-opened the regularly scheduled meeting at 8:35 p.m.

Sewer Update

Mr. Flaharty provided a letter from the Phase 2 sewer project contractor. The contractor is disputing some of the punch list items such as cleaning of the manholes, lawn restoration, manhole raising, and requested additional monies for the flushing of the drainage pipes at 2029 East Cedarville Road.

The Board agreed that all the items need to be addressed by the contractor and that additional monies for the flushing of the drainage pipes at 2029 East Cedarville Road would not be provided. Mr. Preston noted that item is the responsibility of the contractor.

Mr. Flaharty noted that the contractor is requesting a time extension to September 30, 2008.

Mr. Preston moved to accept the September 30, 2008 with no increase in contract cost and authorize the Township Engineer to prepare a change order. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Payment Application No. 16 for the Phase 2 Sanitary Sewer Project

There was a discussion regarding Payment Application No. 16 for the Phase 2 sanitary sewer project.

Mr. Kolb moved to approve Payment No. 16 for the Phase 2 sanitary sewer project. Mr. Roland seconded the motion.

Mr. Kolb asked if the payment request is No. 15 or No. 16, there is a discrepancy in the letter and Mr. Flaharty clarified it is No. 16. Mr. Kolb inquired about the total. Mr. Flaharty stated the \$142,435.75 includes less previously unpaid payments and retainage.

Mr. Preston stated the format of the payment application made it confusing and difficult to read.

There was discussion concerning the amount of the payment application and what it actually included and that the amount to be paid should be verified by the Township Engineer. Mr. Kolb agreed to withdraw his original motion.

Mr. Kolb moved to approve Payment Application No. 16 subject to verification by the Township Manager and Township Engineer that it does not include Payout No. 15. Mr. Roland seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Notice of Termination for the E&S Permit

Mr. Preston moved to approve and authorize the Township Manager to sign the Notice of Termination for the E&S Permit. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

1. MINUTES

Minutes of the August 11, 2008 Monthly Meeting

Mr. Roland moved to approve the minutes of the August 11, 2008 monthly meeting as amended. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Amendments are:

- Public Hearing – seventeenth paragraph change ‘used’ to ‘moved’, in the twenty second paragraph change ‘Reinhart’ to “Rinehart” in the same paragraph change ‘he’ to ‘the’

2. PUBLIC COMMENT

Howard Pixley of 1064 Ellis Woods Road noted that four (4) accidents have occurred recently at the corner of Ebelhare and Ellis Woods Roads. Mr. Pixley was very concerned

regarding this issue and stated that the large trees at the corner of the intersection impede visibility. Mr. Pixley inquired about the possibility of a 4-way stop.

Mr. Rodgers noted that consideration of installing a stop sign would require a traffic study by the Township's engineer and that if the trees are in the right of way and blocking the required distance the Board could authorization that they be removed.

Mr. Preston moved to authorize the Traffic Engineer to submit a proposal to do a study of the intersection at Ebelhare and Ellis Woods Roads for the purposes of making it a four way stop and to evaluate the removal of trees. Mr. Roland seconded the motion.

Mr. Kolb noted his concern that if the Board approved a study every time a resident requested a 4-way stop, there would be 4-way stops all over the township and it could cost the township a lot of money.

Mr. Rinehart called for the vote and **the motion** carried with a 3-1-0 vote.

Mr. Kolb voted yes. Mr. Rinehart voted no.

Mr. Preston moved to authorize the Traffic Engineer to submit a proposal to do a study of the intersection at East Cedarville and Ellis Woods Roads. Mr. Roland seconded the motion. Mr. Kolb voted yes. Mr. Rinehart voted no. Mr. Rinehart called for the vote and **the motion** carried with a 3-1-0 vote.

Mr. Preston moved to authorize the Traffic Engineer to submit a proposal to do a study of the intersection at Buckwalter and Ellis Woods Roads and evaluate the trees. Mr. Roland seconded the motion. Mr. Kolb voted yes. Mr. Rinehart voted no. Mr. Rinehart called for the vote and **the motion** carried with a 3-1-0 vote.

Pat Diener of 683 Kulp Road inquired about the status of the plunge pool at Blossom Meadows II. Ms. Diener stated that at the July 14, 2008 it was recommended that the Township Solicitor develop a response to the developer. Mr. Hosterman stated that action has been taken and he was awaiting a response from the developer.

3. **REPORTS**

Township Manager's Report

Pottstown Metro Area Compost and Recycling Facility

Mr. Rodgers noted the Pottstown Metro Area Compost and Recycling Facility (LPT) and stated that the LPT has been approved by PaDEP for a recycling grant to establish the facility and has reached out to neighboring municipalities to participate. The potential cost to participating townships is \$25,000-\$30,000 startup costs and annual cost of \$20,000+/- . The Township Manager noted he did not see the need for East Coventry to participation at this time.

Mr. Rinehart moved to not participate in the Pottstown Metro Area Compost and Recycling Facility at this time. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

TowerCo LLC

Mr. Rodgers noted the request from TowerCo LLC for the township to approve a sublease with T-Mobile and to also reconfigure the alignment of the tower installation in order to be located outside the floodplain and avoid review by the Pennsylvania Historic and Museum.

Mr. Rodgers noted that the original lease agreement was subject to a conditional use granted by the Board. Mr. Hosterman stated that another conditional use approval by the Board would be needed to amend the existing conditional use. Mr. Christopher Milotich from TowerCo was present and advised by Mr. Hosterman to have their Counsel contact him with any questions.

Ellis Woods Park

Change order requests were noted, Change Order No. 7 for 2-Week Project Completion Extension and Change Order No. 8 for revisions to the handrails on the steps.

Mr. Rinehart moved to approve no cost Change Orders No. 7 and 8 for the Ellis Woods Park Project. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Mr. Rodgers stated that Mr. Hosterman is preparing a restrictive deed Covenant that must be placed on the area of the Township's property that contains the Park. He noted that this a requirement of the Chester County grant program and distributed a copy of the County's proscribed format. Mr Rodgers noted that he had authorized the Township's consultant KMS Designs to have the surveyor it used to prepare the Park's design to prepare the property description to be included in the Covenant. He requested that the Board approve the Covenant to be prepared by Mr. Hosterman using the format provided by Chester County.

Mr. Roland moved to approve the Covenant required by Chester County. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Resolution No. 2008-34

Mr. Rodgers explained that this resolution was for the purpose of transferring funds to the Capital Reserve Fund from the General Fund to pay for expenses incurred for the construction of Ellis Woods Park, including wood carpet and that it was not intended to be reimbursed to the General Fund. Mr. Preston moved to approve Resolution No. 2008-34 for \$8,956.00 from the General Fund to the Capital Reserve Fund to pay as required for Ellis Woods Park as amended. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Amendment being to change the \$8,800.00 in the last paragraph to \$9,000.00

Wood Carpet Quotes

Mr. Rodgers discussed that the Townships needs to purchase wood carpet for the new playground areas. He noted that this material was not included in the contract for construction of the playground. The following quotes were obtained by Mr. Ray Kolb, Director of Public Works: Zeager Bros. Inc., - \$16.25/cu.yd + \$1050.00 delivery; Kuhns Bros. Lumber Co. Inc., - \$19.00 cu/yd + 199.89 delivery; Mr. Mulch - \$23.00 cu/yd – no delivery charge; Woodward Landscape Supply - \$23.00 cu/yd – no delivery charge; and Old

Castle Lawn & Garden North - \$16.75 cu/yd and \$90.00 delivery charge. Based on the purchase of an estimated purchase of 270 cu/yd of material and adding the delivery charge the lowest quote is from Old Castle Lawn and Garden North (located near Quakertown). It is recommended that the Board approve the quote from Old Castle lawn & Garden for the purchase of wood carpet for the playground at an estimated total cost of \$4,612.50. Delivery charge amount is based on receiving three truck loads.

Mr. Kolb moved to accept the quote from Old Castle Lawn & Garden North for \$16.75 cu/yd and \$90 delivery charge, based on a purchase of an estimated 270 cu/yd of materials with an estimated total cost of \$4,612.50. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Zoning Ordinance Amendment

Mr. Rodgers noted that the zoning amendment approving the Historic Resources Map and incorporating the changes recommended by the Township Planning Commission was delivered to the County Planning Commission for its review on August 29, 2008.

Vision Partnership Program Grant – Zoning Ordinance

Mr. Rodgers noted that the request for reimbursement of costs associated with the recently approved update to the Township’s zoning ordinance was submitted to Chester County and payment is anticipated in the near future. Mr. Preston requested that the total cost of updating the zoning ordinance be provided to the Board along with the actual amount to be reimbursed.

Verizon Cable Agreement – Ordinance No. 149

Mr. Rodgers explained that the proposed agreement with Verizon was reviewed by Attorney Andrew Cantor and that it mirrored an agreement approved by a consortium of municipalities in Montgomery County. Mr. Rinehart moved to move forward with Ordinance No. 149 – Verizon Cable Agreement and authorize advertising. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Reports from Various Departments and Committees

Mr. Kolb moved to approve the reports from the various departments and committees. Mr. Roland seconded the motion. Mr. Rinehart momentarily left the room. **The motion** carried with a 4-0-0 vote.

4. SUBDIVISION AND LAND DEVELOPMENT

Project: Telvil Hall

Applicant: Telvil Corporation

Mr. Preston moved to approve the Telvil Hall Sewage Facilities Planning Module and Resolution 2008-35 for Plan Revision for New Land Development. Mr. Roland seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Project: Painter Tract “B”

Applicant: Bentley Communities

Ross Unruh, counsel for the applicant, was present. Also present was Scott Emerson of Bentley Communities.

Mr. Unruh noted the applicant is requesting sketch plan approval from the Board. Mr. Unruh noted the remaining unresolved issue is Condition #12 requiring an additional access onto East Cedarville Road. Mr. Unruh noted that the additional access is not required in the township ordinances and it would bisect the open space and would cause additional impervious coverage.

Mr. Preston stated he could go along with dropping Condition #12 but requested that the internal road be increased from 24' to 28' because of the traffic problems in the township. Mr. Unruh noted a traffic study was provided and reviewed by the township Traffic Engineer and Mr. Preston noted that the Traffic Engineer looks at the developments on an individual basis. Mr. Preston stated the Township has had concerns with 24' wide road. Mr. Unruh noted that curves had been added to the road to decrease speed. Mr. Roland stated he supports Mr. Preston suggestion of increasing the road width to 28'. Mr. Preston noted his concern over parking in the street. Mr. Unruh stated that widening the road would not stop people from parking in the street, in fact, it may encourage it. Mr. Preston stated if the streets were wider we could get around the cars. Mr. Unruh stated that if people are parking in the street they should be ticketed.

Mr. Unruh stated the length of the driveways would have to be changed to widen the streets and Mr. Preston recommended the structures be moved. Mr. Unruh stated the ordinances are being followed and that this is the first time he has heard the request for 28' streets. Mr. Roland stated this is the appropriate time to introduce the 28' streets at sketch plan phase. Mr. Roland cited problems seen in other developments with 24' wide streets such as waste receptacles in the streets.

Mr. Hosterman stated that he had prepared two resolutions. Both different from what the Planning Commission recommended. Condition #11 requires in both resolutions requires softening of the curve at the intersection of Ellis Woods Road, which is recommended by the Township Engineer. One resolution contains Condition #12 requiring a third point of egress and ingress., however, this would be revised to depict a 28' wide road. He noted that this condition is not in either resolution at the present time. Mr. Hosterman stated that the third condition would be for the applicant to show the parking spaces which they already done.

Mr. Preston moved to grant sketch plan approval of the Painter Tract "B" without existing Condition #12 (removing the third point of egress) but with Condition #12 requiring a 28' wide road with no loss of units to the developer, the units increasing the setback by 2' on either side, and support by the Supervisors of zoning relief and waivers for the stormwater detention basin. Mr. Roland seconded the motion. Mr. Roland seconded the motion. Mr. Kolb voted no. Mr. Rinehart voted no. Mr. Rinehart called for the vote and **the motion** died with a 2-2-0 vote.

Mr. Rinehart moved to grant sketch plan approval of the Painter Tract "B" and not require the third point of egress and ingress or the 28' foot wide road and no support on zoning issues but with the requirements for softening of the curve Ellis Woods Road and additional parking. Mr. Kolb seconded the motion. Mr. Preston voted no. Mr. Roland voted no. Mr. Rinehart called for the vote and **the motion** died with a 2-2-0 vote.

Mr. Hosterman stated this is potential litigation and recommended the Board recess into executive session. The Board recessed into executive session at 11:05 p.m.

The regular monthly meeting reconvened at 11:25 p.m.

Mr. Rinehart moved to adopt the resolution for sketch plan approval for the Painter Tract "B" that was recommended by the Planning Commission with two additions including the parking recommended by Consultant and also including the softening of the new intersection that was recommended by Consultant without the requirement of the 28' road widening road and the third access. Mr. Kolb seconded the motion. Mr. Roland voted yes. Mr. Preston voted no. Mr. Rinehart called for the vote and **the motion** carried with a 3-1-0 vote.

Mr. Preston requested the record show that Bentley Properties is putting a lot of cost on the township.

Project: Freigh Subdivision Applicant: Benjamin Freigh
William Conver of Conver and Smith Engineering was present.

There was a discussion regarding the Conver and Smith Engineering, Inc. letter dated August 21, 2008 concerning the Freigh Subdivision Plan.

Mr. Conver inquired if the agreement to not require road improvements would still be appropriate if Mr. Freigh sells the lot instead of building a house on such lot for himself. The Board did not feel the waiver was transferrable and was only acceptable if Mr. Freigh lives on the lot. Mr. Conver noted that he will go back to the original waivers.

Mr. Conver noted a revised sewage facilities module was provided for distribution to the County and the Township for review and action. A plan last revised August 28, 2006 has been provided to the township.

Mr. Rinehart moved to accept the plan dated February 24, 2004 last revised August 28, 2006. Mr. Roland seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Plan Review Extensions

Mr. Roland moved to approve the plan review extensions for Ridgefield Estates (Neuman Subdivision) and Whispering Woods. Mr. Kolb seconded the motion. Mr. Rinehart abstained due to conflict of interest. Mr. Rinehart called for the vote and **the motion** carried with a 3-0-1 vote.

5. OTHER BUSINESS

Police Car Bids

The Township received the following bids for the purchase of the 1998 and 2004 police vehicles:

CAR	BIDDER	ADDRESS	CITY STATE ZIP	BID AMOUNT
1998	Police Car Store LLC	9 Cynwyd Road	Bala Cynwyd, PA 19004	\$925.00
1998	James Yerger	644 Kline Avenue #25	Pottstown, PA 19465	\$660.00
1998	McConnells' Refrigeration	108 Bethle Road	Spring City, PA 19475	\$500.00
1998	Marks Motors	3115 Rt 73	Maple Shade, NJ 08052	\$480.00
1998	Bay Ridge Motors	1869 Richmond Terrace	Staten Island, NY 10310	\$359.00
1998	Grace Quality Used Cars	945 Lincoln Highway	Morrisville, PA 19067	\$50.00
2004	Police Car Store LLC	9 Cynwyd Road	Bala Cynwyd, PA 19004	\$2,725.00
2004	Marks Motors	3115 Rt 73	Maple Shade, NJ 08052	\$1,880.00
2004	Bay Ridge Motors	1869 Richmond Terrace	Staten Island, NY 10310	\$1,459.00
2004	Grace Quality Used Cars	945 Lincoln Highway	Morrisville, PA 19067	\$1,225.00

Mr. Kolb moved to award the police car bids to Police Car Store LLC - \$925.00 for the 1998 police car and \$2,725.00 for the 2004 police car. Mr. Roland seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

NPDES Permit Extension (MS4s)

Mr. Kolb moved to approve and authorize Chairman to sign the request for the one-year extension of authorization to discharge under the NPDES Individual Permit for discharges of storm water from small Municipal Separate Storm Sewer Systems (MS4s). Mr. Roland seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Fire Police Request

Mr. Roland moved to approve Fire Police Request for Fall Fest on October 11, 2008. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

6. DISCUSSION ITEMS

Fall County Convention

Mr. Preston noted he would like to attend the Fall County Convention and noted Mrs. Miller may also wish to attend.

Mr. Rinehart moved to authorize the Township Manager to make reservations for the Fall County Convention for those wishing to attend and to authorize the township to pay for the reservation. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

7. PAYMENT OF BILLS

Mr. Rinehart moved to pay the NCD bill for \$139.24. Mr. Roland seconded the motion. Mr. Preston voted no. Mr. Rinehart called for the vote and **the motion** carried with a 3-1-0 vote.

Mr. Kolb moved to pay bills as presented except the NCD bill for \$139.24:

Capital Reserve Fund	\$91.00
General Fund	\$99,214.46
Highway State Aid Fund	\$92,352.28
Sewer Capital Fund	\$159,307.09
Sewer Operating Fund	\$111,227.93
<u>Water Users Fund</u>	<u>\$294.49</u>
	\$462,487.25

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

8. ADDITIONAL INFORMATION BROUGHT BEFORE THE BOARD

Mr. Rinehart noted the COG meeting was moved from September 9, 2008 to September 30, 2008 and will be at the New Hanover Township Building.

Mr. Preston noted changes to the Subdivision and Land Development Ordinance that are needed.

Mr. Preston moved to authorize the Township Solicitor to upgrade the Subdivision and Land Development Ordinance immediately incorporating the Planning Commission comments and to make the minimum road width 28' and authorize advertising of such. Mr. Roland seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-0 vote.

Mr. Kolb noted the Eagle Scout ceremony schedule on September 28, 2008 at Towpath Park and noted someone should represent the township and present the plaque.

Mr. Kolb asked if the Board had any issue with keeping the part-time Public Works employee on for one to two days a week as long as the money is in the budget. Mr. Preston noted that he was agreeable to that as long as it is safety purposes and on an as-needed basis.

9. ADJOURNMENT

The monthly meeting adjourned at 11:55 p.m.

Respectfully submitted,

Bernard A. Rodgers
Township Secretary