

MINUTES OF THE
EAST COVENTRY TOWNSHIP BOARD OF SUPERVISORS
MEETING HELD ON DECEMBER 10, 2012
(Approved January 14, 2013)

The Board of Supervisors held their regular monthly meeting on Monday, December 10, 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 7:02 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 a potential real estate acquisition. No decisions were made.

Mr. Kolb addressed the audience and stated that the single hauler item will not be considered by the Board this evening, it is not on the agenda for this evening and proposed Ordinance No. 193 (Municipal Waste Collection and Recycling) has nothing to do with the township using a single hauler.

Mr. Moyer stated that he takes full responsibility for the letter that went out from Blosenski regarding the use of a single trash hauler and Mr. Moyer stated that he believes in individual choice. Public comments are as follows.

Irene Guerriero	618 Fulmer Road	Asked if the one hauler issue is being considered at this time and Mr. Kolb stated that it was not
Roger Kolb	768 Ebelhare Road	Noted that he felt it unprofessional for one supervisor to spread false facts
Bill Kopf	51 Mitchell Drive	Asked what does Ordinance No. 193 state and asked if he can he request a copy. It was noted that a copy of the proposed ordinance may be requested and Mr. Hosterman provided and overview of proposed Ordinance No. 193
Alexandra Davis	128 Anderson Road	Asked why one supervisor voiced their opinion of a single hauler and noted that she is opposed to government taking over small business. Mr. Hosterman noted that the single hauler issue came up because there was a question from someone in the audience
Tracy Nonamaker	104 Harley Road	Asked what are residents to do with leaves, pine needles, etc and Mr. Kolb stated that the township is looking into an agreement with a local compost facility
Lori Mahoney	2153 East Cedarville Road	Asked about recreational fires and Mr. Kolb noted that they are exempt

Brian Budd	1368 Ellis Woods Road	Noted that North Coventry Township provides quarterly twig pickup and suggested that East Coventry Township look at North Coventry's ordinance and also noted that he is against one hauler
Suzanne Yorgey	1175 Bethel Church Road	Noted that haulers will have to account for their recycling numbers
Paul Bobinsky	544 Ellis Woods Road	Asked about the agricultural exemption and Mr. Hosterman stated the agricultural exemption is very restrictive
Gerry Longo	2101 East Cedarville Road	Inquired about recreational burning and Mr. Hosterman provided the definition and also noted a permit is not needed
Jim Clark	A.J. Blosenski	Noted that he has in the past sent letters to the residents regarding one hauler in other municipalities and the letter was not sent to East Coventry Township residents to mislead them and that A.J. Blosenski does bid on one hauler contracts
Melissa King	10 Eleanor Drive	Encouraged residents to attend meetings so they know what is going on
Lynn Watson	220 Ellis Woods Road	Asked if there is a location in the township to take leaves/twigs and Mr. Kolb noted that they would need to be taken to a compost facility

Ordinance No. 193 – Chapter 20 (Solid Waste)

Mr. Moyer moved to advertise for adoption proposed Ordinance No. 193 entitled “Municipal Waste Collection and Recycling” which amends chapter 20 (Solid Waste). Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Public Hearing

Agreement for Identification, Registration and Certification of Nonconforming Use for 723 Saylor's Mill Road

Mr. Hosterman opened the public hearing for the Agreement for Identification, Registration and Certification of Nonconforming Use for 723 Saylor's Mill Road at 7:44 p.m.

Mr. Hosterman stated that the property at 723 Saylor's Mill Road is being used by Green Street Shelter and the prior use was for dogs and such use predated current zoning.

Mr. Hosterman stated that the property was never properly certified or registered as a non-conforming use and noted that the changes to the property that were made were unlawful for a nonconforming use. Mr. Hosterman stated that the operator of Green Street Shelter and counsel have been cooperative.

Mr. Hosterman asked if the Board of Supervisors had any comments or questions regarding the Agreement for Identification, Registration and Certification of Nonconforming Use for 723 Saylor's Mill Road.

Mr. Moyer asked if there was anything in the agreement regarding noise and Mr. Hosterman stated that there was not and that would be enforced through the Township Zoning Ordinance.

Mr. Kolb stated that the property owners have cleaned up the property.

Mrs. Geho stated that the operator of Green Street Shelter and counsel have worked well with the township.

Mr. Hosterman asked if there were any questions and/or comments from the public.

Dan Karleen	40 Wiand Lane	Asked about the moving of the dogs to the rear of the property to reduce noise disturbance and noted there are properties close to the rear of the property as well that may be disturbed by the dogs. Ms. Mastrilli (operator of Green Street Shelter) stated that the dogs are being moved to the center of the property not the rear.
Valerie Stangmeister	Hoffecker Road (employee of Green Street Shelter)	Provided information regarding dog exercising and what it entails. It was noted that dogs are on leashes when being walked.
Carl Ludwick	554 Bethel Church Road	Asked who to contact when there is a noise disturbance and it was suggested the Township Police Department be notified and asked what if there are further changes to the property and it was noted there could be another hearing
Sheryl Bruno	35 Latschar Lane	Ms. Bruno read a written statement
Lorraine Duffy	541 Stoney Road Road	Noted that her biggest complaint is the dog barking and asked how many people are on the property 24/7. It was noted that two (2) people are on the property 24/7. Asked who to call for noise and it was noted that the Township Police Department should be notified. Mr. Hosterman stated that the township purchased a decibel meter to respond to noise complaints. Mrs. Duffy noted that it has been more quiet
Eric Hetrick	663 Bethel Church Road	Noted that he has no problem with the rescue
Jane Ludwick	554 Bethel Church Road	Asked about puppies at the location and it was noted that at 3 months the puppies become part of the adult dog population.
Mary Sheila Murray	8 Latschar Lane	Noted the noise infringes on the quality of life

		Mr. Moyer concurred and suggested the agreement be retooled to address this and Mr. Karleen's comments. Mr. Hosterman stated that the dog population has been reduced through the agreement.
Richard Gleason	8 Latschar Lane	Suggested the residents have a phone number to call for noise complaints when the barking is happening and Donna Mastrilli said they could call her and noted that all the phone numbers are on the Green Street Shelter website.
Adele Schneider	15 Linda Lane	Noted that Ms. Mastrilli had an open house and noted that she was amazed by the cleanliness of the facility and wishes Ms. Mastrilli all the best and great success
Walter Woessner	164 Schoolhouse Road	Noted the pool does not meet ADA requirements and noted that to be a code violation and suggested such be in the agreement
Tony Duffy	541 Stoney Road Road	Asked what defined 'night' at which time the noise is to stop and Mr. Hosterman clarified that was considered 10:00 pm – 6:00 am and Mr. Duffy requested to see a copy of the noise ordinance and it was noted the noise ordinance may be requested or found on the township website

All public comments were received.

Mr. Kolb stated that he has three (3) dogs across the street from his house that annoy him and dogs are inevitable and stated the Ms. Mastrilli has worked well with the township.

Mr. Moyer asked the willingness of the owner to retool the agreement to define 'night' and Ms. Mastrilli noted that the goal is to not have barking dogs and Mr. Hosterman stated that day or night the noise ordinance is in effect.

Mr. Moyer asked if Paragraph 9 of the agreement could be tweaked and Ms. Mastrilli confirmed that no dogs will be left alone in the fenced in area.

Mr. Hosterman closed the hearing at 9:05 p.m.

Mrs. Nocella moved to accept the Agreement for Identification, Registration and Certification of Nonconforming Use for 723 Saylor's Mill Road. Mr. Rinehart seconded the motion. Mrs. Nocella, Mr. Rinehart, Mrs. Geho and Mr. Kolb voted yes. Mr. Moyer voted no. Mr. Kolb called for the vote and **the motion** carried with a 4-1-0 vote.

1. MINUTES

Minutes of November 12, 2012

Mr. Rinehart moved to approve the minutes of the November 12, 2012 monthly meeting as corrected. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Corrections being:

- Public Comments – in the first sentence change ‘Goodwill Ambulance’ to ‘Friendship HLH & Ambulance, Inc.’
- Ordinance No. 193 – in the third paragraph change ‘Gena Gavin’ to ‘Zena Gavin’

2. PUBLIC COMMENTS

- Mr. Woessner of 164 Schoolhouse Road said that some of the sewer risers have been shortened but questioned what the riser is to be flush with and noted that the sewer riser on Earl Drive has been shortened but not enough and it was noted the Township Manager is addressing this item.
- Barbara Moore of 1247 Old Schuylkill Road noted the speeding on Anderson Road and the damage being done by truck traffic. Ms. Moore also asked if public sewers are coming to Parkerford. Mr. Rodgers noted that there are no plans to extend sewers in the near future. It is very costly to install pump stations and sewers and there are no grant monies for such projects. Also, the township’s Act 537 plan would need to be updated.
- Mr. Moyer noted that the township is a member of the Federation of Northern Chester County Communities and noted the townships that are no longer participating in the Federation, East Nantmeal, East Vincent and South Coventry is on hiatus from the Federation. Mr. Moyer noted a letter received regarding leftover monies from grants that the Northern Federation had and the letter stated that the monies be divided and returned to all the past/current member municipalities.

Mr. Moyer moved to return the grant monies to the three (3) municipalities not actively involved in the Federation of Northern Chester County Communities. There was no second the motion.

Mrs. Geho stated that the returning the monies to the municipalities could be a violation of the grant money regulations. Mr. Rodgers suggested the monies may need to be returned to the County.

Mr. Moyer moved to amend the motion so that those that pulled out, two (2) municipalities get there monies back from the grant monies. Mr. Kolb seconded the motion. After further discussion Mr. Moyer vacated and rescinded this motion and Mr. Kolb withdrew his second.

Mr. Moyer moved to amend his motion that East Coventry Township support the reimbursement of the \$9,056.70 to the townships that have withdrawn from the Federation of Northern Chester County Communities so as such does not violate any County rights or interests in the aforesaid sum. Mr. Kolb seconded the motion. Mr.

Moyer, Mr. Kolb, Mr. Rinehart and Mrs. Geho voted yes. Mrs. Nocella voted no. Mr. Kolb called for the vote and **the motion** carried with a 4-1-0 vote.

3. REPORTS

Township Manager's Report

Street Lights in Coventry Glen

Mr. Rodgers stated that Heritage Building Group has declined to pay the streetlight bill for Coventry Glen after the township took over completion of the project and PECO is threatening to shut off the lights due to non-payment. He noted that when the Township actually accepts dedication of the streets the lights will be the responsibility of the Township and a street light tax could be imposed to pay the on-going maintenance costs. Mr. Kolb suggested the township work with the Homeowner's Association to see if it would assume responsibility of paying the PECO bill instead of imposing a tax.

Reorganizational Meeting

Mr. Kolb moved to have the Reorganization Meeting on January 7, 2013 at 5:00 p.m. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Open Space Consultant

Mr. Rodgers noted the township initiated the open space tax in 2012 and the Open Space Committee has been identifying potential properties of interest. After a brief discussion of the Committee's work and the Township's apparent interest in acquiring easements as opposed to fee simple title to property he suggested the Board consider employing an Open Space Consultant.

After further discussion Mrs. Geho moved to establish a special meeting for January 7, 2013 at 6:00 p.m. to interview Open Space Consultants and each interview will be limited to twenty (20) minutes. Mr. Moyer seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Township Engineer's Report

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

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

4. SUBDIVISION AND LAND DEVELOPMENTS

279 and 287 Kulp Road

Applicant: Glen Kuszyk

Mr. Hosterman provided an overview of Resolution No. 2012-26 for the approval of a preliminary/final minor subdivision (lot line adjustment) plan submitted by Glenn Kuszyk for the property located at 279 and 287 Kulp Road in East Coventry Township.

Mrs. Geho moved to approve Resolution No. 2012-26 granting approval of the preliminary/final minor subdivision (lot line adjustment) plan submitted by Glenn Kuszyk for the property located at 279 and 287 Kulp Road. Mr. Rinehart seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

5. ZONING HEARING BOARD APPLICATIONS

6. OTHER BUSINESS

Fire Police Request

Mr. Kolb moved to ratify approval of the fire police request for the First Responder Viewing/Funeral held November 26 and November 27. Mr. Rinehart seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

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.

Exoneration of Real Property Tax

Mr. Rinehart moved to approve the Disabled Veterans Real Property Tax Exemption Certification in accordance with Commonwealth of Pennsylvania Department of Military and Veterans Affairs dated September 21, 2012. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Ordinance No. 193 – Chapter 20 (Solid Waste)

This item was discussed and acted upon earlier in the meeting.

Resolution No. 2012-20 (2013 Budget Approval)

Mrs. Geho moved to approve Resolution No. 2012-20 approving the 2013 Budgets. Mrs. Nocella seconded the motion. Mrs. Geho, Mrs. Nocella, Mr. Kolb and Mr. Rinehart voted yes. Mr. Moyer voted no. Mr. Kolb called for the vote and **the motion** carried with a 4-1-0 vote. Mr. Moyer noted that he voted no because of the Pay and Classification Plan.

Resolution No. 2012-21 (Tax Resolution)

Mrs. Geho moved to approve Resolution No. 2012-21 establishing the 2013 Township Tax Rate at 3.0 mills. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Resolution No. 2012-22 (Pay Plan)

Mrs. Geho moved to approve Resolution No. 2012-22 approving the Pay and Classification Plan for non-uniformed employees and the Chief of Police. Mrs. Nocella seconded the motion. Mrs. Geho, Mrs. Nocella, Mr. Kolb and Mr. Rinehart voted yes. Mr. Moyer voted no to keep in concurrence with his vote against approval of the 2013 Budgets. Mr. Kolb called for the vote and **the motion** carried with a 4-1-0 vote.

Resolution No. 2012-23 (Fund Transfer)

Mr. Kolb moved to approve Resolution No. 2012-23 approving the transfer of funds from the General Fund to the Benefit Escrow Fund. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Resolution No. 2012-24 (Fund Transfer)

Mr. Rinehart moved to approve Resolution No. 2012-24 approving the transfer of funds to the Capital Reserve Fund from the General Fund. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Resolution No. 2012-25 (PECO Green Region Program Grant)

Mrs. Nocella moved to approve Resolution No. 2012-25 authorizing application to the 2012 PECO Green Region Open Space Program for the Open Space, Recreation and Environmental Resources Plan Update Project. Mrs. Geho seconded the motion. Mrs. Geho, Mrs. Nocella, Mr. Kolb and Mr. Rinehart voted yes. Mr. Moyer voted no to keep in concurrence with his vote against approval of the 2013 Budgets. Mr. Kolb called for the vote and **the motion** carried with a 4-1-0 vote.

7. PAYMENT OF THE BILLS

Mrs. Geho moved to pay bills as presented:

General Fund	\$613,449.98
Fire Hydrant Fund	\$472.94
Open Space Fund	\$460,000.00
Sewer Operating Fund	\$19,675.48
Traffic Impact Fee Fund	\$93.00
<u>Highway State Aid Fund</u>	<u>\$3,103.75</u>
	\$1,096,795.15

Mrs. Nocella 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

Christmas Tree Pickup

Mr. Kolb stated that the Christmas Tree pickup dates will be January 7, 2013 and January 14, 2013. The item will be placed on the township website and in the Pottstown Mercury.

Public Works Truck

Mr. Moyer moved to authorize the Public Works Director to order the 2013 F550 for delivery in 2013. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Hunting on Township Property

Mr. Kolb inquired about the item brought up at last month's meeting regarding hunting on Township property and Mr. Rodgers noted that he will follow up.

Part-time Police Officer

Mr. Rodgers noted that twenty seven (27) applications were received for the part-time police officer position.

Mr. Kolb moved to authorize the Chief of Police to proceed with the testing of the part-time police officer applicants. Mr. Moyer seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

9. ADJOURNMENT

Mrs. Geho moved to adjourn the monthly meeting at 10:15 p.m. Mr. Rinehart 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