

**MINUTES OF THE  
EAST COVENTRY TOWNSHIP BOARD OF SUPERVISORS  
MEETING HELD SEPTEMBER 10, 2018**

*(Approved October 8, 2018)*

The Board of Supervisors held its regular monthly meeting on Monday, September 10, 2108. The following Supervisors were present for the meeting: W. Atlee Rinehart, Anthony Duffy, Ray Kolb, Michael Albert Moyer, and Karen Nocella. Also present were Bernard A. Rodgers, Township Manager, Mark A. Hosterman, Township Solicitor and Brady L Flaharty, P.E., Township Engineer.

Mr. W. Atlee Rinehart called the meeting to order at 7:00 p.m. and the pledge of allegiance was recited.

Mr. Rodgers stated that an executive session was held immediately preceding this meeting to discuss one (1) several personnel matters, one (1) matter of potential acquisition of real estate.

**1. ORDINANCES**

Ordinance No. 224 – Stop Intersections Amendments

Mr. Hosterman reviewed the proposed Ordinance for “Stop Intersections Amendments”, changing a 2-way stop to a 4-way stop at E. Cedarville Road, South Sanatoga Road and Sanatoga Road and noted that it had been advertised for adoption pursuant to the requirements of the Second Class Township Code. Mr. Hosterman asked if any members of the public present had any questions or comments regarding the proposed Ordinance. There being none he recommended that the Board of Supervisors take action on the proposed ordinance.

Mr. Moyer made a motion to approve Ordinance No. 224 as advertised. Mrs. Nocella seconded the motion. Mr. Rinehart called for the vote and the motion carried 5-0-0.

Ordinance No. 225 – Neighborhood Commercial and Commercial District Ordinance

Mr. Hosterman reviewed the proposed ordinance which would allow government owned active or passive recreational facilities and related public amenities such as, but not limited to, parking areas and restrooms to the list of permitted uses in the NC Neighborhood Commercial District which uses are also permitted by right in the C Commercial District. He noted that it had been advertised for adoption this evening by the Board of Supervisors pursuant to the requirements of the MPC, Second Class Township Code and Township Zoning Ordinance.

Mr. Rodgers inquired that even though the proposed ordinance stated that, “Such facilities and related amenities shall not be subject to bulk, area and dimensional standards set forth in this Chapter when approved by the Board of Supervisors”, any facilities would still be required to meet the “Other Requirements and Standards” of the Zoning Ordinance. Mr. Hosterman replied that would be correct.

Mr. Hosterman asked if there were any comments or questions from members of the public present. Gail Brown, 500 Sanatoga Road, Pottstown, PA 19465 stated that she would be concerned about government entities proposing facilities, and proper oversight by the Township for the protection of township residents abutting the proposed facility not being available as a result of this proposed change. In particular, she expressed concern about neighbors to a proposed facility not receiving any notice. She feels this ordinance is a disadvantage to residents.

A lengthy discussion ensued regarding the Board of Supervisors having the approving authority provided by the proposed ordinance vs. the Zoning Hearing Board. Mrs. Brown indicated she would be more comfortable with an applicant for a proposed facility seeking relief through the Zoning Hearing Board rather than from the Board of Supervisors. Sally Kolb, 231 Baptist Church Road, Spring City, PA 19475 agreed with Mrs. Brown and stated she felt this could best be taken care of by the Zoning

Hearing Board. Mr. Rodgers commented that he believed the Board of Supervisors would be better able to exercise more control if the proposed Ordinance were adopted than leaving decisions to the Zoning Hearing Board. Liz Willow, 683 Ellis Woods Road, Pottstown, asked if this parking lot at Linfield Road and Route 724 is in a flood zone and is it subject to the stormwater requirements. Mr. Flaharty said, no, it is not in a flood zone and, yes, they are subject to the stormwater drainage requirements.

Mr. Rinehart made a motion to approve Ordinance No. 225 as advertised. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and the motion carried 5-0-0.

#### Ordinance No. 226 “Farm Residential District Ordinance”

Consideration of advertising for adoption an Ordinance amending the codified ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 27 (Zoning), Part 5 (FR Farm Residential District), Section 27-502 (Use Regulations), Subsection 1 (Uses Permitted by Right) by adding a new Subsection 27-902.1.I to allow government owned active or passive recreational facilities and related public amenities such as, but not limited to, parking areas and restrooms to the list of permitted uses in the FR Farm Residential District and all other Residential Districts.

Mr. Hosterman reviewed the proposed ordinance noting that it was identical to the previous ordinance discussed and approved by the Board of Supervisors except that it proposed to approve the subject facilities in the Township’s residential zoning districts.

Mr. Duffy made a motion to advertise proposed Ordinance No. 226 for consideration of adoption at the Board of Supervisors October 8, 2018 meeting. Mrs. Nocella seconded the motion. Mr. Rinehart called for the vote and the motion carried 5-0-0.

## **2. MINUTES**

### August 10, 2018, Meeting Minutes

Mr. Kolb made a motion to approve the minutes as written. Mrs. Nocella seconded the motion. Mr. Rinehart called for the vote and the motion carried 5-0-0.

## **3. PUBLIC COMMENTS**

Mr. Bob Bauers, 169 Sawmill Road, Pottstown, wanted to thank Mr. Rodgers for always being courteous and very helpful any time he came to the township building. He also inquired on the real estate acquisition and Mr. Rodgers stated they had a discussion regarding a property owner that was interested in having their property considered for a conservation easement.

Liz Willow, 683 Ellis Woods Road, spoke about the spotted lantern flies and how the biggest complaint she is hearing region wide is that the townships are not doing enough. She asked if the Township could dedicate some time to do more to prevent them.

Mr. Walter Woessner commented that the Whispering Woods developer has planted shrubbery at the Sales Trailer at the intersection of Ellis Woods Road and Schoolhouse Road too close to Ellis Woods Road.

Ms. Gail Brown commented that on Thursday, August 16, 2018, a Town and Country Tour at Fricks Lock Village had been held from 5:00 pm to 8:00 pm for Fricks Lock: Birth of a Canal Village. She provided the attendance numbers and noted that it was a great success and the Township Historical Commission received a lot of positive feedback.

Mr. James Custer, 478 Harley Road, Pottstown, PA inquired if there was any follow-up to the discussion at last month's meeting regarding the stormwater problem on Harley Road. Mr. Rodgers advised that the Township Engineer would be addressing that issue during his report.

Mr. Kolb expressed his concerns with infiltration and inflow of water in the sanitary sewer system. He suggested that a letter be sent from the Township to users of the sewer system regarding this issue. After some discussion the consensus of the Board was for Mr. Hosterman to compose a letter concerning the issue to be included with the next quarterly sewer billing which in October.

Mr. Kolb also discussed his desire for an ordinance to not allow grass to be blown roadways and have the police enforce it. He feels having grass on the roadways is hazardous to motorists and detrimental to the Township's stormwater facilities. Mr. Moyer stated that he was not in agreement with Mr. Kolb and felt the Township shouldn't direct residents how to cut their grass. A discussion ensued regarding this issue. Mr. Kolb made a motion to have the Township Solicitor prepare an Ordinance to prohibit the placement of grass onto roadways. Mrs. Nocella seconded the motion and also indicated she would like to see an article in the next newsletter about residents keeping grass off the road. Mr. Rinehart called for a vote and the motion carried 4-1-0 with Mr. Moyer opposing.

#### 4. **REPORTS**

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

##### Consideration of Approval of the Proposal from RKL LLP to Perform the Township Auditing Services for the Years Ending December 31, 2018, 2019 and 2020.

Mr. Rodgers reviewed a proposal dated August 23, 2018 from RKL for professional auditing services for the years ending 2018 (\$12,350), 2019 (\$12,750) and 2020 (\$13,100). He noted that the Township has used RKL for the past six years and has always been very satisfied with the quality of work and responsiveness. Mr. Rinehart made a motion to accept the proposal from RKL dated August 23, 2018. Mr. Kolb seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

##### Consideration to Authorize appropriate Township Official to sign PADEP Water Obstruction & Encroachment Permit Registration for Zeiber Road crossing of Pigeon Creek.

Mr. Rodgers explained that in order to obtain the required permit for PADEP to perform the repair/rehabilitation of the Zeiber Road Bridge that the Board needed to authorize the appropriate Township Official to sign the PADEP Water Obstruction & Encroachment Permit Registration for Zeiber Road crossing of Pigeon Creek in order for the Township Engineer to submit for the permit. Mr. Kolb made a motion to authorize the Township Manager to sign the PADEP Water Obstruction & Encroachment Permit Registration for Zeiber Road crossing of Pigeon Creek. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

##### Consideration to Approve PennDOT proposed work on Bethel Church Road.

Mr. Rodgers reviewed an email received from Larry Kubli, Traffic Control Specialist, PennDOT dated August 30, 2018 asking permission to perform certain work on Bethel Road (low cost safety improvements) at no cost to the Township except for the continued maintenance of the work performed by PennDOT. Mr. Duffy made a motion to approve the work to be performed on Bethel Road by PennDOT. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and the motion carried 5-0-0.

##### Consideration of request for PennDOT to evaluate posted speed limit on Route 23 between Bethel Church Road and Fulmer Road.

Mr. Rodgers reviewed a recommendation from the Township Traffic Engineer, John Yurick, McMahon Associates, Inc. by email dated September 5, 2018 that the Board of Supervisors request PennDOT to evaluate the posted speed limit along Route 23 between the intersections with Fulmer Road and Bethel

Road. Mr. Kolb made a motion to request PennDOT to perform an evaluation of the speed limit along Route 23 between the intersection of Fulmer Road and Bethel Road. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

#### Consideration of Approval of Pavilion Use Policy

Mr. Hosterman reviewed the proposed Pavilion Use Policy that his office had drafted pursuant to the Board's request at the August 8, 2018 meeting. A discussion ensued concerning the Cancellation and Refund Policy, Certificate of Insurance and use of tobacco products. It was the consensus of the Board that the Certificate of Insurance should be required (even though it currently is not required) and the restriction on tobacco be eliminated in favor of a catch-all sentence to be included that all rules of the Township's Parks must be followed. Mr. Duffy made a motion to approve the Pavilion Use Policy as amended. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

#### Consideration of Application for Special Fire Police Services

Mr. Rodgers recommended that the Board of Supervisors approve the following applications:

Main Line Animal Rescue, Saturday, October 6, 2018 from 10:00 am to 12:30 pm. Mr. Moyer made a motion to approve the Special Fire Police Services for Main Line Animal Rescue. Mr. Rinehart seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

West Bradford Fire Company, Marshallton Triathlon, Sunday, October 7, 2018 from 7:00 am to 4:00 pm. Mr. Moyer made a motion to approve the Special Fire Police Services for West Bradford Fire Company. Mr. Rinehart seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

#### 2019 MMO (Minimum Municipal Obligation) for the Township's Police and Non-Uniform Employee Pension Plans.

Mr. Rodgers discussed a memo dated September 10, 2018 that he distributed to the Board of Supervisors informing it of the Township's MMO for 2019 that included \$53,251.00 for the Non-uniform employee pension plans and \$112,910 for the Police Pension plan for a total of \$166,161. He advised that these amounts had to be budgeted in 2019 and paid by December 31, 2109. He further noted that no action was required from the Board of Supervisors at this time.

#### Ellis Woods Park and Creekview Open Space: Master/Landscape Plan Scope of Work.

Mr. Rodgers reviewed a revision from Rick Trailles from Natural Lands, dated August 10, 2018, to the Scope of Work that had been previously approved by the Board during its meeting of April 9, 2018. The revision included items to be funded through the DRWI, at no cost to the Township, at an estimated value of \$17,500 and items to be funded by the Township at a cost not to exceed \$800.00. Mr. Rinehart made a motion to approve the revision to the Scope of Work. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

#### Professional Services Agreement, Amendment No.1 to ARRO Project No. 10953.04, Professional Services Agreement 0516-PW01.

Mr. Rodgers indicated this represents an amendment increasing the price \$760.00 for additional work performed regarding the Township's Act 537 Plan update as a result of expanding the area of study. Mr. Flaharty noted that the additional work involved identifying the additional parcels and collecting additional water samples. Mr. Duffy made a motion to approve the amendment for the increase in cost for additional work performed for the Township's Act 537 Plan. Mr. Kolb seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Consideration of approval of the Township Engineer's Report

Mr. Kolb made a motion to approve the Township Engineer's Report. Mrs. Nocella seconded the motion. Mr. Rinehart called for the vote and the motion carried 5-0-0.

Mr. Flaharty indicated after reviewing the Harley Road stormwater issues, he has found nothing unusual with the flow of stormwater. He stated to keep in mind we have had a very wet year.

Mr. Kolb indicated the Maack property owned by the township has only ever been farmed. He said that instead of the farmer rotating growing beans and corn that they should consider only hay on the bottom field. Mr. Rodgers is to look back at the conservation plan. A discussion ensued regarding a conservation plan.

Mr. Kolb made a motion to approve both the Township Manager's Report and the Township Engineer's report. Mrs. Nocella seconded the motion. Mr. Rinehart called for the vote and the motion carried 5-0-0.

Consideration of approving reports from various departments and committees

Mrs. Nocella discussed the "Walk in the Parks" event on Saturday, October 27, 2018 at 10:00 am. with a rain date of Sunday October 28, 2018 at 1:00 pm. She reviewed quotes received for ordering postcards to send to current residents and ordering yard signs for the event. Mr. Kolb made a motion to approve ordering the postcards and yard signs. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Mr. Kolb stated that funds are in the 2018 budget to have the parking lot at the Township seal coated. He reviewed three (3) that he received. He would like to use Sanatoga Sealcoating whose bid was the lowest at \$4,900. Mr. Kolb made a motion to approve the use of Sanatoga Sealcoating for sealing the parking lot. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Mr. Kolb discussed the Pickleball area upgrades for Ellis Woods Park and the associated stormwater management requirements. He estimated the cost would be about \$16,000 and that Mr. Flaharty has already completed the stormwater design. There was discussion about submitting grants to the Pottstown Health and Wellness Foundation for 50% funding. At this time no motion is needed from the Board of Supervisors.

**5. SUBDIVISIONS AND LAND DEVELOPMENT**

Resolution No. 2018-17 – A Resolution of the Board of Supervisors of East Coventry Township, Chester County, Pennsylvania granting approval of a preliminary/final minor subdivision plan submitted by Keith Brand and Tracy Brand for the property located at 401 Ebelhare Road in East Coventry Township, Chester County, Pennsylvania.

Mr. Hosterman reviewed Resolution No. 2018-17 and indicated that the Zoning Hearing Board will meet on September 17, 2018 to decide on a requested variance to the zoning ordinance needed for this preliminary/final minor subdivision plan for 401 Ebelhare Road in East Coventry Township. If the Zoning Hearing Board does not approve the variance this Resolution would be voided and the plan would go back to the Planning Commission for further discussion. Mr. Kolb made a motion to approve Resolution No. 2018-17. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

**6. ZONING HEARING BOARD APPLICATIONS**

There were not any applications to consider.

**7. OTHER BUSINESS**

Resolution No. 2018-18 - Disposition of Public Records. Administrative and Legal Records: Ethics Commission Statements of Financial Interest – All Records Before September 10, 2013-1/2 cubic ft., Right To Know Requests – All records dated prior to September 10, 2016-1 cubic ft. Personnel Records: Application for Employment (Not Hired) – All records prior to September 10, 2016-1/2 cubic ft.

Mr. Kolb publicly read/reviewed Resolution No. 2018-18 for the Board of Supervisors concerning the disposition of records.

Mr. Moyer made a motion to approve Resolution No. 2018-18. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

**8. EXONERATIONS**

There were not any Exonerations for the Board of Supervisors to consider.

**9. PAYMENT OF BILLS**

Mrs. Nocella made a motion to approve the payment of bills as presented.

<u>Fund Name</u>		<u>Amount to Pay</u>
General Fund	\$	241,336.83
Open Space		5,034.00
Sewer Operating Fund		2,206.90
Sewer Capital Fund		-
Traffic Impact Fee Fund		689.20
Capital Reserve		3,500.00
Highway State Aid Fund		201,258.09
TD Escrow		-
<b>Totals</b>	<b>\$</b>	<b><u>454,025.02</u></b>

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

**10. ADJOURNMENT**

Mr. Duffy made a motion to adjourn the monthly meeting at 8:45 pm. Mr. Moyer seconded the motion. Mr. Rinehart called for the vote and the motion carried 5-0-0.

Respectfully submitted,

Bernard A Rodgers  
Township Manager/Secretary