

**MINUTES OF THE
EAST COVENTRY TOWNSHIP
BOARD OF SUPERVISORS
MEETING HELD AUGUST 12, 2019**
(Approved September 9, 2019)

The Board of Supervisors held its regular monthly meeting on Monday, August 12, 2019. The following Supervisors were present for the meeting: W. Atlee Rinehart, Anthony Duffy, Ray Kolb, Karen Nocella and Michael Albert Moyer. Also present were David G. Kraynik, Township Manager, Brady Flaharty, Township Engineer and Mark Hosterman, Township Solicitor.

Mr. W. Atlee Rinehart called the meeting to order at 7:01 p.m. and the pledge of allegiance was recited.

Mr. Rinehart stated they would like to begin with the Promotional Swearing in of Police Officer's Arthur Brown and Christopher Jason to Rank of Sergeant. Mr. Rinehart and officer's Arthur Brown and Christopher Jason read the Oath. Congratulations to both officers.

Mr. Rinehart introduced Noah Levine from U.S. Representative Chrissy Houlahan's office. Mr. Levine gave an overview of U.S. Representative Houlahan's involvement since being in office. He stated that they are always there as a resource if the Township or the public have any issues. Mr. Rinehart stated that Bethel Church Road is in really bad condition and anything they can do to get PennDOT to fix the road is appreciated.

Mr. Hosterman stated that the Board of Supervisors met for an executive session which was held at 6:00 pm to discuss two personnel matters, one ongoing enforcement action, as well as discussion about environmental studies on a potential conservation easement acquisition.

1. ORDINANCES

Ordinance No. 2019-233 – "R-3 Residential District Zoning Map and Text Amendments"

Mr. Hosterman stated the Board of Supervisors will hold a public hearing and reviewed the proposed Ordinance Amending the Code of Ordinances of the Township of East Coventry, Chester County, Pennsylvania, to Amend Chapter 27 (Zoning), Part 9 (NC Neighborhood Commercial District and C Commercial District), Section 27-902 (Use Regulations), Subsection 4 (C Commercial District Uses Permitted by Right), to Add New Paragraphs N and O to Permit the Following Uses by Right: Continuing Care Retirement Communities and Convalescent Care, Skilled Nursing and Assisted Living Facilities, Provided They are Served with Public Water and Public Sewer, and Medical, Dental and Chiropractic Offices; and to Amend the Official Zoning Map of East Coventry Township to Rezone Six Parcels of Land Located at 1396, 1412, 1426, 1442 and 1446 New Schuylkill Road, and 30 Old Schuylkill Road, and Being More Particularly Identified as Chester County Uniform Parcel Identification Numbers 18-1-45, 18-1-46, 18-1-47, 18-1-48, 18-1-49, and 18-1-38.7, From "R-3 Residential" to "C Commercial" in Order to Establish a Harmonious Zoning Classification with the Surrounding Properties and to Conform to the Actual Uses Being Made of Some of the Affected Properties; and to Adopt the Revised Zoning Map Dated April 3, 2019 as the Official Zoning Map of East Coventry Township.

Mr. Hosterman stated he received an email today from the attorney who represents the nursing home, Manatawny Manor, that we are rezoning two of their three parcels and they would like the third one considered in the rezoning. The third parcel was overlooked when discussions were taking place in regards to the rezoning.

Steve Daniels from Diakon Lutheran Ministries stated they have no objections to the rezoning. He also stated they have no plans to develop the third parcel but that's not to say at some point they may want to in the future. He would like all their properties rezoned in the Ordinance. Mr. Hosterman recommends that the Board of Supervisors adopt the Ordinance as is and the additional parcel could be put in a future Ordinance. Mr. Rinehart stated it looks as though there's a maintenance garage and parking on part of the land but wants to know what the rest of the ground is used for and Mr. Daniels stated that a farmer farms a large field closest to Vaughn Road and there is a section that is wooded. Mr. Hosterman stated his recommendation stands that they adopt the Ordinance as is and turn this parcel back over to the Planning Commission for their consideration to see if they want to consider this parcel for rezoning. Michael Prawecky, 1442 New Schuylkill Road who is part of this zoning change, stated he can't understand why they just can't stay zoned as residential properties. He doesn't feel you could make commercial properties out of some of them because they are too small. Mr. Hosterman stated the residential use will be grandfathered as long as it remains a residential use, this just gives another option as a property owner to either sell to a doctor's office or similar type use if you choose. Mr. Prawecky also asked about the tax impact. Mr. Hosterman stated the County Assessor's office said there would be no tax impact for current use, when a change of use occurs is when the tax impact would change. Mr. Kolb stated he would like all of Manatawny Manor's properties to be rezoned commercial. Mr. Rinehart asked if the Manor is considering putting another driveway in on Vaughn Road. Mr. Daniels said the only value to doing that would be if they are looking to expand or there could be some advantage to having a second access for emergency vehicles. Mr. Prawecky expressed a concern that if the Manor develops on this parcel that runs behind his home there will be even more issues with stormwater than what they have currently. Mr. Hosterman stated as of right now there is no development proposed for that parcel and that under the current R-3 zoning they would be allowed to expand by special exception or conditional use. The rezoning will have no impact on their ability to expand, it's not giving them a green light to expand as they can already expand under the R-3 Ordinance as it is written. This is just moving the nursing home use from R-3 and putting it into the C District. If they ever decide to expand and develop this parcel, anyone who lives near the nursing home is welcome to attend and address stormwater concerns at that time. Mr. Rinehart stated the hearing was now closed.

Mr. Rinehart made a motion to adopt Ordinance No. 2019-233 – “R-3 Residential District Zoning Map and Text Amendments. Mr. Kolb seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Ordinance No. 2019-234 – “Amendments to Zoning and Subdivision and Land Development Ordinances to Implement Open Space Plan”

Consideration of advertising for adoption of an Ordinance Amending the Code of Ordinances of the Township of East Coventry, Chester County, Pennsylvania, to Amend Chapter 22 (Subdivision and Land Development), Part 2 (Definitions), Section 22-202 (Definitions), to Add a New Definition for “Recreation Land” and to Amend and Restate the Definitions for “Recreation, Active” and “Recreation, Passive” to Incorporate the Definitions from the Township Parks, Recreation and Open Space Plan; to Amend Chapter 22 (Subdivision and Land Development), Part 3 (Plan Processing and Content), Section 22-305 (Final Plan Submission, Resubmission, Review and Content), Subsection 3 (Content), Paragraph B (Site Design, Layout Standards and Content), Subparagraph (2), to Amend and Restate Clause (e) in its Entirety to Require the Homeowners Association Adopt an Open Space Management Plan for the Use Maintenance and Management of Open Space Containing the Applicable Elements Described in Appendix 22-D; to Amend Chapter 22 (Subdivision and Land Development), Part 4 (Development Design Standards), Section 22-418 (Sidewalks), to Add New Subsection 8 to Permit Trails in Lieu of Sidewalks if Certain Stated Conditions and Criteria are Satisfied; to Amend Chapter 22 (Subdivision and Land Development), Part 4 (Development Design Standards), Section 22-426 (Park, Recreation and Open Space), Subsection 2 (Mandatory Dedication of Land for On-Site Park, Recreation and Open Space Use), Paragraph A, Subparagraph (1) to Increase the Amount of Open Space to be Dedicated from 0.07 Acres to 0.074 Acres per Dwelling Unit or Building Lot; to Amend

Chapter 27 (Zoning), Part 2 (Definitions), Section 27-202 (Definitions), to Add a New Definition for “Recreation Land” and to Amend and Restate the Definitions for “Recreation, Active” and “Recreation, Passive” to Incorporate the Definitions from the Township Parks, Recreation and Open Space Plan; and to Amend Chapter 27 (Zoning), Sections 27-805.1.C(14) and 27-1404.1(6)(C)(1) to Clarify that Documentation for Open Space Maintenance Shall also Address Open Space Management. Mr. Hosterman reviewed the changes that were made to the ordinance.

A motion was made by Mr. Moyer to authorize advertising and a public hearing for proposed Ordinance 2019-234 for consideration of adoption at the Board of Supervisors meeting on September 9, 2019. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0

2. SOLICITOR’S REPORT

Mr. Hosterman stated his office prepared a separation agreement for an employee who left the employment of East Coventry Township and needs approval from the Board of Supervisors. Mr. Kolb made a motion to approve the separation agreement. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Mr. Hosterman stated that the Voluntary Inspection Program is an inspection inside people’s homes to make a determination that they don’t have any illegal connections to the sewer system. The biggest offender is usually sump pumps and we end up paying the processing plant by the gallon for processing storm water essentially when it’s illegally hooked up to the system. A letter was previously sent out in October of 2018 about the Voluntary Inspection Program that if you voluntarily allow an inspection of your property and a violation is found you are then given a grace period to remedy the violation and there would be no fine. Mr. Hosterman has drafted a letter he would like sent out to the sewer customers to remind them the program is ending on October 1, 2019 and that the Township will go back to its regular enforcement of the issue. Mr. Duffy made a motion to authorize sending the letter. Mr. Kolb seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

3. MINUTES

July 8, 2019, Meeting Minutes

Mr. Kolb made a motion to accept the July 8, 2019 meeting minutes. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

August 1, 2019, Meeting Minutes

Mr. Kolb made a motion to accept the August 1, 2019 special meeting minutes. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

4. PUBLIC COMMENT

Missy King, 10 Eleanor Drive, stated she didn’t realize we were in a State of Emergency and asked why. It was stated because of the collapse of Old Schuylkill Road from a storm in July.

Linda Ottaviano, 2364 New Schuylkill Road, asked if Old Schuylkill Road is a State road. It was confirmed that it is a Township road. She asked about a flashing light on Anderson Road. It was stated that it is a speed sensor. She also asked, if anything has been discussed for the referendum on alcohol in East Coventry Township. Mr. Rinehart stated it hasn’t been discussed and at the appropriate time it will be on the ballot. Mr. Moyer stated Marjorie Brown, Solicitor, was going to look into it. Mr. Hosterman stated that it has to be based off the general election.

Scott Maerten, 87 Peterman Road, stated because of Old Schuylkill Road being shut down the traffic has increased on Peterman Road. He also stated that people are cutting through the empty lot right onto Peterman Road. He also stated that the owner of the lot across the street from him doesn’t cut his grass and has to be sent letters regarding the issue. Mr. Kolb stated the grass issue has been addressed by the

zoning officer. Mr. Kraynik stated that all they can do is send letters of violation and if he doesn't adhere then a citation will be issued. Mr. Maerten addressed the issue that at the intersection of Peterman Road and Route 724 there is not enough room to turn in. Mr. Kolb stated he addressed the situation by putting a stop bar and yellow lines and he put blacktop down on the lower side so they don't drop off and that there should not be any problem turning into the road if drivers would stay on their appropriate side of the road. Bob Thompson stated he cuts through the empty lot there all the time. Chief Mossman stated that if cutting through there you have to remember you are still required to stop even though there is not a stop sign there before pulling out onto the road. That is private property even though no trespassing signs are posted. Since there are no signs posted that you cannot trespass, there is nothing they can do about it. The vehicle code requires a person to stop regardless if there is a stop sign or not coming out of a parking lot, driveway, etc. If a person cuts through the parking lot to get to the road without stopping they still have to yield to the right of way of traffic.

Mr. Rinehart stated he saw his first lanternfly on August 1st and felt they are winning the battle. A discussion ensued that there are still significant amounts of lantern flies.

5. **REPORTS**

Township Manager's Reports

Consideration of the 2019/2020 Winter Traffic Services Agreement

Mr. Kraynik stated that in regards to the Winter Traffic Services Agreement, apparently PennDOT has been overpaying the Township in previous years and have finally realized their mistake which is why the amount is significantly less. Mr. Kolb stated it is 5 miles of road that is done. Mr. Rinehart made a motion to approve the 2019/2020 Winter Traffic Services Agreement. Mr. Kolb seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Consideration of Adoption of Resolution 2019-14, Endorsement of Landscapes3, the County's Comprehensive Plan.

Mr. Kraynik stated that the County has asked all Townships if they would formally endorse the County's Comprehensive Plan which is called Landscapes3 that identifies the vision of that plan and ask that municipalities make planning decisions in the future that are consistent with the County's Comprehensive Plan. Mrs. Nocella made a motion to adopt Resolution 2019-14. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Consideration of Approval of Purchasing a 2019 Dodge Charger Sedan Police Cruiser.

Mr. Kraynik stated that in regards to purchasing a new police cruiser, this is already included in the budget. Chief Mossman did extensive research and received a quote to purchase a new 2019 Dodge Charger Sedan Police Cruiser which amounts to \$25,691.00 which is approximately \$5,000 under budget. Mr. Duffy made a motion to approve the purchase of a 2019 Dodge Charger Sedan Police Cruiser. Mr. Rinehart seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Consideration of Approval of the Pennsylvania Department of Agriculture Spotted Lanternfly Treatment at 855 Ellis Woods Road.

Mr. Kraynik stated that we have been approached by the Department of Agriculture who have indicated the property here at the Township Building is in need of treatment for spotted lanternflies. The treatment is of no cost to the Township. He stated we have asked the Department of Agriculture to come to a Board of Supervisors meeting to explain what they want to do and we have not received any response. A discussion ensued. Mr. Kraynik stated his suggestion is that we contact them and say we are interested but we need them to come to a meeting and give more information as to what they are going to do. Mr. Moyer made a motion for the Township Manager to contact the PA Department of Agriculture and suggest they come to a Board of Supervisors meeting to explain what they want to do

before the Board approves the treatment. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Special Fire Police Services

- 250 Years of Old Home Farm Anniversary Event, September 8, 2019, 3:00 pm to 5:00 pm, 583 Old Schuylkill Road. Mr. Rinehart made a motion to approve the Special Fire Police Services Request for the 250 Years of Old Home Farm Anniversary Event. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Mr. Duffy made a motion to accept the Manager's Reports. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote the motion carried 5-0-0.

Consideration of approval of the Township Engineer's Report.

Mr. Flaharty stated that in regards to the culvert on Old Schuylkill Road, the most recent happening is that a land survey was conducted and the results of the survey came back last week. The results reveal that the end wall of the north end of the culvert that's going to go in has to be skewed approximately 15 degrees beyond perpendicular. The manufacturer of the culvert that the Township is purchasing from contact said that anything above 5 degrees involves some special support. The contact was given authorization this morning to proceed with a concrete design for that situation and the result of that is going to be an extra week for the design phase and an extra one to two weeks for construction. They are looking for it to be complete somewhere around mid to end of September. Mr. Kolb asked Mr. Kraynik to reach out to the school district to let them know the road will not be open for the beginning of school. Mr. Kolb made a motion to accept the Township Engineer's Report. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Mr. Kolb made a motion to accept the reports from the various departments and committees. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

6. SUBDIVISIONS AND LAND DEVELOPMENT

There were no Subdivision and Land Development applications brought before the board.

7. ZONING HEARING BOARD APPLICATIONS

There were no Zoning Hearing Board applications brought before the board.

8. OTHER BUSINESS

Consideration of Adoption of Resolution 2019-15, Ratifying the Creation of the East Coventry Township Agricultural Security Area Advisory Committee and Appointing Members to Serve on the Committee.

Mr. Hosterman stated that we have an Agricultural Security Area application that is pending and the requirements are that it be reviewed and a recommendation made by the Township's Agricultural Security Area Advisory Committee. At one point in time we did have an Agricultural Security Area Advisory Committee but it has come to his attention it has not been ratified during reorganization and there is also a member that is no longer able to serve. This Resolution ratifies the committee and appoints the four members and could have a fifth member if determined who that should be. Mr. Hosterman asked if they know of someone to nominate or know of someone willing to serve in the fifth position. Mr. Hosterman stated they need someone who is a farmer. Mr. Rinehart asked if Roger Kolb is interested in the position. Roger Kolb stated he would be the fifth member of the committee. Mr. Kolb made a motion to approve Resolution 2019-15 and appointing the five members as stated, Michael Albert Moyer, Robert Preston, Leroy Kolb, Arthur Kulp and Roger Kolb. Mr. Rinehart seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

9. EXONERATIONS

There were no exonerations brought before the board.

10. PAYMENT OF BILLS

Mr. Duffy made a motion to approve the payment of bills as presented.

<u>Fund Name</u>		<u>Amount to Pay</u>
General Fund	\$	284,742.96
Open Space		50,175.04
Sewer Operating Fund		10,908.41
Sewer Capital Fund		-
Traffic Impact Fee Fund		869.52
Capital Reserve		9,273.04
Highway State Aid Fund		226,092.48
TD Escrow		-
Totals	\$	<u>582,061.45</u>

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

Mr. Rinehart said he would like to extend the casual wear for the Board meetings one more month.

11. ADJOURNMENT

Mr. Kolb made a motion to adjourn the monthly meeting at 8:12 pm. Mr. Rinehart seconded the motion.

Mr. Rinehart called for the vote and the motion carried 5-0-0.

Respectfully submitted,

David G. Kraynik
Township Manager