

**MINUTES OF THE
EAST COVENTRY TOWNSHIP BOARD OF SUPERVISORS
MEETING HELD FEBRUARY 11, 2019**

(Approved March 11, 2019)

The Board of Supervisors held its regular monthly meeting on Monday, February 11, 2019. The following Supervisors were present for the meeting: W. Atlee Rinehart, Anthony Duffy, Ray Kolb, Michael Albert Moyer, and Karen Nocella. Also present were David G. Kraynik, Township Manager, Brady L. Flaharty, Township Engineer and Mark A. Hosterman, Township Solicitor.

Mr. W. Atlee Rinehart called the meeting to order at 7:04 p.m. and the pledge of allegiance was recited.

Mr. Hosterman stated that an executive session was held immediately preceding this meeting to have an information session for a potential zoning map amendment, discuss two matters of acquisition of interest in real estate, two matters of ongoing code enforcement, and a personnel matter.

1. ORDINANCES

Ordinance No. 2019-230 “Dogs Running At Large Ordinance”

Mr. Hosterman stated the Board of Supervisors will hold a public hearing and reviewed the proposed Ordinance amending the codified ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 2 (Animals), to Add a New Part 1 Titled “Dogs Running at Large” and Containing the Following Sections: Definitions; Dogs at Large Prohibited; Animal Control Officer; Seizure and Detention of Dogs; Contract for Services of Animal Control Officer; Compensation; Notice and Redemption; Disposal of Unclaimed Dogs; Dangerous Dogs; Intent; and Penalties and Expenses.

Mr. Hosterman asked if any members of the Board of Supervisors or the public present had any questions or comments regarding the proposed Ordinance.

Scott Maerten, 87 Peterman Road, asked where the seized dogs are located to and Mr. Hosterman responded that they are taken to either the SPCA or the Police Station in the Township and they will be provided food and cared for. Bob Preston, 2013 E. Cedarville Road, asked who does the convicting if a person is cited for allowing a dog to run at large three times in a three-year period, Mr. Hosterman stated the District Magistrate.

Mr. Hosterman asked if there were any other questions, seeing none the hearing was closed.

Mr. Duffy made a motion to approve proposed Ordinance No. 230 as advertised. Mr. Kolb seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Ordinance No. 2019-231 “Specialty and Heavy Construction Contractor Ordinance”

Consideration of advertising for adoption an Ordinance amending the codified ordinances of East Coventry Township, Chester County, Pennsylvania, to amend Chapter 27 (Zoning), Part 2 (Definitions), Section 27-202 (Definitions), to Add Definitions for “Specialty Contractor” and “Heavy Construction Contractor”; to Amend Part 9 (NC Neighborhood Commercial District and C Commercial District), Section 27-902 (Use Regulations), Subsection 1 (NC Neighborhood Commercial District Uses Permitted by Right) to Permit Specialty Contractors Provided the Use is Located on a Separate Lot Containing a Single Principal Use; to Amend Section 27-905 (Other Requirements and Standards) to Add New Subsection 7 Entitled “Requirements for Specialty Contractors”; to Amend Part 10 (C-1 Commercial and Business Campus District), Section 27-1005 (Other Requirements and Standards), to Add New Subsection 2 Entitled “Requirements for Specialty Contractors”; to Amend Part 11 (LI Limited Industrial District), Section 27-1102 (Use Regulations), Subsection 1 (LI Limited Industrial District Uses Permitted by Right), to Permit Heavy Construction Contractors Provided the Use is

Located on a Separate Lot Containing a Single Principal Use; to Amend Section 27-1105 (Other Requirements and Standards) to Add a New Paragraph 3 Entitled “Requirements for Heavy Construction Contractors” and to Amend Part 13 (General and Supplemental Regulations and Design Standards), Section 27-1306 (Parking Standards), Subsection 1, Paragraph 3 (Minimum Off-Street Parking Space Requirements), to Add Parking Requirements for Specialty and Heavy Construction Contractors. Mr. Hosterman reviewed the proposed Ordinance.

Gail Brown, 500 Sanatoga Road, requested the definition of special contractor and heavy construction contractor and parking requirements. Mr. Hosterman read the information requested. A discussion ensued.

Mr. Rinehart made a motion to advertise proposed Ordinance No. 231 for consideration of adoption at the Board of Supervisors March 11, 2019 meeting. Mr. Moyer seconded the motion. Mr. Rinehart called for the vote and the motion carried 5-0-0.

Ordinance No. 2019-232 “Amendments to Non-Solicitation Ordinance”

Consideration of advertising for adoption an Ordinance amending the codified ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 13 (Licenses, Permits, and General Business Regulations), Part 1 (Regulation of Transient Retail Business Activity), Section 13-103 (Application for Permit), Subsection 1, Paragraph H to Eliminate the Fingerprint Requirement; and to Amend Section 13-107 (Suspension or Revocation of Permit) Subsection 1, Paragraph B to Eliminate Crimes of Moral Turpitude. Mr. Hosterman reviewed the proposed Ordinance.

Mr. Rinehart would like to start a ledger here at the Township with a list of house numbers that want no solicitation. Mr. Hosterman stated that a property owner would still be required to maintain a sign that is required by Ordinance. Mr. Rinehart would like to see this incorporated into the next newsletter. Scott Maerten, 87 Peterman Road, asked about crimes of moral turpitude. Mr. Hosterman responded that it is an ambiguous term therefore, they recommended removing it in favor of keeping the more exacting language such as felonies, etc.

Mr. Moyer made a motion to advertise proposed Ordinance No 232 for consideration of adoption at the Board of Supervisors March 11, 2019 meeting. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

2. SOLICITOR’S REPORT

Mr. Hosterman discussed the follow up on the sewer hook-up at 1412 New Schuylkill Road. Mr. Hosterman stated Mr. Oister who lives at 1412 New Schuylkill Road would like to run the sewer lateral from his property through the front of his neighbor’s property into the existing manhole on Vaughn Road. Mr. Oister has discussed this with his neighbor who is in agreement and also with the North Coventry Municipal Authority who have given him the green light provided he gets approval from the Board of Supervisors. Mr. Hosterman’s reservation after speaking with Brady Flaharty, the Township Engineer, is that East Coventry Township would be asked to monitor I&I on this lateral at some time in the future. Mr. Hosterman has prepared an authorization from the supervisors provided the easement agreement for the lateral would allow either East Coventry Township access onto the easement area or North Coventry Municipal Authority access onto the easement area to inspect if there is an I&I issue or abate a problem in the event the owner of the lateral fails to do so. Mr. Oister asked if the lawyer should draw this up and Mr. Hosterman responded that yes, his lawyer should take care of this. A question was asked about who Mr. Oister would be a customer to, East Coventry Township or North Coventry. Mr. Hosterman stated that at this point in time it would be North Coventry Municipal Authority where Mr. Oister would pay his tap-in fee as well as his quarterly sewer payments. A discussion ensued.

Mr. Hosterman read the motion he prepared for the Board of Supervisors: Motion that the East Coventry Township Board of Supervisors has no objection to the proposed connection to public sewer of the North Coventry Municipal Authority (NCMA) for the residential property located at 1412 New Schuylkill Road; said connection to be made via lateral constructed within an easement over the neighboring property for connection at an existing manhole on Vaughn Road; on the condition that the easement grants access to NCMA to address emergencies or make repairs that the lateral owner fails or refuses to make with all such costs being borne by the lateral owner with the right to place a lien against the lateral owner's property. Mr. Rinehart made a motion to accept Mr. Hosterman's motion for the sewer connection of 1412 New Schuylkill Road. Mr. Kolb seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Mr. Hosterman discussed that last month the Board of Supervisors authorized an appraisal for a potential acquisition of interest in real estate and that they would like the Board of Supervisors to approve getting a second appraisal. Mrs. Nocella made a motion to approve authorizing the Township Manager to acquire a second appraisal. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Mr. Hosterman discussed the acquisition of a real estate conservation/trail easement for the Albright property, which is owned by the Estate of Minnie Albright. The Township has received an appraisal for the conservation easement in the amount of \$350,000 and the trail easement in the amount of \$26,424. The land will be permanently preserved open space in the Township. There is a Resolution to authorize this purchase and there is a scheduled closing for Friday, February 15, 2019 at 10:00 am. Resolution 2019-07 A Resolution to Approve and Authorize the Execution of the (1) Proposal Letter Agreement Dated June 27, 2018 and First Addendum to Proposal Letter Agreement between the Estate of Minnie Albright, Natural Lands and East Coventry Township for the purchase of a Conservation Easement and Trail Easement and the terms and conditions therein, (2) The expenditure of East Coventry Township Open Space Funds in the amount of \$350,000 for the purchase of the Conservation Easement and \$26,424.00 for the purchase of the Trail Easement, (3) The expenditure of East Coventry Township Open Space Funds in an amount not to exceed \$45,000 to reimburse transaction costs of Natural Lands including out-of-pocket expenses, allocated staff costs and attorneys and consultant's fees, (4) The Township Manager, David Kraynik, is hereby authorized to execute the Conservation Easement and Trail Easement on behalf of East Coventry Township and to further execute any and all documents deemed necessary to effectuate the transaction at Closing. Mrs. Nocella made a motion to approve Resolution 2019-07. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

3. MINUTES

January 14, 2019, Meeting Minutes

Mr. Moyer made a motion to approve the minutes as written. Mr. Duffy seconded the motion. Mr. Rinehart called for the vote and the motion carried 4-0-1, with Mr. Rinehart abstaining as he was not present for the January 14, 2019 meeting.

4. PUBLIC COMMENT

Christian Warren from Lennar Homes wanted to let everyone know they are officially open for the sale of Townhomes at Whispering Woods. Mr. Kolb asked Mr. Warren if the buildings are on slabs and he responded that, yes, they are built on slabs.

Roger Kolb, Ridge Fire Company, wanted to thank the Township and also for allowing Ray Kolb to leave for fire services when the Fire Company needs him. He also stated the fire company is doing well although the biggest problem is manpower.

Nikki Whitlock from State Senator Katie Muth's office wanted to let the Board of Supervisors know that they are available for the Township and their residents. Roger Kolb stated Ridge Fire Company is meeting with Katie Muth in March.

Scott Maerten, 87 Peterman Road, wanted to discuss the grant that was issued for the Route 724/Peterman Road project. A discussion ensued regarding his concerns with the location of sidewalks, the amount of traffic that will be on Peterman Road and the choice of going to Old Schuylkill to make a left onto Route 724. Walt Woessner, 164 Schoolhouse Road, stated his recollection was that the 209 Committee recommended eliminating the left turn onto Route 724 and that the Board of Supervisors didn't accept that and the left turn would still be available. Mr. Kraynik stated he will review Mr. Maerten's concerns with John Yurick at McMahon Associates who is the traffic engineer.

5. **REPORTS**

Township Manager's Reports

Presentation on the Wastewater Flow Analysis for 2018 by Robert Preston

A presentation on the Wastewater Flow Analysis for 2018 was given by Robert Preston.

Consideration of Acceptance of the Deed of Dedication for Right-of-Way on Bishop Road

In regards to the Kulp subdivision, Mr. Duffy made a motion to accept the Deed of Dedication for Right-of-Way on Bishop Road. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Grant Award for the Intersection Improvements at Route 724/Peterman Road

Mr. Kraynik stated that East Coventry Township was awarded a grant of \$2.6 million for the Route 724/Peterman Road project.

Mr. Kraynik stated that last year we received quotes for restoration of 850 Schoolhouse Road. Mr. Moyer made a motion for this to go out to bid. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0. There is no minimum of sealed bids and it is awarded to the lowest responsible bidder.

Resolution 2019-06 Ellis Woods Park Revitalization Plan, this Resolution is required to be submitted with the grant application for this project. Mr. Rinehart made a motion to approve Resolution 2019-06. Mrs. Nocella 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. Flaharty stated that in support of Earth Day activities this April, the Board of Supervisors is sponsoring a cleanup of Pigeon Creek between Old Schuylkill Road and the Schuylkill River. Persons interested in keeping East Coventry clean and green are invited to volunteer a few hours of their time to participate in this 12th annual community stream cleanup initiative. Interested volunteers are to gather at the Schuylkill River Trail parking lot located at the intersection of Linfield Road and Route 724 at 10:00 a.m. on Saturday, April 27, 2019. The rain date will be Saturday, May 4, 2019. For more information please contact Brady Flaharty with Arro Consulting, Inc. (the Township Engineer) via email at brady.flaharty@arroconsulting.com or phone at (484) 995-7137.

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

As an addendum to the Solicitor's Report, Mr. Hosterman added that the Board had an information session regarding the possible map amendment for certain properties located along Route 724. There was discussion in asking the Planning Commission to consider recommending the rezoning of certain parcels along Route 724, Manatawny Manor and an additional lot on Old Schuylkill Road. Mr. Moyer

made a motion for Mr. Kraynik to send a memo directing the Planning Commission to consider rezoning those particular parcels and possibly a text amendment for the Manatawny Manor parcel. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

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

6. SUBDIVISIONS AND LAND DEVELOPMENT

Resolution 2019-05 – Granting Approval of a Preliminary/Final Land Development Plan Submitted by SBA Towers LLC for Construction of a Cell Tower on a Portion of the Property Located at 86 Baptist Church Road. Mr. Rinehart made a motion to approve Resolution 2019-05. Mr. Kolb seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

7. ZONING HEARING BOARD APPLICATIONS

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

8. OTHER BUSINESS

2019 Road Projects

Mr. Kolb discussed the road projects that he would like done in 2019 which are overlays on Ebelhare Road (between Fulmer and Porter’s Mill Roads), Halteman Road (between Fulmer and Kulp Roads), Porter’s Mill Road (between Bard Road and the Township line past School House Road - South Coventry will pay their share, and Wells Road (between Linfield Road and curve). Mr. Duffy made a motion to accept the list of road projects. Mrs. Nocella 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

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

<u>Fund Name</u>	<u>Amount to Pay</u>
General Fund	\$ 333,027.47
Open Space	3,157.75
Sewer Operating Fund	13,182.68
Sewer Capital Fund	-
Traffic Impact Fee Fund	-
Capital Reserve	5,310.99
Highway State Aid Fund	249.17
TD Escrow	8,645.74
Totals	\$ <u>363,573.80</u>

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

11. ADJOURNMENT

Mr. Kolb made a motion to adjourn the monthly meeting at 7:58 pm. Mrs. Nocella seconded the motion. Mr. Rinehart called for the vote and the motion carried 5-0-0.

Respectfully submitted,

David G. Kraynik
Township Manager