

**MINUTES OF THE  
EAST COVENTRY TOWNSHIP  
BOARD OF SUPERVISORS  
MEETING HELD JULY 13, 2020**  
*(Approved August 10, 2020)*

The Board of Supervisors held its regular monthly meeting on Monday, July 13, 2020. The following Supervisors were in attendance for the meeting: Anthony Duffy, Ray Kolb, W. Atlee Rinehart, Karen Nocella and Michael Albert Moyer were present. Also, in attendance were David G. Kraynik, Township Manager, Mark Hosterman, Township Solicitor and Brady Flaharty, Township Engineer.

Mr. Anthony Duffy called the meeting to order at 7:00 p.m. The pledge of allegiance was recited.

Mr. Hosterman stated an executive session was held at 6:15 pm to discuss personnel matters and an update on the litigation concerning 515 Kulp Road.

**1. ORDINANCES**

Ordinance 2020-241 – Ordinance Amendments re: Historical Commission

Consideration to re-advertise the proposed Ordinance Amending the Codified Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 1 (Administration and Government), Part 5 (Historical Commission), Section 1-501 (Definitions) to Add a Definition for “Historic Resources Map”; to Amend Section 1-503 (Membership), Subsection 1 to Reduce the Minimum Number of Historical Commission Members from Seven to Five; to Amend Section 1-505 (Organization; Meetings; Conduct of Business), Subsection 3 to Clarify Historical Commission Meetings are Public and Held Monthly at the Township Building; to Amend Section 1-506 (Powers and Duties), Subsection 1 to Clarify the Historical Commission Role in Public Hearings and Specify Additional Powers to Maintain an Updated Historic Resources List, to Advise the Board of Supervisors and Zoning Hearing Board on Conditional use, Special Exception and Variance Requests Affecting Historic Resources, and to Perform the Duties Assigned Under Chapter 22 (Subdivision and Land Development), Part 3 (Plan Processing and Content) and Chapter 27 (Zoning), Part 12 (Historic Resource Protection Standards); and to Amend Chapter 27 (Zoning), Part 12 (Historic Resource Protection Standards, to Eliminate the Provisions of Section 27-1204 (East Coventry Township Historical Commission) Insofar as they are Duplicative of Chapter 1 (Administration and Government), Part 5 (Historical Commission).

Mr. Rinehart made a motion to re-advertise Ordinance 2020-241. Mr. Moyer seconded the motion. Mr. Duffy called for a vote and the motion carried 5-0-0.

Ordinance 2020-242 – Pennsylvania Municipal Retirement System – Non-Uniform

Mr. Hosterman stated the Board of Supervisors will hold a public hearing and reviewed the proposed Ordinance of East Coventry Township, Chester County, Commonwealth of Pennsylvania, Electing to Amend its Non-Uniform Pension Plan Administered by the Pennsylvania Municipal Retirement System Pursuant to Article IV of the Pennsylvania Municipal Retirement Law; Agreeing to be Bound by all Provisions of the Pennsylvania Municipal Retirement Law as Amended and as Applicable to Member Municipalities.

Ordinance 2020-243 – Pennsylvania Municipal Retirement System – Police

Mr. Hosterman stated the Board of Supervisors will hold a public hearing and reviewed the proposed Ordinance of East Coventry Township, Chester County, Commonwealth of Pennsylvania, Electing to Amend its Police Pension Plan Administered by the Pennsylvania Municipal Retirement System Pursuant to Article IV of the Pennsylvania Municipal Retirement Law; Agreeing to be Bound by all

Provisions of the Pennsylvania Municipal Retirement Law as Amended and as Applicable to Member Municipalities.

Mr. Kolb made a motion to adopt Ordinance 2020-242 and 2020-243. Mr. Moyer seconded the motion. Mr. Duffy called for a vote and the motion carried 5-0-0.

Ordinance 2020-244 – Intergovernmental Cooperation Implementation Agreement for the Pottstown Area Regional Recreation Committee

Consideration to Advertise an Ordinance Authorizing East Coventry Township to Enter into an Intergovernmental Cooperation Implementation Agreement with Various Municipalities to Continue to Participate and More Formally Organize the Pottstown Area Regional Recreation Committee. Mr. Hosterman reviewed.

Mr. Rinehart made a motion to authorize advertising Ordinance 2020-244. Mrs. Nocella seconded the motion. Mr. Duffy called for a vote and the motion carried 5-0-0.

**2. SOLICITOR’S REPORT**

Mr. Hosterman stated he prepared a draft Ordinance regarding Horse Boarding that will be reviewed at the Planning Commission meeting.

Mr. Kolb made a motion to accept the Solicitor’s Report. Mrs. Nocella seconded the motion. Mr. Duffy called for a vote and the motion carried 5-0-0.

**3. MINUTES**

June 8, 2020, Meeting Minutes

Mr. Duffy made a motion to accept the June 8, 2020 meeting minutes. Mr. Moyer seconded the motion. Mr. Duffy called for a vote and the motion carried 5-0-0.

**4. PUBLIC COMMENT**

Larry Tietjen, 131 Maack Road, stated since the pandemic he has seen a lot more people using the trail by his house and took a walk on the trail himself. He wanted to recognize the Township employees on how well they maintain the property.

Steve Ussler, 938 Schoolhouse Road, asked Mrs. Nocella about the grant application that pertains to the benches and picnic tables and if she found a copy of it. Mrs. Nocella stated she called Michael Lane and it was \$25,000 grant that they gave us when Bernie Rodgers was the Township Manager. The grant paid for the benches, picnic table and some of it was Ray’s time to construct the trail. Mr. Ussler wants to see a copy of the actual grant application and the grant. Mr. Ussler asked if the Township is required to keep a paper trail on the money that goes in and out. Mr. Duffy stated yes. Mrs. Nocella stated Jill who is the Financial Accountant, can see when the grant money came in, but she doesn’t always get copies of the grant applications. The actual application that Bernie wrote is probably at Pottstown Area Health and Wellness Foundation. Mr. Kraynik stated Mr. Ussler should fill out a right-to-know request and be specific of what he is looking for and we will let him know if the information is available. Mr. Kraynik also suggested that Mr. Ussler should fill out a right-to-know request with Pottstown Area Health and Wellness if he’s interested in the contents of the grant. Mrs. Nocella will see if Pottstown Area Health and Wellness has a copy of the grant application that Bernie Rodgers wrote. A discussion ensued. Mr. Hosterman stated the Township is permitted to use consultants to do grant writing and if that happens and they submit the application it doesn’t necessary follow that the Township has to have a copy of the grant application.

Mrs. Nocella stated that the Parks and Recreation Committee wants to have a grand re-opening of Ellis Woods Park on September 26, 2020 from 12 pm to 4 pm. Michael Lane has applied for a \$500 grant

for this event. Mrs. Nocella stated they may also do the Run that morning. She said there will be pickleball demonstrations, a dedication of the pickleball courts to Ann Sage, a Birds of Prey demonstration, ice cream, and beverages.

Mrs. Nocella stated in regards to the trails, they have a photo contest going on right now. It is on the Friends of East Coventry Facebook page. They would like to have this photo contest twice a year. They will pick four photos for every park (Ellis Woods Park, Towpath Park, Ussler Tract, Maack Tract), and the four best photographs that they pick that person would receive a \$25 gift card.

Mrs. Nocella stated they are in receipt of a proposal from Jeremiah Wright to do the stone work for the sign at Ellis Woods Park. The cost is \$11,400 which would be paid by grant money. A discussion ensued. Mr. Moyer made a motion to approve the proposal from Jeremiah Wright for \$11,400. Mr. Rinehart seconded the motion. Mr. Duffy called for a vote and the motion carried 5-0-0.

Mrs. Nocella stated they are using grant money to have CMC Design, an engineering firm, redo Towpath Park, Faulk Tract and Heyser Tract. CMC Design will be reaching out to the supervisors and to Mr. Kraynik to get feedback on the redesign of the park.

Mrs. Nocella stated in regards to the re-opening of Ellis Woods Park event on September 26, 2020, she needs approval to pay Dawn with the Birds of Prey program \$300. Mr. Rinehart made a motion to approve paying the \$300 for the program on September 26, 2020. Mr. Moyer seconded the motion. Mr. Duffy called for a vote and the motion carried 5-0-0.

Mrs. Nocella stated a resident at 1018 Schoolhouse Road asked if they could have permission to use the center of the track at Ellis Woods Park for her daughter's soccer team practice. The Board members stated it's first come first serve.

Mr. Kolb asked Mrs. Nocella if they have a contingency plan for the September 26<sup>th</sup> event regarding COVID-19. Mrs. Nocella stated they would have to cancel it depending on the situation and it would be posted on the website and sign. The Run will have to be addressed by Jason Stouch. A discussion ensued.

Mr. Rinehart said he wanted to acknowledge Liz Willow for the fine job she did on the Ellis Woods Revolutionary Cemetery information she put together.

Mr. Moyer made a statement regarding elected officials voting to defund the police in cities across America and as police are being threatened, humiliated, attacked and murdered, he wanted to publicly express his staunch support of the police. Specifically, he wanted to thank Chief Mossman and Sergeant Brown and the entire East Coventry Police Department for their wonderful work here in East Coventry doing what they can to protect us. Several residents contacted him asking how they can get support the police signs for their yards. Mr. Moyer did some research and found some good quality signs in support of the police that can be found at [trumpstoreamerica.com](http://trumpstoreamerica.com) and [amazon.com](http://amazon.com).

Mr. Duffy stated he has a comment to make for Missy King, the East Coventry Township Tax Collector, who couldn't be here tonight. She would like the Supervisors to support a change in legislation at the annual PSAT convention to allow all elected officials, auditors and tax collectors to be able to participate in the Township health care plan at their own expense. Currently, only Supervisors have this option. Mr. Kraynik stated the annual PSATS convention was canceled this year because of COVID-19. They probably won't take up this issue until their convention next year. A discussion ensued.

## 5. REPORTS

### Township Manager's Reports

Consideration of Approval of a Return to Environment Study to be Conducted by Audubon Pennsylvania. Funded by the William Penn Foundation.

Mr. Kraynik stated this Return to Environment Study is of no cost to the Township and is being funded by the William Penn Foundation. Mr. Moyer made a motion to approve the Return to Environment Study. Mrs. Nocella seconded the motion. Mr. Duffy called for a vote and the motion carried 5-0-0.

Consideration of Approving a Letter of Intent to the Pottstown Area Health and Wellness Foundation for Engineering Plans for a Bridge over Pigeon Creek at Ellis Woods Park.

Mr. Kraynik stated this is a Letter of Intent for just the Engineering Plans for the bridge over Pigeon Creek at Ellis Woods Park. They are applying for a grant of \$40,000 and the Township would have to match \$40,000. Mrs. Nocella stated she received a petition from the residents of Creekview to have this bridge as it would make it easier and safer for them to go to the Ellis Woods Park. Mr. Duffy asked about the construction of the bridge and both Mrs. Nocella and Mr. Kraynik stated that would be another grant. Mr. Rinehart made a motion to authorize the grant application for the Engineering Plans for a Bridge over Pigeon Creek at Ellis Woods Park and our commitment not to exceed \$40,000 for the Township portion. Mrs. Nocella seconded the motion. Mr. Duffy called for a vote and the motion carried 5-0-0.

Consideration of Application for Special Fire Police Services.

- Retroactively Approve – Fire Company Station #5 (Richard Hedrick), Fire Police Captain Funeral at Mauger Funeral Home, Saturday, July 11, 2020 7:00 am to 3:00 pm. Mr. Moyer made a motion to retroactively approve the Special Fire Police Services request. Mr. Rinehart seconded the motion. Mr. Duffy called for a vote and the motion carried 5-0-0.

### Township Engineer's Report

Request to Connect to Public Sewer System at 455 Old Schuylkill Road.

Mr. Flaharty stated 455 Old Schuylkill Road property is for sale and under contract and has a failing septic system. The buyer is requesting to connect to the public sewer. Mr. Flaharty stated it appears possible for them to connect to the terminal manhole on Carriage House Road which is directly across from 455 Old Schuylkill Road which would entail a longer extension of sewer lateral. A discussion ensued. Mr. Duffy asked if the costs would be solely on the taxpayer and Mr. Flaharty stated yes. Mr. Kolb stated gravity should be tried first before going to low pressure. Mr. Rinehart made a motion to approve moving forward. Mr. Moyer seconded the motion. Mr. Duffy called for a vote and the motion carried 5-0-0.

Mr. Kolb stated that other residents in that area should be notified of the possibility of connecting into the public sewer. Mr. Hosterman stated that if any residents are within 150 feet of a manhole they would have to connect to the public sewer.

Mr. Rinehart made a motion to rescind his original motion regarding moving forward with the possibility of public sewer at 455 Old Schuylkill Road. Mr. Moyer seconded the motion.

Before voting on rescinding the original motion, the seller's agent, Robin Lawhorn, Glocker Realty, stated this could cost the buyer of this property \$25,000. She stated she talked to a neighboring property who has renters and they said the homeowner can't afford to hook into public sewer. Mr. Duffy stated there has to be some kind of notification to the other taxpayers that if this goes forward, they will be forced to tie-in to the sewer. Mr. Kraynik asked Mr. Flaharty to look at the potential properties that would be affected and he will work with Mr. Hosterman to get a letter out to these property owners. Mr. Hosterman stated we need to get more information as to who would be affected and who possibly has a failing system in this area.

Robin Lawhorn asked what does this mean to her seller and future buyer if the Township rescinds their decision to move forward on the public sewer and they have a failed septic system and can't tie into public sewer. Mr. Hosterman said this is between the seller and the buyer. If they don't have time to wait for the Township then that is their issue to re-negotiate their agreement of sale.

Mr. Duffy called for a vote for rescinding the original motion and it carried 5-0-0.

Mr. Kolb asked about Mr. Flaharty doing a feasibility study as long as the resident at 455 Old Schuylkill Road pays for it. Mr. Flaharty stated they (the resident of 455 Old Schuylkill Road) would need an engineer to do the feasibility study and put together a cost estimate for him to review. A cost needs to be figured out to let these people know what this would entail before this can move forward.

Mr. Kolb made a motion that the resident at 455 Old Schuylkill Road do the engineering study and report back to Mr. Flaharty with what it will take to connect into the public sewer and the costs involved. Mr. Duffy seconded the motion. Mr. Duffy called for a vote and the motion carried 5-0-0.

Mr. Duffy told Robin Lawhorn from Glocker Realty that the resident at 455 Old Schuylkill Road will need to hire an engineer to do the study. Robin Lawhorn stated that this is an estate and they don't have the means to do this so this would have to fall on the buyer. The property is being sold as-is.

Consideration for Authorization of Construction Escrow Release No. 2 (Final) for Parkerford Properties, Inc. in the amount of \$19,746.06.

Mr. Flaharty is requesting authorization for Construction Escrow Release No. 2 (Final) for Parkerford Properties, Inc. in the amount of \$19,746.06. Mr. Rinehart made a motion to authorize Construction Escrow Release No. 2 (Final) for Parkerford Properties, Inc. in the amount of \$19,746.06. Mr. Kolb seconded the motion. Mr. Duffy called for a vote and the motion carried 5-0-0.

Mr. Kolb made a motion to accept the various departments and committee's reports. Mr. Moyer seconded the motion. Mr. Duffy 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**

Planning Commission Chairman, Walt Woessner, would like to discuss the Township's Subdivision and Land Development Ordinance (SALDO).

Walt Woessner is concerned how the SALDO is being reviewed by the Board of Supervisors. He stated he sent an email to the Board of Supervisors and Mr. Kraynik a week or so ago and received no comments. Mr. Kraynik stated he told Mr. Woessner he understands his concerns and that he knows he expressed them in an email back in January and suggested that he come to the Board of Supervisors meeting and express them. Mr. Woessner's concern is that the Board of Supervisors are not following the SALDO for subdivision reviews. Mr. Hosterman stated the SALDO states the applicant is to do a presentation to the Board of Supervisors and he states that as they are aware his office prepares a Resolution which is gone over thoroughly by the Planning Commission and is then presented to the Board of Supervisors. Mr. Hosterman reviews the resolution and goes over the highlights and waivers with the Board of Supervisors at their meeting. Technically, they are not following the Subdivision and Land Development Ordinance by not having the applicant do a presentation. Mr. Hosterman stated the issue is do we change the Subdivision and Land Development Ordinance to not require it or do we start getting the applicant here to do the presentation. A discussion ensued. Mr. Kolb feels they should

be following the SALDO. Mrs. Nocella agrees. Mr. Hosterman stated they did discuss in January that they would not go through the waivers one at a time and Mr. Woessner agreed that was fine.

George Carter and Nancy Elliott-Carter will make an Informal Presentation on Converting their Property at 583 Old Schuylkill Road into a Wedding Venue.

George Carter and Nancy Elliott-Carter stated they live at the farm that has been in their family since 1769 which is currently owned by Nancy's father. It was presented that they would like to convert their property into a Wedding Venue. They stated the property is a working farm (being farmed by Kolb's Farm Store) and it would continue to be a working farm on the 26+ acres which is under a conservation easement. There also would not be any structural changes. They are proposing using the remaining 8+ acres for holding wedding venues. They are looking to hold weddings seasonally, Spring to Fall and they would be held in the open air or tents that would be put up for the event and taken down afterwards. They will not be using the barn for wedding venues. A catering company would handle food for the events. The maximum amount of people at an event would be 125. They want to use the existing surfaces for parking and have traffic flow in and out using one-way entrance and one-way exit. Use the existing surfaces around the existing structures for parking can hold 40 vehicles. They are looking to have auxiliary parking on gravel for overflow. The parking would be managed and they are looking at an additional 63 parking spaces. A discussion ensued. George Carter and Nancy Elliott-Carter asked if the Board of Supervisors have any concerns or objections and if not, are they willing to inform the Zoning Hearing Board that they have no concerns or objections. They also wanted approval from the Board of Supervisors for parking on gravel. The Board of Supervisors have no objections about the parking on gravel. Mr. Hosterman stated it sounds like a great idea but he doesn't know that it has been fully vetted and if the Board of Supervisors are ready to give it a vote of confidence tonight. There are still a lot of issues that need to be worked out. A discussion ensued. They would need to turn in an application to the Zoning Hearing Board for a variance and it would then be on the Board of Supervisors agenda for review before the Zoning Hearing Board would meet.

Consideration of Approval to list the 2001 International Dump Truck with Plow and Spreader on Municipal Bids.

Mr. Kraynik stated we did not receive any bids for the 2001 International Dump Truck and would like to try placing it on the Municipal Bids website with a minimum bid of \$20,000. Mr. Kolb made a motion to approve listing the 2001 International Dump Truck on the Municipal Bids website. Mrs. Nocella seconded the motion. Mr. Duffy called for a vote and the motion carried 4-0-0 (Mr. Moyer had left the meeting).

Consideration of Approval of Ellis Woods Park Community Day on Saturday, September 26, 2020.

Mrs. Nocella made a motion to approve the Ellis Woods Park Community Day on Saturday, September 26, 2020. Mr. Kolb seconded the motion. Mr. Duffy called for a vote and the motion carried 4-0-0 (Mr. Moyer had left the meeting).

**9. EXONERATIONS**

Mr. Kolb made a motion to accept the exonerations. Mr. Duffy seconded the motion. Mr. Duffy called for a vote and the motion carried 4-0-0 (Mr. Moyer had left the meeting).

**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            | \$        | 291,130.56               |
| Benefit Escrow          |           | -                        |
| Open Space              |           | 8,010.78                 |
| Sewer Operating Fund    |           | 19,336.86                |
| Sewer Capital Fund      |           | -                        |
| Traffic Impact Fee Fund |           | 1,435.75                 |
| Capital Reserve         |           | 43,099.90                |
| Highway State Aid Fund  |           | 3,991.04                 |
| TD Escrow               |           | -                        |
| <b>Totals</b>           | <b>\$</b> | <b><u>367,004.89</u></b> |

Mr. Kolb seconded the motion. Mr. Duffy called for a vote and the motion carried 4-0-0 (Mr. Moyer had left the meeting).

**11. ADJOURNMENT**

Mr. Kolb made a motion to adjourn the monthly meeting at 8:42 pm. Mr. Duffy seconded the motion. Mr. Duffy called for the vote and the motion carried 4-0-0 (Mr. Moyer had left the meeting).

Respectfully submitted,

David G. Kraynik  
Township Manager