

**MINUTES OF THE  
EAST COVENTRY TOWNSHIP  
BOARD OF SUPERVISORS  
MEETING HELD JUNE 10, 2019**  
*(Approved July 8, 2019)*

The Board of Supervisors held its regular monthly meeting on Monday, June 10, 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. Krainik, Township Manager, Brady L. Flaharty, Township Engineer and Marjorie Brown, Township Solicitor.

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

Mr. Rinehart stated that Ms. Brown was in attendance representing Wisler Pearlstine as Mark Hosterman was off.

Ms. Brown stated that an executive session was held immediately preceding this meeting to discuss one personnel matter.

Mr. Rinehart wanted to acknowledge and thank the generation, which we are losing rapidly, for what they did on D-Day and all during WWII. He also wanted to remind the public about our younger generation and now that school is out, to be aware of them while driving. We want to have a safe Township.

**1. ORDINANCES**

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

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 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. Ms. Brown reviewed the Ordinance.

A motion was made by Mr. Rinehart to authorize advertising and a public hearing for proposed Ordinance 2019-233 for consideration of adoption at the Board of Supervisors meeting on August 12, 2019. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Mr. Rinehart stated at this time the Vice-Chair, Mr. Duffy will take over the meeting.

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.

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 August 12, 2019. Mr. Rinehart seconded the motion. Mr. Duffy called for a vote and the motion carried 5-0-0.

## **2. SOLICITOR’S REPORT**

Ms. Brown stated that SBA Towers LLC had submitted a preliminary/final land development plan and received land development approval on February 11, 2019. The Resolution gives them 90 days to comply with all conditions and if they don’t comply with the conditions then the Resolution expires on its own terms unless we render an extension. That 90 days expires today. They have requested a 90-day extension. Ms. Brown stated that if you do want to grant them the extension it is recommended that the extension end August 12, 2019 which is when the Board of Supervisors meeting is in August. Ms. Brown stated they are not aware of any activity that has taken place since the initial approval. Mr. Rinehart made a motion to approve the request of SBA Towers, LLC for an extension of time, ending August 12, 2019, in order to satisfy the conditions of the Preliminary/Final Land Development Plan Approval Resolution approved by the Board of Supervisors on February 11, 2019. Mr. Kolb seconded the motion. Mr. Duffy called for a vote and the motion carried 5-0-0.

## **3. MINUTES**

### May 13, 2019, Meeting Minutes

Mr. Kolb made a motion to approve the May 13, 2019 meeting minutes. Mr. Moyer seconded the motion. Mr. Duffy called for a vote and the motion carried 5-0-0.

## **4. PUBLIC COMMENT**

Liz Willow, 683 Ellis Woods Road, asked if proposed Ordinance No. 2019-234 pertains to any particular development or all developments. Ms. Brown stated, no, it does not pertain to any particular development. The purpose of this Ordinance is to implement the Open Space Plan that the Township adopted in 2017 and that plan lists goals to be accomplished each year. These are the year one goals the Planning Commission was responsible for, which is what is included in the Ordinance. Liz Willow asked how many homeowner’s associations (HOA’s) are in the Township. Ms. Brown stated she’s not sure but this applies prospectively to new homeowner’s associations and what it basically requires that they do is have an open space management plan to address their common facilities, be it open space, trees, amenities, playgrounds, etc. and to also set aside a reserve fund for capital repairs and

replacements. The Ordinance includes the key elements that you would contain within an open space plan if you are going to have an HOA and if you happen to have those types of amenities. It is just for residential developments. Mr. Duffy stated it is his understanding that there are less than 10 HOA's in the Township.

Roger Kolb, 768 Ebelhare Road, stated pertaining to Bethel Church Road and Ellis Woods Road, the farmer planted corn and stayed out of the right-a-way this year. Hopefully we won't have complaints as he stayed out of the right-a-way, but people also need to stop at the stop sign.

Scott Maerten, 87 Peterman Road, wanted to address all the concerns that have been discussed at the previous meetings regarding the Peterman Road project. He stated he has concerns about the sidewalk that is proposed for the East side of Peterman Road. Mr. Maerten feels it should be on the West side of the road not on the East side which is his side of the road. He stated his neighbor feels the same way although he is not at the meeting tonight. Mr. Maerten stated it's an increased liability to him as a homeowner. He feels that although it was stated that if the sidewalk is on the East side it would be better for traffic flow, he feels that can be worked around with the traffic signals if the sidewalk is on the West side. He doesn't feel there will be that much of an increase in foot traffic going across Route 724 even with the improvements that are made. Also, he has concerns over shutting down the ability to turn left from Old Schuylkill Road onto Route 724. On another note, Mr. Maerten also stated the lot across the street from him needs the grass cut and the owner doesn't respond. Mr. Kraynik stated the code enforcement officer has sent a letter of violation regarding the high grass and if the property owner does not adhere to the violation then he will be taken to court. Mr. Moyer stated he agrees the sidewalks should be on the West side of the road which he feels makes more sense having them controlled by a business rather than by private residents. Mr. Moyer said from last month's minutes that Mr. Singer is willing to have sidewalks on his side of the road. Also, Mr. Moyer stated there is a very convoluted way to go about repealing prohibition on the ballad. He thinks it is based on a certain percentage of signatures required on November's election. Does that have to be a November of a certain year? Mr. Moyer asked Ms. Brown to research repealing prohibition. Mr. Moyer feels it would be advantageous to the owner if prohibition was repealed in East Coventry. It would make that property more attractive and we wouldn't have to put high rise apartments there but instead have a restaurant.

Mr. Rinehart stated that in regards to the high weeds/grass, he asked Mr. Kraynik to have codes go back over last year's violations for thistles and have them send out notifications so they can be taken care before they blossom.

Linda Ottaviano, 2364 New Schuylkill Road, said in regards to repealing prohibition, the last time they went out to get signatures was based on the 2016 election. She asked if it would be on the referendum this year. Mr. Moyer stated it won't be this year. He stated the way it works is you have to get the signatures in the same period of time that you get signatures for all other offices, like committee people, supervisors, state rep's, etc., and that is in a limited period of time, February/March, of each year, a 3 or 4 week window. The first time it could possibly be on the ballad would be November of 2020. Mr. Moyer said if we get enough signatures in February/March in 2020, then it could be on the ballad in November of 2020. Ms. Brown said she would check the procedures but normally signatures obtained in the spring are for something that is going to be on the ballad in the fall. Ms. Ottaviano also asked in regards to high weeds, what is the height of high weeds as a violation. Mr. Kraynik stated he believes it is 12 inches but he will have to confirm it. She then asked why the new East Coventry Elementary School has weeds 45 inches or higher that are between 10-15 feet from the driveway around the school. Mr. Kraynik stated that sometimes there will be a clause to have a meadow. Mr. Flaharty stated his recollection was that the bulk of the site was to be normal grass. Mr. Kraynik stated he will contact the code official to look into the matter. Mr. Rinehart stated the school is laying sod and doing other grounds work. Frank Coppo, 40 Meadow Lane, said they are laying sod on all areas adjacent to the pavement.

Neal Hartranft, 677 Old Schuylkill Road, stated that he would like to sell his house but has found out his septic system won't pass. Mr. Hartranft is asking if public sewer can be brought up the road to service a number of homes in the area. If not, he said his only other alternative to sell his house would be to have holding tanks and he said he was told the Township does not like them unless there is no other alternative. Therefore, he would prefer to have public sewer.

Kyriakos Kontostathis, 687 Old Schuylkill Road, stated he has not done the extensive testing that Mr. Hartranft has done, but he suspects he has a similar issue. He stated there is another gentleman with a property down the road who is commuting from New York to the meeting and is interested in public sewer also. The three of them are all willing to pay a reasonable amount to be able to hook into public sewer.

Mr. Flaharty said there is a relatively close sewer connection, specifically manhole 2.1, and there is capacity at Pump Station #3 which is sized to handle approximately an additional 25 existing units along Old Schuylkill Road at some point in the theoretical future. There would have to be a sewer main extension. The residents in that area would need to hire an engineer to start the process and prepare the plans going by the Township's specifications. Mr. Hartranft stated he has sent out letters regarding hooking into public sewer to seven residents in the area and has had no response so far. Mr. Duffy asked when the letters went out and Mr. Hartranft said last week.

Mr. Kolb said that if the sewer line is extended, anyone within 150 feet of the main will have to tie into the sewer. Mr. Duffy said if a resident's property is within 150 feet of the main then they would have to tie-in by Ordinance, but if a resident's property is greater than 150 feet they don't have to tie-in to the sewer. Mr. Flaharty was asked how long this process will take and he stated it could take months to approve the process. Mr. Flaharty stated the costs associated with the sewer connection are on the East Coventry Township website. Mr. Hartranft stated that if they are unable to tie-in to public sewer then what does he do in regards to holding tanks. Mr. Flaharty said there are steps to go through to acquire holding tanks, such as a holding tank agreement with the Township, must meet the requirements for holding tanks, an agreement executed he will have it maintained, etc. Mr. Hartranft's realtor, Shannon, asked what they should do about prospective buyers in regards to this situation, because her understanding is that the Township doesn't want holding tanks. Mr. Rinehart said they prefer not. Shannon stated they took the house off-market for right now until they can figure out what the best option is going to be in regards to the septic/sewer issue. A lengthy discussion ensued.

Walt Woessner, 164 Schoolhouse Road, stated he wanted to thank the candidates for getting their signs down after the election. Mr. Woessner also stated that yellow signs are supposed to be up until the approval of the preliminary plan so there shouldn't be any up at the Elementary School but they are still there.

## 5. **REPORTS**

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

#### **Consideration to Appoint Part-Time Police Officer, Patrick Whalen, to Full-Time Status**

Mr. Kraynik stated there is an open Full-Time Police Officer Position and Chief Mossman feels that Patrick Whalen is fully qualified to move into Full-Time status. Mr. Moyer made a motion to appoint Patrick Whalen to Full-Time Status as a Police Officer. Mr. Kolb seconded the motion. Mr. Duffy called for a vote and the motion carried 5-0-0.

#### **Consideration to Appoint the Western Chester County Regional Uniformed Construction Code (UCC) Appeals Board as the Township's UCC Appeals Board.**

Mr. Kraynik stated we recently became aware that there was almost a need for a property owner to file an appeal to the Uniformed Construction Code (UCC) and upon investigation found out the Township

does not have an Appeals Board. This type of appeal is very rare but it does happen. After discussions with our Solicitor and Harry Weaver, Codes Department, we looked into an existing Appeals Board known as the Western Chester County Regional Uniformed Construction Code (UCC) Appeals Board. They currently serve as the Appeals Board for 14 member municipalities in Chester County. Mr. Kraynik stated his recommendation is that the Township consider joining this regional board. The cost is \$750, a one-time initial membership fee, and it gives us a seat on the Board of Directors. The Board of Supervisors needs to authorize Mr. Kraynik to approach the Appeals Board with the idea the Township would join. Mr. Kraynik stated we would have to come back with an Ordinance and Intergovernmental Agreement, but they won't even look at the application until the Board of Supervisors gives him the authority. Mr. Kraynik also stated that the Township has an option to create their own Appeals Board but feels it would be best to go with Western Chester County UCC Appeals Board as they are already established. Mr. Kraynik stated this Appeals Board would come here when there is a need and there would be a fee to the property owner who is appealing. Mr. Moyer made a motion to approve authorizing Mr. Kraynik to proceed with the membership to the Western Chester County Regional Uniformed Construction Code (UCC) Appeals Board. Mr. Rinehart seconded the motion. Mr. Duffy called for a vote and the motion carried 5-0-0.

Walt Woessner, stated the Township does have an Appeals Board. He said that he is a member along with Bob Preston and Paul Lacon. Mr. Woessner stated it was put together because there was an issue with the Elementary School. Mr. Woessner stated he is fine with not being on the Appeals Board.

Consideration of Approving a Contract with R&B Restoration Carpentry, Inc. in the Amount of \$2,310 for a Frick's Lock Village Maintenance Plan, to be reimbursed by Exelon Corporation

Mr. Kraynik stated he is working with Gail Brown from the Historical Commission, Chester County and Exelon regarding some significant improved maintenance at the Fricks Lock Village. The proposal from R&B Restoration Carpentry, Inc. for \$2,310 is to provide and prepare a maintenance plan. This cost will be reimbursed by Exelon. Ultimately, the plan is going to identify a certain amount of money every year to put into the property which would also be reimbursed by Exelon. Before Exelon will commit to a number each year, this plan will identify exactly what will be included in the price. Mr. Moyer made a motion to approve the contract with R&B Restoration Carpentry, Inc. for \$2,310 to prepare the Frick's Lock Village Maintenance Plan, to be reimbursed by Exelon Corporation. Mrs. Nocella seconded the motion. Mr. Duffy called for a vote and the motion carried 5-0-0.

Mr. Rinehart stated that R&B Restoration Carpentry, Inc.'s contract states "it is agreed that if the work is not started in 60 days (or such different time as is agreed upon in writing) the Agreement is void and R&B shall return any payment made by the client". Mr. Rinehart wants to know if there is any reason why they put that in their contracts, because if we are not the one holding them up and 60 days comes and goes, then they can pull out of the contract. Mr. Kraynik stated that is their standard language for a contract, but he doesn't feel the 60 days will be an issue in this case as Exelon is ready to cut a check for this contract. Mr. Rinehart stated then he is fine with it.

Consideration of Approval of Resolution 2019-11 Appendix II – Authorized Official Resolution, Grant Application for the Ellis Woods Park Rehabilitation Plan

Mr. Kraynik stated the Township previously received a grant for the Ellis Woods Park Rehabilitation Plan. Resolution 2019-11 Appendix II – Authorized Official Resolution, authorizes the appropriate individuals to sign the agreement which would be the Chairman of the Board and Mr. Kraynik would attest. Mrs. Nocella made a motion to approve Resolution 2019-11. Mr. Rinehart seconded the motion. Mr. Duffy called for a vote and the motion carried 5-0-0.

Special Fire Police Services

- Norco Fire Company Fair on July 1<sup>st</sup> through July 6<sup>th</sup> at 6:00 pm.
- Main Line Animal Rescue Fundraiser/Road Crossing for Gran Fondo Bike Event on October 5, 2019 from 10:00 am to 12:30 pm.
- Owen J. Roberts School District, Traffic Control, June 7, 2019 at 8:00 pm.

Mr. Moyer made a motion to approve all three Special Fire Police Applications above. Mr. Rinehart seconded the motion. Mr. Duffy called for a vote and the motion carried 5-0-0.

Consideration of approval of the Township Engineer’s Report.

Mr. Flaharty had nothing to report at this time. Mr. Rinehart made a motion to accept the Engineer’s Report. Mr. Kolb seconded the motion. Mr. Duffy called for a vote and the motion carried 5-0-0.

Mrs. Nocella, Parks and Recreation, stated they submitted two grant applications one for a master plan for Towpath Park which got turned down, and also for signage for all parks. She stated we did get the grant from Natural Lands Trust in the amount of \$20,000 for the signage and Pottstown Health and Wellness also approved \$20,000 making it a total of \$40,000 of grant money for the signage project. This will go to the consultant for planning and design. Mrs. Nocella has a meeting tomorrow to discuss this project. She stated that the hope is this will be completed by the fall. Mrs. Nocella stated that Carl Kelemen with KMS Design Group LLC will be the consultant for planning and design of the signage for the parks. Mr. Kolb asked Mrs. Nocella to make sure the Eagle Scout sign is included.

Mr. Moyer made a motion to accept the various reports. Mr. Kolb seconded the motion. Mr. Duffy called for a vote 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**

There was no other business brought before the board.

**9. EXONERATIONS**

Mr. Moyer made a motion to accept the exonerations. Mr. Rinehart seconded the motion. Mr. Duffy called for a vote and the motion carried 5-0-0.

**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	\$	309,745.75
Open Space		341.73
Sewer Operating Fund		10,739.66
Sewer Capital Fund		-
Traffic Impact Fee Fund		6,238.87
Capital Reserve		-
Highway State Aid Fund		3,849.11
TD Escrow		-
<b>Totals</b>	<b>\$</b>	<b><u>330,915.12</u></b>

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

Chad Westfall, 320 Saw Mill Road, asked about the Open Space Committee application. He stated that Mrs. Nocella was going to ask the Board of Supervisors to approve his conservation easement with the Township. It was stated that this must be discussed by the Board of Supervisors at their Executive Session before it can be presented at the public meeting.

**11. ADJOURNMENT**

Mrs. Nocella made a motion to adjourn the monthly meeting at 8:18 pm. Mr. Kolb seconded the motion. Mr. Duffy called for the vote and the motion carried 5-0-0.

Respectfully submitted,

David G. Kraynik  
Township Manager