

**MINUTES OF THE
EAST COVENTRY TOWNSHIP
BOARD OF SUPERVISORS
MEETING HELD JUNE 14, 2021**

(Approved July 12, 2021)

The Board of Supervisors held its regular monthly meeting on Monday, June 14, 2021. The following Supervisors were in attendance for the meeting: Ray Kolb, W. Atlee Rinehart, Anthony Duffy, Michael Albert Moyer and Karen Nocella. Also, in attendance were David G. Kraynik, Township Manager, Mark Hosterman, Township Solicitor and Brady Flaharty, Township Engineer.

Mr. Ray Kolb called the meeting to order at 7:04 p.m. The pledge of allegiance was recited.

Mr. Hosterman stated an executive session was held this evening to discuss several information only items, two (2) personnel matters, an update on the litigation for 515 Kulp Road artesian well, two (2) matters of potential acquisition of real estate.

Tyler Smith was sworn in as an East Coventry Township Part-Time Police Officer. Congratulations Officer Smith!

1. ORDINANCES

Ordinance No. 2021-250 – “Amended and Restated Sign 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, to Amend Chapter 27 (Zoning), Part 2 (Definitions), Section 27-202 (Definitions), to Delete the Following Definitions: “Agricultural Products”; “Flag”; “Sign, Address Directional”; “Sign, Animated or Moving”; “Sign Area or Size”; “Sign, Banner”; “Sign, Bulletin Board”; “Sign, Business”; “Sign, Development”; “Sign, Electronically Controlled”; “Sign Façade”; “Sign, Home Occupation”; “Sign, Marquee”; “Sign, On-Site Directional”; “Sign, Political”; “Sign, Portable”; “Sign, Real Estate”; “Sign, Residential”; “Sign, Undercanopy”; and “Subject Property”; to Amend Section 27-202 (Definitions), to add the Following New Terms and Definitions: “Awning”; “Banner or Flag”; “Canopy”; “Sign, Animated”; “Sign, Directional”; “Sign, Directory”; “Sign, Electronic Variable Message”; “Sign, Government”; “Sign, On-Premises”; “Sign, Wayfinding”; “Sign Area”; and “Sign Face”; to Amend Section 27-202 (Definitions), to Amend and Restate the Following Definitions in their Entirety: “Sign”; “Sign, Awning”; “Sign, Billboard”; “Sign, Canopy”; “Sign, Changeable-Copy”; “Sign, Double-Faced”; “Sign, Freestanding”; “Sign, Ground”; “Sign, Identification”; “Sign, Illuminated”; “Sign, Official Traffic”; “Sign, Off-Premises”; “Sign, Projecting”; “Sign, Roof”; “Sign, Temporary”; “Sign, Vehicle”; “Sign, Wall” and “Sign, Window”, and to Amend Chapter 27 (Zoning), Part 13 (General and Supplemental Regulations and Design Standards), to Amend and Restate Section 27-1314 (Sign Regulations) in its Entirety and to Contain the Following Subsections: Purpose; General Regulations; Freestanding Signs; Wall Signs; Projecting Signs; Changeable-Copy Signs; Electronic Variable Message Signs; Canopy Signs; Awning Signs; Identification and Directory Signs; Billboards; Prohibited Signs; Exempted Signs; Temporary Signs; Signs in Residential Districts; Signs in Commercial Districts; Signs in the Limited Industrial District; Signs in any Zoning District; Nonconforming Signs; and Abandoned Signs. Mr. Hosterman reviewed.

Mr. Hosterman stated the Chester County Planning Commission issued a comment letter on this ordinance. He stated they had some good comments but he recommended adopting the Ordinance as is and they can then work some of the recommendations from the Chester County Planning Commission into future ordinances the next time they do a miscellaneous amendment. Mr. Rinehart and Mr. Kolb both stated they have issues with the ordinance. A discussion ensued regarding their concerns. Mr. Moyer agreed with Mr. Rinehart’s comments. Mr. Moyer made a motion to table the Ordinance at this

time. Mr. Duffy seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0. Mr. Hosterman stated it will go back to the Planning Commission to further review the concerns.

Ordinance No. 2021-251 – “Miscellaneous Amendments to Subdivision and Land Development and Zoning Ordinances”

Consideration to Authorize Advertising an Ordinance Amending the Codified Ordinances of East Coventry Township, to Amend Chapter 22 (Subdivision and Land Development), Part 3 (Plan Processing and Content), Section 22-304 (Preliminary Plan Submission, Resubmission, Review and Content), Subsection 1 (Complete Submission), Paragraph C and Paragraph F, Subparagraph (5), and Subsection 2 (Review), to Eliminate Minor Subdivision Preliminary Plan Review by the Township Planner, Township Traffic Engineer and Township Solicitor Unless Requested by the Planning Commission or Township Engineer; to Amend Section 22-304 (Preliminary Plan Submission, Resubmission, Review and Content), Subsection 1 (Complete Submission), Paragraphs F and G, to Add New Subparagraph (10) to Require an Electronic Copy of All Plans and Supporting Documents Be Provided in .PDF Format on a USB Memory Stick; to Amend Section 22-304 (Preliminary Plan Submission, Resubmission, Review and Content), Subsection 2 (Review), Paragraph D (Review by the Board of Supervisors), Subparagraph (1), to Specify Number of Preliminary Plan Sets to be Provided for Board Review; to Amend Section 22-305 (Final Plan Submission, Resubmission, Review and Content), Subsection 1 (Complete Submission), Paragraph E and Paragraph H, Subparagraph (4), and Subsection 2 (Review), to Eliminate Minor Subdivision Final Plan Review by the Township Planner, Township Traffic Engineer and Township Solicitor Unless Requested by the Planning Commission or Township Engineer; to Amend Section 22-305 (Final Plan Submission, Resubmission, Review and Content), Subsection 1 (Complete Submission), Paragraphs H and I, to Add New Subparagraph (10) to Require an Electronic Copy of All Plans and Supporting Documents Be Provided in .PDF Format on a USB Memory Stick; to Amend Section 22-305 (Final Plan Submission, Resubmission, Review and Content), Subsection 2 (Review), Paragraph D (Review by the Board of Supervisors), Subparagraph (1), to Specify Number of Final Plan Sets to be Provided for Board Review; to Amend Section 22-307 (Recording of Final Plan), Subsections 1 and 2, to Delete all References to Record Plans and to Require Five Full Plan Sets be Submitted for Recording and Township Use; to Amend Section 22-310 (Performance Guarantees, Subsection 2 and Section 22-311 (Commencement of Development), Subsection 2, to Delete All References to Record Plans; to Amend Chapter 22 (Subdivision and Land Development), Part 7 (Administration), Section 22-704 (Modifications and Waivers), Subsections 1 and 3, to Change the Unreasonableness Standard for Granting Waivers to Instead Demonstrating Strict Application is Unnecessary Relative to the Proposed Project and Township Planning Objectives, to Include a Reference to the New Waiver Request Form Attached as Appendix “22-E”, and to Add New Appendix “22-E”; to Amend Chapter 27 (Zoning), Part 8 (R-3 Residential District), Section 27-803 (Area, Bulk and Dimensional Standards), Subsection 2 (Two-Family Detached, Two-Family Semi-Detached, Single-Family Semi-Detached, Single-Family Attached, Two-Family Attached and Garden Apartment Residential Uses), Paragraph B (Minimum Net Lot Area, Lot Width and Yards), to Make a Technical Correction to the Chart Entry For “Single-Family Attached”; and to Amend Part 13 (General and Supplemental Regulations and Design Standards), Section 27-1319 (Accessory Uses and Accessory Buildings, Subsection 1, Paragraph E (Uses Accessory to Commercial Activities), to Prohibit Storage and Display Areas Within the Applicable Front, Side and Rear Yard Setback Lines. Mr. Hosterman reviewed.

Mr. Moyer made a motion to authorize advertising Ordinance 2021-251. Mr. Rinehart seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

2. SOLICITOR’S REPORT

Mr. Hosterman stated in regards to the litigation of 515 Kulp Road, there is a mediation tentatively scheduled for mid-July and is seeking authorization to attend the mediation and for the Township to pay one fourth of the mediator’s fee. Mr. Duffy asked how much the fee is and Mr. Hosterman stated it is billed hourly but that the retainer is \$6,000 so each party would be responsible for \$1,500. Mr. Rinehart made a motion to approve the solicitor attending the mediation and for the Township’s portion

of the mediator's fees. Mr. Duffy seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

3. MINUTES

Mr. Moyer made a motion to accept the May 10, 2021 meeting minutes. Mrs. Nocella seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

4. PUBLIC COMMENT

Missy King, 10 Eleanor Drive, stated that many voters received information on election day in regard to our entire Board of Supervisors. She stated the first comment made was that our current supervisors continue to make decisions about fees and taxes without public hearings and without public input. Ms. King stated that first of all the Board of Supervisors of East Coventry Township have not raised taxes in the last 14 years, and there was a lengthy discussion when they were raised and anyone from the public can attend the meetings when these things were discussed. The other issue was about fees, if the Township has to raise the fees such as sewer fees, then it's because the maintenance/processing costs are going up. Another comment was that the Supervisors have refused to put a polling location in the Northern part of the Township where most people now live. She stated this is not within the authority of the Supervisors to do that, it's between the political parties involved and both parties agreed to get a third polling location, the Supervisors are not involved in that process, but they were constricted by the State that they were not able to do it during a Presidential election year and they are not doing any polling changes because of COVID; the third comment is that during the pandemic the Supervisors continued to hold public in-person meetings that resulted in many attendees getting sick. There were no reports at all to the Township that anyone became ill because they attended a public meeting, we were all required to wear masks, no one was forced to be here in-person, there was call-in to the meetings available. She feels this is misleading and a slant against the entire Board of Supervisors. Ms. King feels the Supervisors are doing a great job. Mr. Moyer stated that in conjunction with the Township Manager, David Kraynik, the Township Solicitor, Mark Hosterman, the entire Board has followed every protocol and everything we were required to follow according to the CDC and the Governor's office. Mr. Kraynik stated he did not receive any phone calls from anyone stating to have been ill after being a Township meeting. Mr. Hosterman stated he is not aware of anyone acquiring COVID as a result of attending one of our meetings and that no secret fees were adopted.

Liz Willow, 683 Ellis Woods Road, stated that due to the weather the Memorial Day service at the Revolutionary Cemetery was canceled. She stated she hopes to offer a similar rescheduled program on September 21, 2021 and may reserve the pavilion in case of rain or for additional events that day.

George Colette, 80 Country Lane, stated with July 4th approaching, are the Police getting phone calls about fireworks. Chief Mossman stated yes, they are and respond to as many complaints as possible.

Mrs. Nocella stated on behalf of the Parks and Recreation Committee, she is asking Mr. Kolb if someone in Public Works can take on a lead role in identifying and controlling the invasives in the parks. Mr. Kolb stated he does not have the manpower to do that but if Parks and Recreation can continue to cut the invasives they can continue cleaning it up. Mrs. Nocella asked if she would be able to start an Environmental Advisory Council and get volunteers. Mr. Kraynik feels that if they are just dealing with invasives that the Parks and Recreation Committee should be able to handle it. A discussion ensued. Mr. Kraynik stated the Parks and Recreation should come up with some parameters. Mrs. Nocella will discuss this further with the Parks and Recreation Committee.

5. REPORTS

Township Manager's Reports

Presentation by Bond Underwriter, Michael Wolf, and Bond Counsel, David Unkovic.

Mr. Kraynik stated the Board appointed a Bond Underwriter and Bond Counsel to proceed with the refunding of the 2015 bond issue due to the favorable interest rates. We are looking to save about \$500,000 in interest over the life of the bonds going forward and also decided, because of the interest rates, to borrow some new money \$1.4 million (\$900,000 for the Township's match for the Route 724 Peterman Road Intersection Improvements and \$500,000 for the engineering design of Phase I of the Parker Ford Sewer Project). A team was put together which includes Mark Hosterman, Solicitor, Jill Barbera, Financial Accountant, David Kraynik, Township Manager, Michael Wolf, Bond Underwriter and David Unkovic, Bond Counsel. Both Michael Wolf and David Unkovic gave a presentation regarding the Bond refunding and the parameters Ordinance. If the Board approves the Ordinance, they are authorizing issuance of the debt within the parameters and delegating to the Chairman and Township Manager to sign off on the pricing and it also authorizes other things that need to be filed. From a legal standpoint once they take action tonight, they can file the Ordinance with the Department of Community and Economic Development in Harrisburg, they have 20 days to approve the structure of the bond issue and approve the Ordinance and if they do then they can close. A discussion ensued. Mr. Moyer made a motion to look into establishing a Fund Balance Policy. Mr. Rinehart seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0. Mr. Wolf stated he has some Fund Balance Policies that he can provide as guidance. Mr. Kraynik stated he will also reach out to other Chester County municipalities and together with Jill Barbera and Mark Hosterman will put together a draft to bring to the Board in the near future.

Consideration of Adoption of an Ordinance No. 2021-252 Refunding 2015 General Obligation Bonds and Financing 2021 Capital Projects.

Mr. Moyer made a motion to adopt Ordinance No. 2021-252. Mr. Duffy seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

Consideration to Accept the Grant Award from Pottstown Area Health & Wellness Foundation in the Amount of \$27,900.00 for the Towpath Park Phase I Engineering.

Mr. Kraynik stated this grant is for the Phase I Engineering for Towpath Park and the Township will have to match the amount of \$27,900.00. Mr. Duffy made a motion to accept the Grant Award from Pottstown Area Health & Wellness Foundation in the amount of \$27,900.00. Mrs. Nocella seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0. Scott Maerten, 87 Peterman Road, asked what is Phase I Engineering and Mr. Kraynik stated there are various phases to the Towpath Park project and Phase I concentrates on improvements to the existing park area.

Consideration to Authorize a Phase I Archaeological Survey for the Peterman Road/Rt. 724 Intersection Improvement Project for \$11,575 to McMahon Associates, Inc.

Mr. Kraynik stated in regards to the Peterman Road project an Archaeological Survey is required by the Pennsylvania Historical Museum Commission. Mrs. Nocella made a motion to authorize the Phase I Archaeological Survey for the Peterman Road/Rt. 724 Intersection Improvement Project for \$11,575 to McMahon Associates, Inc. Mr. Moyer seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

Consideration of Application for Special Fire Police Services:

- Retro-Approve Owen J. Roberts School District, Graduation, Friday, June 11, 2021 from 8:00 pm to 10:00 pm.
- Norco Fire Company Fair, June 28th through July 2nd, 2021, 8:30 pm (July 2nd – Rain Date July 3rd).

Mr. Kolb made a motion to approve both Special Fire Police Services applications. Mr. Rinehart seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

Mr. Kraynik stated the Township has two (2) cable TV Franchise agreements, one with Comcast and one with Verizon. The Township has been notified that the Franchise agreement with Verizon expires in 2023 (approximately 2 ½ years from now). Mr. Kraynik is recommending the Board retain the services of the Cohen Group out of Pittsburgh who specializes in communication law to lead our negotiations with Verizon at a not to exceed price of \$4,550.00. Mr. Rinehart made a motion to approve retaining the services of the Cohen Group with a cost not to exceed \$4,550.00 to lead franchise agreement negotiations with Verizon. Mr. Duffy seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

Township Engineer's Report

Mr. Flaharty has two announcements under the MS4 program:

- As part of the Township's annual stormwater (MS4) permit, we are required to solicit public input regarding the Township's stormwater program. If you have a stormwater related question or comment, please provide it in the form of a public meeting comment or contact the Township office at 610-495-5443. The Township's stormwater webpage contains annual stormwater reports, a public stormwater survey, and other educational information related to stormwater. Hardcopies of these materials can also be provided through the Township office.
- We ask the public to not dispose of grass clippings and other yard waste in the road. Any type of organic or non-organic material can inadvertently be transported into stormwater inlets and swales and could potentially pollute our waterways. If you witness any disposal of organic or inorganic material in the stormwater system, please contact the Township office at 610-495-5443.

Mr. Flaharty also stated the Parker Ford Special Sewer Study meeting will be held on Monday; June 21, 2021 at the Ridge Volunteer Fire Company located at 480 Ridge Road at 7:00 pm. Letters were sent out to the property owners in the Special Sewer Study area and the information is posted on the website.

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

Mr. Duffy made a motion to accept the various departments and committee reports. Mrs. Nocella seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

6. SUBDIVISIONS AND LAND DEVELOPMENT

Resolution No. 2021-10

A Resolution of the Board of Supervisors of East Coventry Township, Chester County, Pennsylvania, Granting Conditional Approval of a Preliminary Subdivision and Land Development Plan Submitted by R&S Property Services for the Property Located at 2300 New Schuylkill Road in East Coventry Township. John Iannozzi, representing the applicant, stated this is a straight-forward 2-lot subdivision with lot one (1) for the use of a landscape office/warehouse and lot two (2) a green field. Mr. Iannozzi stated one of the outstanding issues is the Traffic Impact Fee, it's an existing business with low intensity use and are respectfully requesting a credit for the right-of-way they are providing. Mr. Hosterman stated a credit for the Traffic Impact Fee could be determined and adjusted, if applicable, during the final approval. Mr. Hosterman stated the Resolution has the curbing and sidewalks or trail as a deferral in the Resolution, meaning that when the Township decides the curbing and sidewalks need to be done, the Township will notify the property owner in writing who would then have 12 months from the date of notice to complete the work. It will also contain a number on the plan so there is a covenant running with the land not just particular to this land owner/applicant. A discussion ensued. Mr. Moyer made a

motion to approve Resolution 2021-10. Mr. Rinehart seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

7. ZONING HEARING BOARD APPLICATIONS

No Zoning Hearing Board Applications brought before the Board.

8. OTHER BUSINESS

Consideration of a Request from George and Nancy Carter, 583 Old Schuylkill Road, for Relief from the Zoning Ordinance.

Chuck Garner, representing George and Nancy Carter, gave some background information and stated there are a few items in the Zoning Ordinance that require the Board of Supervisors approval before they can move forward with the Zoning Hearing Board. They are seeking relief from the following three items contingent upon all zoning relief being granted by the Zoning Hearing Board:

1. Relief from §27-1306.D(2) so that the parking areas depicted shall not be required to be paved.
2. Approval from the Board of Supervisors pursuant to Zoning Ordinance §27-1306.1.E to allow the Board to designate a standard for parking that does not conform to the listed categories. My clients are of the opinion that the parking shown would be adequate on-site and, in the alternative, have provided for off-site parking through the nearby Parkerford Church.
3. Approval by the Supervisors to allow a shared off-street parking arrangement with the church, as permitted by zoning ordinance §27-1306.1.A.(1).(a). Presuming this were approved, we recognize that we would need to prepare and provide to the Township the appropriate agreement.

Mr. Garner stated that the parking spaces will not all be paved. Mr. Hosterman stated that for the designation of a standard for parking, he suggested it be one (1) space per 2.5 people. Shared off-site parking arrangement agreement will be provided. A discussion ensued.

Mr. Moyer made a motion to approve the three waiver items above with the parking standard of one (1) space per 2.5 people. Mrs. Nocella seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

In regards to Mr. Hosterman's letter of April 6, 2021, he would like to discuss the conditions he feels the application should consider committing to under section three (3), a through k.

- a/b. Mr. Hosterman stated a and b are agreed to.
- c. States no more than 12 events per calendar year and the Carter's cannot agree to this number. A discussion ensued regarding the number of events that should be allowed each calendar year. Scott Maerten, 87 Peterman Road, stated he would like the Board to consider if they increase the number of events that this will in turn increase traffic on Old Schuylkill Road. It was suggested that the limit of the number of events should pertain to large events only. George Carter is going to crunch numbers to see how what number would work for them to make the business operational in regards to the number of guests for a large event and the number of large events a year and will come back to next month's meeting with suggested numbers.
- d. In regards to the agricultural operations remaining at the same level of intensity, right now, the Kolb's currently rent the fields and with them making some changes in their operations they could decide not to rent the fields anymore. If this happens, they would have to find another farmer to rent the fields and they could sit for a

year or more and also, they can't agree that it would be the same intensity. Mr. Hosterman stated he will change it to agricultural operations will continue at the property. Both dwellings will remain residential.

- e. Agree
- f. Do not agree. It was suggested if they keep the gravel parking, they acquire parking attendants.
- g. Agree
- h. Mr. Hosterman agrees to the hours presented by the Carter's: Sunday 12 pm (noon) to 8 pm; Monday through Thursday 9 am to 8 pm; Friday and Saturday 9 am to 9 pm.
- i/j. Agree
- k. Mr. Hosterman stated they do not want to agree to an indemnification agreement but will add the Township as an additional insured. A discussion ensued. The Supervisors agree that they would like to have an indemnification agreement. George Carter agreed to the indemnification agreement.

Mr. Hosterman suggested that the Zoning Officer's letter and Traffic Engineer's letter be submitted to the Zoning Hearing Board.

Announcement – There will be a Public Meeting to Discuss the Parker Ford Area Special Sewer Study on Monday, June 21, 2021 at 7:00 pm at the Ridge Volunteer Fire Company, 480 Ridge Road. This is not a Board of Supervisors meeting. This is a presentation about the Parker Ford Area Special Sewer Study.

Announcement – An Application has been Submitted for American Rescue Plan Funding in the Amount of \$706,726.50 for the Parker Ford Sewer Project. Mr. Kraynik stated we are still waiting for clarification on what type of infrastructure these funds can be used for.

9. EXONERATIONS

Mr. Moyer made a motion to approve the Exonerations. Mr. Duffy seconded the motion. Mr. Kolb 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.

<u>Fund Name</u>	<u>Amount to Pay</u>
General Fund	\$ 392,348.31
Benefit Escrow	-
Open Space	221,412.29
Sewer Operating Fund	19,927.52
Sewer Capital Fund	-
Traffic Impact Fee Fund	7,101.02
Capital Reserve	-
Highway State Aid Fund	7,974.51
TD Escrow	-
Totals	\$ <u>648,763.65</u>

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

11. ADJOURNMENT

Mrs. Nocella made a motion to adjourn the monthly meeting at 9:11 pm. Mr. Duffy seconded the motion. Mr. Kolb called for the vote and the motion carried 5-0-0.

Respectfully submitted,

David G. Kraynik
Township Manager