

**MINUTES OF THE  
EAST COVENTRY TOWNSHIP  
BOARD OF SUPERVISORS  
MEETING HELD MARCH 9, 2020**  
*(Approved April 13, 2020)*

The Board of Supervisors held its regular monthly meeting on Monday, March 9, 2020. The following Supervisors were present for the meeting: Anthony Duffy, Ray Kolb, W. Atlee Rinehart, and Michael Albert Moyer. Karen Nocella was absent. Also present were David G. Kraynik, Township Manager, Mark Hosterman, Township Solicitor and Brady Flaharty, Township Engineer.

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

Theodore Hersch was sworn in as a Fire Police Officer. Congratulations Theodore Hersch!

Mr. Duffy presented Kathleen McDermott with Resolution 2020-08, a Resolution Recognizing, Acknowledging and Thanking Kathleen McDermott for her Service on the Township Historical Commission.

Mr. Hosterman stated the Board of Supervisors met for an executive session which was held at 6:30 pm to discuss a potential acquisition of a trail and conservation easement and a status update on the litigation that was filed in Chester County against the property owners at 515 Kulp Road regarding the artesian well issue. Mr. Hosterman also wanted to bring to everyone's attention tonight that we do have a resident videotaping the meeting which he can do under the Sunshine Act. The Board is allowed to have policies, rules and procedures and Mr. Hosterman reviewed these rules and procedures regarding videotaping a meeting. Mr. Hosterman asked for his name and address in which he responded, David Chew, 431 Harley Road.

**1. ORDINANCES**

Ordinance No. 2020-239 – “Ordinance re: Sump Pumps and Other Prohibited Discharges into Public Sanitary Sewer System”

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 18 (Sewers and Sewage Disposal), Part 3 (Public Sanitary Sewage Systems), Section 18-303 (Connection With and Use of Public Sewers), to Add a New Subsection 5 Entitled “Sump Pumps and Other Prohibited Discharges into the Public Sanitary Sewer System” in Order to Ensure that Groundwater is not Improperly Deposited into the East Coventry Township Public Sanitary Sewer System, to Reaffirm that the Discharge of Sump Pumps into the Township Public Sanitary Sewer System is Prohibited, to Establish Enforcement Procedures Including Mandatory Inspections Upon Resale of the Property and the Issuance of Violation Notices, and to Establish Penalties for Violations. Mr. Hosterman stated this does not interfere with a sales agreement of a home. George Colette, 80 Country Lane, asked who pays for the certification and Mr. Hosterman stated the homeowner would pay the fee and also stated the fee hasn't been set yet and it will be set by Resolution.

Mr. Kolb made a motion to adopt Ordinance 2020-239 – “Ordinance re: Sump Pumps and Other Prohibited Discharges into Public Sanitary Sewer System”. Mr. Rinehart seconded the motion. Mr. Duffy called for a vote and the motion carried 4-0-0.

Ordinance No. 2020-240

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 15 (Motor Vehicles), Part 4 (General Parking Regulations), Section

15-402 (Parking Prohibited at All Times in Certain Locations) is Hereby Amended by Adding Wiand Lane to the List of Prohibited Parking at All Times on Both Sides for the Entire Length.

Mr. Kolb made a motion to adopt Ordinance 2020-240. Mr. Rinehart seconded the motion. Mr. Duffy called for a vote and the motion carried 3-1-0. Mr. Moyer voted no.

Ordinance No. 2020-241 – “Ordinance Amendments re: Historical Commission”

Consideration to Advertise an 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. Hosterman reviewed the Ordinance.

A motion was made by Mr. Rinehart to authorize advertising a public hearing for proposed Ordinance 2020-241 for consideration of adoption at the Board of Supervisors meeting on April 13, 2020. Mr. Moyer seconded the motion. Mr. Duffy called for a vote and the motion carried 4-0-0

**2. SOLICITOR’S REPORT**

Consideration of a Sewer Easement Agreement for 1396 and 1412 New Schuylkill Road

Mr. Hosterman stated that there is a Sewer Easement Agreement for 1396 and 1412 New Schuylkill Road that he recommends approval. Mr. Kolb made a motion to approve the Sewer Easement Agreement for 1396 and 1412 New Schuylkill Road. Mr. Rinehart seconded the motion. Mr. Duffy called for a vote and the motion carried 4-0-0.

Status Report on Completion of Documents Regarding the East Coventry Elementary School Project

Mr. Hosterman stated he wanted to give an update on the East Coventry Elementary School project. All improvements to the school have not been completed yet. The sewer, improvements to the road and the storm sewer have been completed and his understanding is that there are residents interested in connecting to the sewer. They are working with the district to do an amendment to the land agreement so they can take dedication from the school for right of way and sewer lines on East Cedarville Road. As soon as we accept dedication, residents will then be able to hook into the sewer system. Mr. Flaharty stated the 18 months of maintenance starts when the Township signs to take dedication. Mr. Moyer made a motion to accept the status on the completion of documents for the East Coventry Elementary School. Mr. Rinehart seconded the motion. Mr. Duffy called for a vote and the motion carried 4-0-0.

**3. MINUTES**

February 10, 2020, Meeting Minutes

Mr. Kolb made a motion to accept the February 10, 2020 meeting minutes. Mr. Moyer seconded the motion. Mr. Duffy called for a vote and the motion carried 4-0-0.

#### **4. PUBLIC COMMENT**

David Chew, 431 Harley Road, asked for an update on 515 Kulp Road. Mr. Hosterman stated while this situation is in litigation it is under attorney/client privilege. Mr. Hosterman stated however, they have filed a complaint in Chester County seeking equitable action against the property owner. They are waiting for a response at this time to the complaint. Mr. Chew also stated he submitted a public records request anonymously but he was asked to submit his name and address, does the Township need to update their open records request policy to follow Pennsylvania guidelines. Mr. Hosterman stated we shouldn't need to do that, typically when Pennsylvania statues change they would govern the Township. Mr. Hosterman stated he is in receipt of David Chew's open records request and that he will be receiving a letter from the Township. David Chew stated he forgot to put on the request for the past five years and Mr. Hosterman stated then he would need to amend the open records request to state that specifically. David Chew stated he would amend his request. Heather Peterman, 134 N. Savanna Drive asked if a right-to-know request was submitted anonymously, why would his name and address have to be given. Mr. Kraynik stated he is the one who asked him for the information because he has never seen a right-to-know request without a name and address listed and he wasn't sure if we could accept it as anonymously. Mr. Hosterman stated open records request are open to U.S. citizens so without a name and address he doesn't know how you determine citizenship. He will look into this further as this is the first time he has seen an anonymous request.

Roger Kolb, Ridge Fire Company, asked if there are any regulations on the amount of people that can live in a private residence and if they see unfit conditions can they request codes to check out a situation. Mr. Hosterman stated typically codes cannot enter a residence unless there is probable cause and typically you would need a warrant from a judge. Roger Kolb stated they are concerned about an issue with safety and Mr. Hosterman stated he can made a complaint to the codes official and they can see if there is an Ordinance that may be in violation and then they would have to seek a warrant from a judge before they can inspect. Mr. Hosterman stated they should make a report to the proper official.

Linda Ottaviano, 2364 New Schuylkill Road, stated she received a letter regarding the Sewage Plan in the Parkerford service area. Mr. Flaharty stated his office is preparing an Act 537 Sewage Facilities Plan for the Parkerford service area. The letter received is letting everyone know about the plan. It will be available for public review next week with a 30 day comment period.

Robert Townsend, 1546 Old Schuylkill Road, asked if this Sewage Plan is encompassing all of Parkerford. Mr. Kraynik stated they will have more information in a few minutes. Mr. Flaharty stated if you are within 150 feet of the sewer main then you are required to connect into the public sewer. It was stated that a lot of individuals are looking for public sewer. The time frame at this point is 2 ½ to 3 years approximately depending on the DEP and funding. A discussion ensued.

Heather Peterman, 134 N. Savanna Drive, asked about the feasibility study results. Mr. Kraynik stated the study is not complete yet. The Traffic Engineer and the Township staff will be reviewing a policy.

Walt Woessner, 164 Schoolhouse Road, stated last month he mentioned a clog at the culvert on Schoolhouse Road and the blockage was removed soon afterwards. He thanked Ray for taking care of it.

Cheryl Imes, 19 Steinmetz Road, Limerick, asked if Fricks Lock Village has public water and sewer. Mr. Kolb stated they are putting in a well and septic system.

David Chew, 431 Harley Road, asked about the Maack tract. Mr. Kolb stated next year when the lease is up they are going to put in the new lease that it has to be grass/hay and he hopes this will stabilize it.

## 5. **REPORTS**

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

#### **Presentation of the Wastewater Analysis and Report by Robert Preston**

Bob Preston gave an annual wastewater analysis report.

#### **Consideration of Approval of the Bid Submittal for the 2014 Dodge Charger**

Mr. Kraynik stated the police department retired a 2014 Dodge Charger and it went out for bid. The Township received a \$6,000 bid from Albert Wood which was the highest of the six bids received. Mr. Kolb made a motion to award the bid of the 2014 Dodge Charger to Albert Wood for \$6,000. Mr. Moyer seconded the motion. Mr. Duffy called for a vote and the motion carried 4-0-0.

#### **Consideration to Accept a Proposal from CM3 Building Solutions to Provide Restricted Door Access to the Administration Offices for \$4,550**

Mr. Moyer made a motion to approve the proposal from CM3 Building Solutions for the Restricted Door Access to the Administration Offices for \$4,550. Mr. Rinehart seconded the motion. Mr. Duffy called for a vote and the motion carried 4-0-0.

#### **Consideration to Accept a Proposal from CM3 Building Solutions to Provide Municipal Complex Surveillance System Upgrade for \$16,950**

Mr. Rinehart made a motion to approve the proposal from CM3 Building Solutions for the Municipal Complex Surveillance System Upgrade for \$16,950. Mr. Moyer seconded the motion. Mr. Duffy called for a vote and the motion carried 4-0-0.

Mr. Kraynik stated we get an annual inspection from the insurance company and it was highly recommended by them to do these two security improvements.

#### **Consideration to Approve the Agreement between Pottstown Metropolitan Regional Planning Committee and East Coventry Township for the Mini Grant for Trail Renovations in Ellis Woods Park and the Maack Tract Project for \$7,750**

Mr. Moyer made a motion to approve the Mini Grant for Trail Renovations in Ellis Woods Park and the Maack Tract Project for \$7,750. Mr. Duffy seconded the motion. Mr. Duffy called for a vote and the motion carried 4-0-0.

#### **Consideration of Application for Special Fire Police Services**

- West End Fire Police, Recycling Event, March 7, 2020 from 8:30 am to 1:00 pm.

Mr. Rinehart made a motion to retroactively approve the Special Fire Police Services application. Mr. Moyer seconded the motion. Mr. Duffy called for a vote and the motion carried 4-0-0.

Mr. Kraynik stated in regards to the Parkerford Special Study, an informational letter went out and another letter will be going out this week regarding the public comment period which will run from March 16 through April 15, 2020. It will be advertised next Monday in the Pottstown Mercury, a hard copy of the Parkerford Special Study Plan will be available at the Township Building and a copy of the Parkerford Special Study Plan will be posted on the website. Mr. Kraynik is asking for approval to have the public meeting regarding the Parkerford Special Study during the Board of Supervisors meeting on June 8<sup>th</sup>. Mr. Rinehart made a motion to approve holding the Parkerford Special Study public meeting at the Board of Supervisors meeting on June 8<sup>th</sup>. Mr. Duffy seconded the motion. Mr. Duffy called for a vote and the motion carried 4-0-0.

Mr. Kraynik stated he is requesting support for a grant application to be submitted by Natural Lands Trust to Chester County for partial funding for the trail and conservation easement for 391 Harley Road. He stated if approved, the Township's portion would be \$104,030 out of the Open Space Fund. Mr.

Rinehart made a motion to approve supporting the grant application and the Township's commitment to \$104,030 for the trail and conservation easement for 391 Harley Road. Mr. Kolb seconded the motion. Mr. Duffy called for a vote and the motion carried 4-0-0.

Mr. Flaharty stated 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 13<sup>th</sup> 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 18, 2020. The rain date will be Saturday, May 2, 2020. For more information, please contact Brady Flaharty with ARRO Consulting Inc., the Township Engineer, via email at [brady.flaharty@arroconsulting.com](mailto:brady.flaharty@arroconsulting.com) or phone at (484) 995-7137.

Mr. Rinehart asked if this can be put on the post office's public bulletin board. Mr. Kraynik stated he will look into it.

Mr. Rinehart made a motion to approve the Engineer's Report. Mr. Moyer seconded the motion. Mr. Duffy called for a vote and the motion carried 4-0-0.

Mr. Kolb made a motion to approve the reports from various departments and committees. Mr. Moyer seconded the motion. Mr. Duffy called for a vote and the motion carried 4-0-0.

## **6. SUBDIVISIONS AND LAND DEVELOPMENT**

Resolution 2020-09 – A Resolution of the Board of Supervisors of East Coventry Township, Chester County, Pennsylvania Granting Approval of a Preliminary/Final Minor Subdivision Plan Submitted by Barbara A. Lenhart for the property Located at 1803 East Cedarville Road in East Coventry Township, Chester County, Pennsylvania.

Mr. Hosterman reviewed Resolution 2020-09 including the waivers. Mr. Kolb made a motion to approve Resolution 2020-09. Mr. Moyer seconded the motion. Mr. Duffy called for a vote and the motion carried 4-0-0.

## **7. ZONING HEARING BOARD APPLICATIONS**

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

## **8. OTHER BUSINESS**

Consideration of Approval of Demolition Permit Application 20-01, 67 Ebelhare Road, as Recommended by the Historical Commission

Mr. Rinehart made a motion to approve the demo permit 20-01 for 67 Ebelhare Road. Mr. Moyer seconded the motion. Mr. Duffy called for a vote and the motion carried 4-0-0.

Resolution 2020-07 – Disposition of Records for the Police Department

Mr. Moyer made a motion to approve Resolution 2020-07 to dispose of records for the Police Department. Mr. Duffy seconded the motion. Mr. Duffy called for a vote and the motion carried 4-0-0.

## **9. EXONERATIONS**

Mr. Moyer made a motion to approve the exonerations presented. Mr. Kolb seconded the motion. Mr. Duffy called for a vote and the motion carried 4-0-0.

Mr. Moyer made a motion to add the months of April and May to the dress casually meetings which already include June, July and August. Mr. Rinehart seconded the motion. Mr. Duffy called for a vote and the motion carried 4-0-0.

**10. PAYMENT OF BILLS**

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

<u>Fund Name</u>		<u>Amount to Pay</u>
General Fund	\$	234,509.93
Benefit Escrow		6,375.02
Open Space		31.22
Sewer Operating Fund		13,616.05
Sewer Capital Fund		-
Traffic Impact Fee Fund		154.50
Capital Reserve		1,427.66
Highway State Aid Fund		1,206.03
TD Escrow		8,645.74
<b>Totals</b>	<b>\$</b>	<b><u>265,966.15</u></b>

Mr. Duffy seconded the motion. Mr. Duffy called for a vote and the motion carried 4-0-0.

**11. ADJOURNMENT**

Mr. Moyer made a motion to adjourn the monthly meeting at 8:11 pm. Mr. Kolb seconded the motion.  
Mr. Duffy called for the vote and the motion carried 4-0-0.

Respectfully submitted,

David G. Kraynik  
Township Manager