

**MINUTES OF THE
EAST COVENTRY TOWNSHIP
BOARD OF SUPERVISORS
MEETING HELD NOVEMBER 8, 2021**
(Approved December 13, 2021)

The Board of Supervisors held its regular monthly meeting on Monday, November 8, 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. Kolb called the meeting to order at 7:06 p.m. The pledge of allegiance was recited.

Mr. Hosterman stated an executive session was held this evening at 6:00 pm to discuss a personnel item regarding nonuniformed employee compensation and benefits, a personnel matter was discussed concerning Police Sergeant promotion, the Board requested a confidential legal opinion of the Township Solicitor regarding ATV Ordinance, also discussed was a threat of litigation by a property owner at 851 Bethel Church Road, a potential acquisition of real estate and an update on the litigation concerning 515 Kulp Road artesian well.

1. ORDINANCES

Ordinance 2021-251 – “Miscellaneous Amendments to Subdivision and Land Development and Zoning Ordinances”

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 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), to Delete Paragraphs F and G and all Subparagraphs in their Entirety and Replace with New Paragraphs F and G and New Subparagraphs; to Amend Section 304, Subsection, Subsection 1, Paragraph H by Deleting the Existing Paragraph H in its Entirety and Replacing with a New Paragraph H; 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 and to Further Amend Chapter 22 (Subdivision and Land Development), Part 3 (Plan Processing and Content), §22-304 (Preliminary Plans Submission, Resubmission, Review and Content), Subsection 3 (Content), Paragraph B (Drafting Standards), Subparagraph (8) to Delete the Minimum Font Size of Ten and Replace it with a Minimum Font Size of 0.07 Inches in Height; and to Amend Chapter 22 (Subdivision and Land Development), Part 3 (Plan Processing and Content), §22-305 (Final Plan Submission, Resubmission, Review and Content), Paragraph B (Site Design, Layout Standards and Content), Subparagraph (1), Subsection (H), by Deleting the Reference to Minimum Font Size of 10 and Replacing it with a Minimum Font Size of 0.07 Inches in Height.

Mr. Duffy made a motion to approve Ordinance 2021-251 “Miscellaneous Amendments to Subdivision and Land Development and Zoning Ordinances”. Mr. Moyer seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

2. SOLICITOR’S REPORT

Mr. Hosterman stated a Zoning Hearing Board application from Ellis Woods Development LLC (Coventry Chase Townhomes) for the property at 245 Ellis Woods Road came in today and the desire is for the Zoning Hearing Board to schedule this hearing before the next Board of Supervisors meeting. A motion would need to be made to amend and add this to the agenda to discuss. Mr. Rinehart made a motion to amend the agenda to add the Zoning Hearing Board application from Ellis Woods Development LLC. Mr. Moyer 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 October 11, 2021 meeting minutes. Mrs. Nocella seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

4. PUBLIC COMMENT

John Kern, Constituent Advocate for U.S. Representative Chrissy Houlahan, gave some background information on Chrissy Houlahan and stated she is in her 2nd term as a member of the House of Representatives. She has three committee assignments: Armed Services, Foreign Affairs and Small Business. Their offices in West Chester and Reading are open and available to the Board and constituents for any questions about legislation or questions about constituent services.

Missy King, 10 Eleanor Drive, stated the Board of Supervisors are in receipt of a letter from the Spring City Library asking for an increase to their annual library contribution. The Spring City Library serves many people in the Township and they would like the Board of Supervisors to consider increasing their contribution.

Linda Ottaviano, 2364 New Schuylkill Road, asked what was going on in the parking lot at the trail on Linfield Road. Mr. Kolb stated the County had an infiltration pit put into the parking lot for the Schuylkill River Trail to help with water issues.

Walter Woessner, 164 Schoolhouse Road, thanked the recent candidates in the election for not cluttering up the Township with paper.

5. REPORTS

Township Manager's Report

Consideration of Approval to Authorize Advertisement of the Draft 2022 Township Budget for Approval at the December 13, 2021 Meeting of the Board of Supervisors

Mr. Kraynik stated it would be advertised in the Pottstown Mercury that the draft budget is available for inspection. The draft budget will be available in the Township Building or on the Township's website for inspection. On December 13, 2021 the Board of Supervisors will be asked to adopt the budget. Mr. Rinehart made a motion to authorize advertising the Draft 2022 Township Budget. Mrs. Nocella seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

Consideration of Approval to Authorize Advertisement of the Appointment of Herbein & Company, Inc. as the Township Auditors for the Fiscal Year Ending December 31, 2021.

Mr. Kraynik stated Herbein & Company have done a good job for the Township. Mr. Moyer made a motion to approve authorizing advertisement of the appointment of Herbein & Company, Inc. as the Township Auditors for the Fiscal Year Ending December 31, 2021. Mr. Rinehart seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

Consideration of Approval of the Annual Cub Scouts, Pack 4, Wreaths Across America Ceremony on Saturday, December 18, 2021 from 11:30 am to 12:30 pm at Ellis Woods Revolutionary War Cemetery.

Mr. Moyer made a motion to approve the Wreaths Across America Ceremony at Ellis Woods Revolutionary War Cemetery on Saturday, December 18, 2021. Mr. Duffy seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

Consideration of Approval of a Lease for the Maack Property.

Mr. Kraynik stated the Maack Property Lease Bid Package was sent to some local farmers and the previous leasee. The Township received two (2) bids back, one was for a five year total of \$6,500 and the second was for \$31,806 which is the high bidder. The highest bidder was Warihay Farms and Harvesting. Mrs. Nocella stated the language in the lease says the Maack Property Lease should go to the most responsible bidder not the highest bidder. Mrs. Nocella feels the most responsible bidder is Mr. Kulp. Mr. Kraynik asked if the Board ever indicated they were unhappy with Warihay during the previous lease. Mr. Hosterman stated he was not asked to provide any notice previously to Warihay. It was stated the County Conservation District would be providing guidance on the farming of the property. Mr. Kraynik asked if we don't implement the Conservation Plan will the County want their grant money back and how will this affect Mr. Tietjen's property with the water run off issues. Mr. Kolb suggested they reject both bids and have it mowed and don't let anyone farm it. A discussion ensued. Mr. Moyer made a motion to table the lease of the Maack Property until more information can be obtained. Mr. Duffy seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0. Mr. Kraynik will contact the County Conservation District.

Consideration of Approval for Demolition Permit 21-166 for a Barn at 231 Baptist Church Road.

Mr. Kraynik stated demolition of this barn has been recommended by the Township Zoning Officer and Inspector and it has also been recommended for demolition by the Historical Commission. Mr. Kolb made a motion to approve Demolition Permit 21-166 for a Barn at 231 Baptist Church Road. Mr. Rinehart seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

Consideration of Approval of the Installation of Security Cameras at Fricks Lock for \$4,775 by ADT.

Mr. Kraynik stated the cost is actually \$5,775 because they added a third camera. Mr. Duffy made a motion to approve the Installation of Security Cameras at Fricks Lock for \$5,775 by ADT. Mr. Rinehart seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

Consideration of Approval of the Purchase of a Replacement Prisoner Cell Toilet for \$2,591.99.

Mr. Kraynik stated the prisoner cell toilet hasn't worked right for a while and needs to be replaced. Mr. Rinehart made a motion to approve the purchase of a Replacement Prisoner Cell Toilet for \$2,591.99.

Mr. Duffy seconded the motion. Mr. Kolb called for a vote and the motion carried 4-1-0, Mr. Moyer voted no.

Consideration to Approve Advertising for Sale of a 2015 Dodge Charger.

Mr. Krainik stated they would like to advertise for sale the 2015 Dodge Charger (police cruiser). Mr. Rinehart made a motion to advertise the 2015 Dodge Charger for sale. Mr. Moyer seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

Consideration of Awarding a Contract for a Mandatory Sewer Connection.

Mr. Krainik stated there are two properties that need to hook up to public sewer. One property has already pulled a permit and the second property does not have the funds available so the Township will be taking care of the connection and will put a lien on the property. Mr. Flaharty stated he is still waiting for quotes at this time and hopes to have the information he needs for the next Board of Supervisors meeting.

Consideration of Application for Special Fire Police Services:

- Retro Approve – Red Corner Benefit, October 16, 2021, 11:00 am to 10:00 pm.

Mr. Moyer made a motion to approve the Special Fire Police application. 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 nothing to report at this time. Mr. Moyer made a motion to accept the Township Engineer's Report. Mrs. Nocella 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. Mr. Moyer seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

Mr. Moyer stated that in regards to Chrissy Houlahan, she has a 100% voting record in Congress that equals that of Nancy Pelosi.

6. SUBDIVISIONS AND LAND DEVELOPMENT

Resolution 2021-17

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 Artisan Construction Group, LLC for the Property Located at 245 Ellis Woods Road in East Coventry Township.

John Iannozzi, representing Artisan Construction Group, LLC, stated they will do a presentation of the project. Patrick Stewart, Land Planner/Landscape Architect, gave an overall presentation of the project at 245 Ellis Woods Road in regards to the open space and amenities (dog park, trails, sitting area and fire pit). It was also stated that the residents didn't want big stormwater basins so they spread them out which is why they need a variance for the net lot area. They also didn't want the trails close to the property line and didn't want the emergency access. In turn, they moved the trails in and removed the emergency access which meant they needed to move the units in further to accommodate for emergency vehicles. Mr. Iannozzi explained why they need the zoning variance relief and that the Planning Commission gave them a letter of support for the Zoning Hearing Board. He then asked the Board of Supervisors for a similar letter of support to take to the Zoning Hearing Board. A discussion ensued. Mrs. Nocella asked about the stormwater basins. Vic Kelly stated they will be like rain gardens and that there will only be one basin with a split rail fence with wire mesh. Chief Mossman asked about the emergency access. It was stated there is one way in and one way out. Originally there was an emergency access but it was requested by a neighbor to remove it. Vic Kelly stated he met with the Fire Marshall and Mr. Kolb and instead of the emergency access, they now have the plans showing

about 40 feet of access from Ellis Woods Road into the first intersection in the development and that by moving the units this will give more access for trucks in case of an emergency. Missy King, 10 Eleanor Drive, asked about parking. Mr. Kelly stated there will be plenty of parking. He stated there are 112 units, and each unit will have a 2-car garage with the ability to park two (2) cars in front of the garage doors and two (2) cars behind them along with 84 off-site parking spots. There is no parking allowed on the street. It was stated they will be working with Mr. Hosterman to ensure that the trails can be used by everyone. Robert Gilleland, 45 Robins Nest Lane, stated he feels like this development is de-ja-vu to when his development was done 16 years ago. He stated the no parking signs don't work and they have one point of entry into their development. A discussion ensued. Mr. Iannozzi stated there will be no parking signs and it will be stated in the HOA declarations. Mr. Gilleland stated he does not have an HOA. Mr. Iannozzi stated the HOA for this new development will be enforcing no parking on the street.

Application No. 282 – 245 Ellis Woods Road – Ellis Woods Development LLC

For Informational Purposes. The Date and Time of the Zoning Hearing Board meeting is To be Determined. Application for Variance to Permit the Plans for the Project Not to Net Out the Proposed Stormwater Management Basins, BMPs, and the Twenty Foot Border Easements Around the Same from the Net Lot Area Calculations for the Property. Mr. Kolb made a motion to have Mr. Hosterman write a letter of support from the Board of Supervisors to the Zoning Hearing Board. Mrs. Nocella seconded the motion. Mr. Kolb called for a vote and the motion carried 4-1-0, Mr. Moyer voted no.

A question was asked about the houses, and it was stated they will be between 2200 to 2700 square feet, 2 car garage, 2 floors, might have some with walk-out basements.

Mr. Kolb made a motion to approve Resolution 2021-17. Mrs. Nocella seconded the motion. Mr. Kolb called for a vote and the motion carried 4-1-0, Mr. Moyer voted no.

7. ZONING HEARING BOARD APPLICATIONS

Application No. 281 – 30 Hershey Drive – Owen and Kristen Geiger

For Informational Purposes. The Date and Time of the Zoning Hearing Board meeting is To be Determined. Application for Variance from the terms of the Zoning Ordinance to Convert the Existing Garage into Additional Living Space and Construction of a New Three (3) Car Garage. Mr. Kolb made a motion to take no action. Mr. Moyer seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

8. OTHER BUSINESS

Consideration of Approval of Promotion of an East Coventry Township Officer to Sergeant Position.

Mr. Moyer made a motion to add to the agenda Consideration of Approval of Promotion of an East Coventry Township Officer to Sergeant Position. Mr. Duffy seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

There were three (3) candidates for the Sergeant position. Interviews were conducted and it was the Chief's recommendation that Taylor Ashburn be promoted to Sergeant. Mr. Moyer made a motion to promote Taylor Ashburn to Sergeant. Mrs. Nocella seconded the motion. Mr. Kolb called for a vote and the motion carried 4-1-0, Mr. Kolb voted no. Mr. Kraynik stated he will put Taylor Ashburn on the December agenda to be sworn in. Mr. Kolb wanted it noted that he has nothing against Taylor Ashburn but that he doesn't agree with the changes that were made to the process.

Roger Kolb, 768 Ebelhare Road, stated he doesn't understand how two 20-year veterans can be overlooked. He feels this will hurt morale. Mr. Moyer stated they did not discriminate and that there were three Chief's (two from Montgomery County and one from Chester County) that interviewed the candidates and graded them. Mr. Moyer stated the promotion can't be based on seniority alone. Mr. Roger Kolb stated he has lived in this Township for 60 years and has never seen employees with seniority overlooked.

Consideration of Approval of the Proposal to Resurface the Stone Wall on the Maack Property with the Rock the Wall Funds.

Mrs. Nocella stated she was only able to get two (2) proposals to resurface the stone wall. Mr. Kraynik stated Mrs. Nocella made a valid attempt to get three (3) proposals and that the Board can act on these two (2) proposals. Mr. Kolb stated Jeremiah Wright did a good job on the sign out front and his proposal is very detailed. Mr. Kolb also stated the trees have already been cleared by the wall. Mrs. Nocella made a motion to approve the proposal from Jeremiah Wright for \$13,500 for a 50-foot section. Mr. Moyer seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

9. EXONERATIONS

Mr. Duffy made a motion to approve the Exonerations. Mr. Moyer 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	\$	300,736.87
Benefit Escrow		-
Open Space		46,180.24
Sewer Operating Fund		4,267.65
Sewer Capital Fund		2,500.00
Traffic Impact Fee Fund		7,532.38
Capital Reserve		-
Highway State Aid Fund		6,226.26
TD Escrow		38,942.33
Totals	\$	<u>406,385.73</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 8:24 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