

**DRAFT MINUTES OF THE  
EAST COVENTRY TOWNSHIP  
BOARD OF SUPERVISORS  
MEETING HELD NOVEMBER 14, 2022**

The Board of Supervisors held its regular monthly meeting on Monday, November 14, 2022. The following Supervisors were in attendance for the meeting: W. Atlee Rinehart, Karen Nocella, Ray Kolb, Anthony Duffy and Michael Albert Moyer. Also in attendance were David G. Kraynik, Township Manager, and Mark Hosterman, Township Solicitor.

Mr. Rinehart called the meeting to order at 7:00 pm. The pledge of allegiance was recited.

**Swearing in of Police Officer Richard Eppleman.**

Mr. Hosterman said the Board of Supervisors met at executive session this evening to discuss two matters concerning a transfer of interest in real estate, discussion relating to 515 Kulp Road artesian well litigation, continued discussion of resident's threat of litigation related to complaints against the East Coventry Township Police Department and potential litigation regarding the Spring City Acres matter.

**1. ORDINANCES**

Ordinance 2022-256 – “Brush, Weeds, Grass and Dumping Amendments”

Public Hearing and Consideration of Approval of an Ordinance Amending the Codified Ordinances of East Coventry Township, to Amend Chapter 10 (Health and Safety), Part 5 (Brush, Weeds and Grass) by Deleting the Title in its Entirety and Replacing with a New Title to Include Dumping Regulations; to Amend Section 501 (Declaration of Nuisance) to Add New Subsection 3 (Establishing the Dumping of Various Debris as a Nuisance and Expressing the Township's Goal of Protecting Trees which have Naturally Fallen in a Forest or Woodland; to Amend Section 501 (Declaration of Nuisance), Subsection 1 and Section 502 (Height Restrictions; Exceptions; Noxious Vegetation Prohibited; Grass Clippings) to Specify the Exception of Perennial Plants from References to Vegetation; to Amend Section 502 (Height Restrictions); Exceptions; Noxious Vegetation Prohibited; Grass Clippings) to Establish the Types of Land and Uses Exempt from the Established Height Restrictions, to Provide Conditions for Exempted Land Uses to Remain Exempt, to Add New Paragraph Exempting Managed Meadows from the Established Height Restriction and to Prohibit the Dumping of Debris within Twelve (12) Feet of any Neighboring Property Line; and to Amend Chapter 22 (Subdivision and Land Development), Part 2 (Definitions), Section 202 (Definitions) and Chapter 27 (Zoning), Part 2 (Definitions), Section 202 (Definitions) to Add a New Definition for “Managed Meadow”, to Amend Chapter 22 (Subdivision and Land Development), Appendix 22-D to Incorporate Requirements for Managed Meadows. Mr. Hosterman reviewed the Ordinance.

Mrs. Nocella made a motion to adopt Ordinance 2022-256 “Brush, Weeds, Grass and Dumping Amendments”. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Mr. Hosterman stated the Stormwater Management Ordinance was 2022-257 and that Intergovernmental Cooperative Implementation Agreement Ordinance should be numbered as 2022-258.

Ordinance No. 2022-258 – “Intergovernmental Cooperative Implementation Agreement”

Consideration to Authorize Advertising an Ordinance Adopting, Approving and Authorizing the Entry of Washington Township into the Intergovernmental Cooperative Implementation Agreement for the Pottstown Area Regional Recreational Committee. Mr. Hosterman reviewed the Ordinance. Mr. Rinehart made a motion to authorize advertising Ordinance 2022-258. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

**2. SOLICITOR’S REPORT**

Consideration of Approval of an 18-Month Maintenance Agreement for Whispering Woods Improvements Dedicated to the Township

Mr. Hosterman reviewed the maintenance agreement. Mr. Kolb said Spiece Road should be added, which Mr. Hosterman said that will be added.

Resolution 2022-19 – A Resolution Accepting Dedication of Portions of the Ultimate Right-of-Way along Old Schuylkill Road, Ultimate Right-of-Way for Wil-Be Drive, and Ultimate Right-of-Way Along Ellis Woods Road.

Mr. Kolb made a motion to approve the 18-Month Maintenance Agreement for Whispering Woods as corrected. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-1 with Mr. Rinehart abstaining.

Mrs. Nocella made a motion to approve Resolution 2022-19. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-1 with Mr. Rinehart abstaining. Mr. Rinehart stated he shouldn’t have abstained from the maintenance agreement.

Mr. Hosterman stated he would like to add another item. They are in receipt of complaints against the East Coventry Township Police Department. They were first requested to be investigated by the County. The County Detective have decided not to investigate them. The Board might want to consider amending the agenda tonight to appoint an independent investigator to investigate the complaints. Mr. Rinehart made a motion to amend the agenda to include appointing an independent investigator to investigate the complaints against the East Coventry Township Police Department. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Mr. Hosterman stated they are looking for a motion to authorize Intercounty Investigations to perform the investigation. Mr. Rinehart made a motion to authorize Intercounty Investigations to perform the investigation. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-1-0, Mr. Moyer voted no.

### **3. MINUTES**

Consideration of approval of the minutes of the October 10, 2022 meeting. Mr. Rinehart asked for clarification from the minutes regarding Resolution 2022-18 for 281 Sawmill Road and when they would hook up to public sewer. Mr. Hosterman stated that when the first lot is sold, they will then fund the improvements escrow and begin the sewer extension for both lots. Mr. Moyer made a motion to approve the minutes of October 10, 2022. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Consideration of approval of the minutes of the October 24, 2022 meeting. Mr. Moyer made a motion to approve the minutes of October 24 2022. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

### **4. PUBLIC COMMENT**

Missy King, 10 Eleanor Drive, would like to thank the Township for their generous donation to the Spring City Library each year. She would like to request an increase in the donation by \$2,500 which would be a total donation of \$10,000.

Dorene Pasekoff, President of East Coventry Advocacy, has sent emails to the Township regarding the October 24, 2022 meeting. To preserve the water resources in East Coventry, East Coventry Advocacy has asked the East Coventry Township to take the following action: hire professional engineer to review the areas where the FPR can be sprayed on the properties owned by Nolt Trucking, Spring City Acres based on accurate watershed maps and the DEP manual. The Supervisors had asked their attorney for the names of some professional engineering firms and the Township had received those names and they are asking for the Board of Supervisors to amend the agenda to consider an engineering firm. Mr. Hosterman stated he did receive an email from Kristen Pionzio and Bill Rourke giving him one name of a professional engineer. Mr. Hosterman then corresponded via email and asked about his experience with that FPR facilities and FPR land application and was told he didn't have any previous experience with that. Mr. Hosterman stated that regarding mapping and distances from facilities, water courses, wells and things of that nature, the Township Engineer can measure those distance when the maps are accurate. Ms. Pasekoff asked why the Township Engineer wasn't asked to do this before. A discussion ensued. Mr. Hosterman said the Township Engineer will need to know the purpose before a motion is made. Ms. Pasekoff said in her email they want to know based on the watershed maps, compare the green valley map to the DEP manual and show on the property at 851 Bethel Church and the property on Ebelhare Road where the FPR can be applied and where it cannot. It is her understanding that the map Nolt Trucking showed did not match the watershed maps and that they are showing

that they are draining into Stony Creek and other areas of wetlands. She said they need the Engineer to look at it to say whether or not it is true and it is also in the DEP manual that Nolt Trucking is supposed to mark the property where they can and cannot apply the FPR and as long as they do that and follow the rules then they are legal. If they apply the FPR in areas outside then they are in violation. Mr. Kolb is asking why DEP isn't regulating this situation. Ms. Pasekoff said DEP only regulates after a problem happens and they are trying to prevent a problem. Mr. Kolb suggested they forward Ms. Pasekoff's email to Mr. Flaharty. Mr. Hosterman said they don't have the Green Valley maps yet. Ms. Pasekoff said you should be able to get the maps and can also contact the Chester County Conservation District. Her suggestion is to use the Green Valley map. A discussion ensued. Mr. Moyer made a motion to have Ms. Pasekoff's November 6, 2022 email forwarded to the Township Engineer. Mr. Kolb seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

The second item is she had sent them two emails regarding the Well Protection Act which enforces the DEP regulations. This would allow someone at the Township to enforce the DEP regulations. Mr. Rinehart stated it is under consideration.

The third item is that many people told them at the last meeting at the fire hall many people were not able to come to that meeting. She is asking the Board of Supervisors to consider live streaming their meetings. Mr. Rinehart stated they will consider their request.

Liz Willow, Ellis Woods Road, the Green Valley Watershed Protection Association is a long-standing advocate for water resources. They use facts when they present things to you and have been at this since the 70's. Their main consideration are the creeks (Pigeon Creek and Stony Run). They work hard to protect the watersheds.

A resident who lives near the intersection of Bethel Church & Ellis Woods Road, wants to know why the Township Engineer didn't map out the areas for the FPR. Mr. Moyer said the Township Engineer wasn't specifically asked to map things out. Mr. Hosterman said he believes there isn't any requirement for the Township Engineer to review their mapping for accuracy.

A resident stated she felt that there should be new Ordinance in place in the Township for FPR practices.

A resident is concerned about the trucks going in and out and what they are doing. She is worried about her well getting contaminated and feels something needs to be done to protect the residents.

Nancy Dempsey, Do Jan Drive, did some research and she said there could be other waste involved, such as chicken and human waste. She said there is a concern of lack of due diligence to research what they came to get approved. Because of the well concerns and the trucks going in and out and what they could possibly be dumping that could contaminate wells, the Township should request Nolt Trucking to have a million-dollar umbrella insurance policy listing the residents of East Coventry Township and East Vincent Township within their proximity as additional insured. She feels there is a potential problem going on and the DEP will not get involved until there is well contamination.

Cathy Jamieson, Saylor's Mill Road, wants to know what the Township Engineering's firm competency level is in comparing watershed maps vs. finding an engineer who does this kind of work. Mr. Kolb said they will speak with the Township Engineer to find out if this scope of work is in his level of expertise. She is asking the Board to consider the well water protection act.

Erin Quinn, Baptist Church Road, said that two engineering firms were recommended. She feels that the Township is stalling and not listening to them.

Chad Westfall, Sawmill Road, asked about 281 Sawmill Road and how many lots are being subdivided. It was stated it is a 2-lot subdivision.

John Kieffer, Creamery Road, asked if the Township is being sued by Nolt Trucking. Mr. Hosterman said a suit has not been filed but they have threatened litigation. It was asked if the Township will seek outside legal representation and Mr. Hosterman said they will make that determination if a suit is filed.

It was asked if Nolt Trucking was approached about conserving the property as open space. Mrs. Nocella said when the property was originally owned by the Kolb's (Sally Kolb) she wanted conservation easements on all the parcels, and they had appraisals done on all the parcels but when Sally Kolb looked at the appraisals, she decided not to do it. Mrs. Nocella said the Open Space Committee sends letters out to property owners (10 acres and above) about the conservation easement program. A discussion ensued.

A resident made a comment that the Township should use an outside professional Engineer instead of using Brady Flaharty who is the Township Engineer and has been for a number of years.

Mr. Rinehart thanked everyone and stated they will take everyone's comments into consideration to resolve the issue.

Mr. Moyer made a motion to take a brief 10-minute break. Mr. Rinehart asked if that was okay with everyone and said they would take a 10-minute break.

Mr. Moyer made a motion in regards to the Well Protection Act, to authorize the Solicitor review the Ordinances from Shrewsbury and Kutztown to draft an Ordinance for consideration by the Board of Supervisors. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

## 5. REPORTS

### Township Manager Report

#### Consideration of Approval to Authorize Advertisement of the Draft 2023 Township Budget for Approval at the December 12, 2022 Meeting of the Board of Supervisors

Mr. Kraynik asked the Board's approval to authorize advertisement of the draft 2023 Township Budget. Mr. Rinehart made a motion to authorize advertisement of the draft 2023 Township Budget. Mr. Moyer seconded the motion. Mr. Rinehart 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, 2022

Mr. Rinehart made a motion to authorize advertisement of the appointment of Herbein & Company, Inc. as Township Auditors for the fiscal year ending December 31, 2022. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

#### Consideration of Approval of Use of the Ellis Woods Revolutionary Cemetery for the Wreaths Across America Ceremony on December 17, 2022 from 11:30 am to 1:00 pm

Mr. Moyer made a motion to approve the use of Ellis Woods Revolutionary Cemetery for the Wreaths Across American Ceremony on December 17, 2022. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

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

- Retroactive – North Coventry Police 5-K, North Coventry Elementary School, October 22, 2022. Mr. Moyer made a motion to retroactively approve the special fire police request for the North Coventry Police 5-K. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

#### Consideration of Township Engineer Report

- Consideration of Approving a Request for Acceptance of Offer of Dedication/Construction Escrow Release No. 4 (Final) for Whispering Woods. The final escrow amount is \$817,236.32. Mr. Kolb made a motion to authorize release of the escrow amount for Whispering Woods. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-1, Mr. Rinehart abstained.
- Consideration of Approval of a Waiver Request of the Stormwater Management Ordinance, 2428 E. Cedarville Road, Drainage Permit DRA 22-09. The applicant has

requested two waivers. Mr. Duffy made a motion to approve the waiver request for Drainage Permit DRA 22-09. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

- Consideration of Approval of a Waiver Request of the Stormwater Management Ordinance, 2359 E. Cedarville Road, Drainage Permit DRA 22-10. Mrs. Nocella made a motion to approve the waiver request for Drainage Permit DRA 22-10. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Consideration of approving reports from various departments and committees. Mr. Duffy made a motion to approve the reports from various departments and committees. Mr. Kolb seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

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

**Resolution 2022-20** – A Resolution Granting Conditional Approval of a Preliminary Major Subdivision and Land Development Plan Submitted for 527 Bethel Church Road. Mr. Hosterman reviewed the Resolution and asked the applicant's engineer to give a brief presentation. Adam Brower, applicant's engineer, said this is a 6-lot subdivision which includes an existing house and five (5) new homes in a cul-de-sac. Mr. Hosterman reviewed the waivers which have been recommended for approval by the East Coventry Township Planning Commission. They will have a homeowner's association. Mr. Kolb made a motion to approve Resolution 2022-20. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

**Resolution 2022-21** – A Resolution Granting Conditional Approval of a Preliminary Major Land Development Plan for 1730 New Schuylkill Road. Mr. Hosterman reviewed the Resolution. John Anderson, applicant's engineer, gave a brief presentation. This is an existing building. There will be 12 parking spaces paved and utilize the existing gravel area (reducing the size of the gravel area) for 12 additional parking spaces and a paved handicapped space. Mr. Hosterman reviewed the waivers which have been recommended for approval by the East Coventry Township Planning Commission. Mr. Moyer made a motion to approve Resolution 2022-21. Mr. Kolb seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

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

### **Application No. 291 – 1600 Old Schuylkill Road**

For Informational Purposes. The Date and Time of the Zoning Hearing Board meeting is December 6, 2022, at 6:30 pm. Application for a variance to permit the construction of a detached garage which cannot be located within the side or rear yards. The Board of Supervisors will take no action.

Application No. 284 – 151 & 155 Kolb Road (Kolb Farm Store)

For Informational Purposes. The Date and Time of the Zoning Hearing Board meeting has yet to be scheduled. Application for a Substantive Challenge to the Validity of the Zoning Ordinance, an Appeal from the Determination of the Zoning Officer Regarding the Premises, and an Application for a Variance from the Terms of the Ordinance. Mr. Kraynik said the Solicitor received an email asking for this application to be deferred at this time. Mr. Hosterman said they will be at the Board of Supervisors meeting possibly next month or so to give a presentation.

**8. OTHER BUSINESS**

Consideration of approving a Resolution recognizing Connie Porter for 50 years of driving a school bus for Owen J. Roberts School District. Mr. Rinehart made a motion to approve the Resolution for Connie Porter. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Mr. Hosterman said over the past couple of months they have had discussions in executive session over personnel issues in the Township. The Board of Supervisors have had to carefully consider a few personnel issues. The particulars on all personnel matters are highly confidential and are protected under the Pennsylvania Sunshine Act from public disclosure as such the particulars of these personnel items will not be discussed at this public meeting. Additionally, the Supervisors are bound by confidentiality from discussing personnel matters outside of the meeting. The personnel issues being considered at this meeting involve the Township Manager position and consideration of changing Township Managers. In order to move forward with consideration of the position of Township Manager and a potential change in manager, he is recommending a motion to amend the agenda to include the following: 1) Consideration of a Confidential Severance Agreement and General Release between David Kraynik and East Coventry Township effective tonight at midnight; 2) Consideration of an at-will employment agreement for Township Manager between East Coventry Township and Eugene Briggs with an effective date of December 13, 2022; and 3) Consideration of the engagement letter from James Wendelgass for the temporary appointment as Interim Township Manager to fulfill the duties of Manager, Secretary, Treasurer and Open Records Officer from November 15<sup>th</sup> to December 12<sup>th</sup>, 2022.

Mr. Rinehart made a motion to amend the agenda to include the three items regarding the Township Manager position that Mr. Hosterman stated. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 3-2-0, Mr. Moyer and Mr. Duffy voting no.



Consideration of Approval of Confidential Severance Agreement and General Release between David Kraynik and East Coventry Township effective midnight on Monday November 14, 2022

Mr. Rinehart made the motion to approve the Confidential Severance Agreement and General Release between David Kraynik and East Coventry Township effective midnight on Monday, November 14, 2022. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 3-2-0, Mr. Moyer and Mr. Duffy voting no.

Howard Sacks objected to Mr. Kolb voting on this issue. Mr. Hosterman said that Mr. Kolb does not have a conflict of interest under the public officials and ethics act.

Consideration of Approval of At-Will Employment Agreement for Township Manager between East Coventry Township and Eugene Briggs with an Effective Date of December 13, 2022

Mrs. Nocella made a motion to approve the At-Will Employment Agreement for Township Manager between East Coventry Township and Eugene Briggs, effective December 13, 2022. Mr. Rinehart seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Consideration of Approval of Engagement Letter from James Wendelgass for the Temporary Appointment as Interim Township Manager to Fulfill the Duties of Manager, Secretary, Treasurer and Open Records Officer from November 15, 2022 to December 12, 2022

Mr. Rinehart made a motion to approve the engagement letter from James Wendelgass for the temporary appointment of Interim Township Manager from November 15<sup>th</sup> to December 12<sup>th</sup>, 2022. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

**9. EXONERATIONS**

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

**10. PAYMENT OF BILLS**

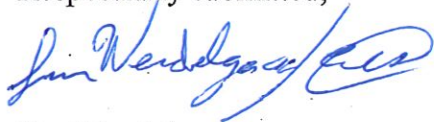
Mr. Duffy made a motion to pay the bills. Mr. Kolb seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

<u>Fund Name</u>		<u>Amount to Pay</u>
General Fund	\$	524,030.80
Benefit Escrow		-
Open Space		17,772.03
Sewer Operating Fund		33,638.95
Sewer Capital Fund		-
Traffic Impact Fee Fund		-
Capital Reserve		7,516.63
Highway State Aid Fund		14,553.86
TD Escrow		49,652.21
<b>Totals</b>	<b>\$</b>	<b><u>647,164.48</u></b>

**11. ADJOURNMENT**

Mr. Kolb made a motion to adjourn at 8:50 pm. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Respectfully submitted,



Jim Wendelgass  
Interim Township Manager