

**MINUTES OF THE
EAST COVENTRY TOWNSHIP
BOARD OF SUPERVISORS
MEETING HELD OCTOBER 11, 2021**
(Approved November 8, 2021)

The Board of Supervisors held its regular monthly meeting on Monday, October 11, 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 7:02 p.m. The pledge of allegiance was recited.

Mr. Hosterman stated an executive session was held this evening at 6:30 pm to discuss a personnel matter pertaining to Sergeant promotion, there was an information only item pertaining to the status of various mandatory sewer connections; an update on the artesian well litigation at 515 Kulp Road and an offering of a legal opinion of counsel to the Board of Supervisors.

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 stated the Planning Commission worked on this Ordinance for several months. The Board of Supervisors provided feedback and the Planning Commission reviewed that feedback with Supervisor Rinehart. The Planning Commission recommends adoption after changes were made from the meeting that Mr. Rinehart attended. Chester County Planning Commission made a few recommendations to consider and recommended adoption after considering those recommendations. The Ordinance has been dually advertised.

Mr. Rinehart made a motion to approve Ordinance 2021-250 “Amended and Restated Sign Ordinance”. Mrs. Nocella seconded the motion. Mr. Kolb called for a vote and the motion carried 4-1-0, with Mr. Moyer voting no.

Ordinance 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), 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. Hosterman reviewed and stated this Ordinance is to help streamline the process for minor subdivisions.

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

Ordinance 2021-254 – “Township Owned ATV Ordinance”

Consideration to Authorize Advertising an Ordinance Amending the Codified Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 15 (Motor Vehicles), Part 2 (Traffic Regulations) to Add New Section 15-212 (Township ATV Use Established) in Order to Allow the Use of Township-Owned ATVs on Township-Owned Roads for Officially Authorized Duties. Mr. Hosterman reviewed. Mr. Moyer recommended adding to the Ordinance “and Emergency Use”. Mr. Duffy made a motion to authorize advertising Ordinance 251 “Township Owned ATV Ordinance” with the change recommended by Mr. Moyer. Mrs. Nocella seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

Art Kulp, Harvey Lane, asked about ATVs on the road for farm use. After some discussion, Mr. Hosterman stated no ATVs are officially allowed on the roads except for limited purposes which is to utilize bridges or to make a crossing of a road. Driving along the road with traffic is prohibited unless it is designated by either the State for a State road or by the local Municipality for a local road as an ATV road. As far as Mr. Hosterman knows ATVs for farm use are not allowed on public roads, farm equipment is but not ATVs.

2. SOLICITOR’S REPORT

Public Hearing and Consideration of Approval of Resolution 2021-14 Accepting the Recommendations of the East Coventry Township Agricultural Security Area Advisory Committee Upon Conducting a Seven (7) Year Review as Authorized by the Agricultural Area Security Law, Act of June 30, 1981, P.L. 128 No. 43 Section 2 as Amended and Hereby Accepting and Approving the Additions and Deletions to the Agricultural Security Area of East Coventry Township as more Specifically Set Forth Herein. Mr. Hosterman reviewed. Alesia Snyder, 78 Linwood Circle, asked about her property being removed from the Agricultural Security Area. Mr. Hosterman stated what the benefits are for being in the Agricultural Security Area, which are that it helps property owners who use their property for agricultural purposes to have a defense in case of zoning violations and nuisance violations. Mr. Kraynik gave some clarification as to why her property has been removed, which is due to the fact that she has less than 10 acres and that she does not have \$2,000 annually of agricultural income. Nancy Elliott-Carter and her brother were there to represent their father, Ronald Elliott, to verify that his property is still in the Agricultural Security Area. Mr. Kraynik stated that yes, Mr. Elliott has 36.10 acres that are in the Agricultural Security Area.

Mrs. Nocella made a motion to approve Resolution 2021-14. 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 September 13, 2021 meeting minutes. Mrs. Nocella seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

4. PUBLIC COMMENT

Walter Woessner, 164 Schoolhouse Road, asked what the status is of the dead tree removal at Whispering Woods. Mr. Hosterman stated a letter has been sent to the developer asking them to move forward with removing the dead trees.

Mrs. Nocella stated they have a proposal to resurface the stone wall from the Rock the Wall money. Before they discuss this further, Mr. Kolb made a motion to add this subject to the agenda. Mr. Moyer seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

Mrs. Nocella stated the proposal they have to resurface the stone wall is for \$15,000 and they can potentially start the work in November. Mr. Kraynik stated because of the cost, Mrs. Nocella will need to obtain two (2) more quotes before the Board of Supervisors can vote to accept a proposal. Larry Tietjen, 131 Maack Road, asked if they can limit the bidding to someone who specializes in historic preservation. Mr. Kraynik suggested Mrs. Nocella get quotes from similar type of contractors who have experience in historic preservation. Mrs. Nocella will work on getting additional quotes and will come back to the Board of Supervisors.

Mrs. Nocella stated the Parks and Recreation Committee will hold a Fall Festival at Ellis Woods Park on October 30, 2021 from 12-3 pm.

5. **REPORTS**

Township Manager's Report

Review of the 2022 Proposed East Coventry Township Budget

Mr. Kraynik stated the draft budget will be delivered to the Board of Supervisors later this week. On November 8, 2021 he will ask the Board of Supervisors to authorize advertising in the Pottstown Mercury. After the Board of Supervisors authorize advertising, the budget will then be available on the Township's website and in the office. On December 13, 2021 the Board of Supervisors will be asked to adopt the budget. Mr. Kraynik stated there is no reason to anticipate a tax increase at this time.

Consideration of Ratification of a Collective Bargaining Agreement with the Police Association for 2022 through 2025

Mr. Kraynik reviewed the fourteen terms and conditions for the Police contract. Mr. Kraynik thanked everyone involved for a smooth agreement process. Mr. Moyer made a motion to Ratify the Collective Bargaining Agreement with the Police Association for 2022 through 2025. Mr. Duffy seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

Consideration of Adoption of a Fund Balance Policy

Mr. Kraynik stated this was recommended by Mike Wolf, the Bond Underwriter. The Fund Balance Policy means the Township must maintain a minimum fund balance in the general fund equal to 10% of all general operating expenditures. Mr. Moyer made a motion to adopt the Fund Balance Policy. Mrs. Nocella seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

Consideration of Appointment of Doug Kapp to the Board of Auditors

Mr. Kraynik stated Sally Kolb who was on the Board of Auditors has moved out of the Township so he is recommending Doug Kapp to fulfill Sally Kolb's term. Mr. Duffy made a motion to appoint Doug Kapp to the Board of Auditors to fulfill the unexpired term of Sally Kolb. Mr. Rinehart seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

Consideration of Approving Friday, December 31, 2021 as a Holiday for all Non-Uniformed Employees in Observance of New Year's Day on Saturday, January 1, 2022

Mr. Kraynik stated because New Year's Day falls on a Saturday the holiday is then observed the day before. Mr. Rinehart made a motion to approve recognizing Friday, December 31, 2021 as a Holiday for all Non-Uniformed Employees in Observance of Near Year's Day. Mrs. Nocella seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

Consideration of a Resolution 2021-16 Authorizing a Grant Application to the 2021 PECO Green Region Open Space Grant Program

Mr. Kraynik stated this is for a grant application to put signage up around the trail at the elementary school. Mr. Duffy made a motion to approve Resolution 2021-16. Mrs. Nocella 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 Music Parents Organization, Annual Cavalcade of Bands, Saturday, October 2, 2021, 3:00 pm to 10:00 pm.
- Retro Approve – Norco Fire Company/NCPD, 5K Run at North Coventry Elementary School, Saturday, October 9, 2021 at 8:15 am.
- North Coventry Fire Police, Norco Fire Company, 5K Run, October 23, 2021, 7:00 am to 9:30 am.
- OJR Best Buddies, Owen J. Roberts Stadium, 5K Run, November 6, 2021, 8:30 am to 12:30 pm.

Mr. Rinehart made a motion to approve all four of the Special Fire Police applications. Mr. Duffy seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

Township Engineer's Report

Mr. Flaharty stated the County is in the process of updating the County wide Stormwater Management Model Ordinance. The changes will need to be adopted by all municipalities by September 30, 2022.

Mr. Flaharty stated on August 9th the Board of Supervisors granted conditional final plan approval for the applicant, R&S Land Development. One of the conditions is to get approval of their sewage facilities planning module. The applicant has submitted the module, Mr. Flaharty has reviewed it and the applicant has acquired all the necessary signatures. Mr. Flaharty is recommending the Board of Supervisors adopt the Resolution. Mrs. Nocella made a motion to adopt Resolution 2021-15 for Plan Revision for New Land Development and authorize the Township Secretary to sign the Resolution, Transmittal Letter, Mailer Checklist, Section Q of Component 2 and Component 2 Checklist, and for the Township Seal to be affixed to Resolution 2021-15. Mr. Duffy seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

Mr. Kolb 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

No Subdivisions and Land Development brought before the Board.

7. ZONING HEARING BOARD APPLICATIONS

Application No. 279 – 583 Old Schuylkill Road – George Carter and Nancy Elliott-Carter

For Informational Purposes. The Date and Time of the Zoning Hearing Board meeting was September 16, 2021 at 6:30 pm (continued from August 30, 2021). Application for Variances from the terms of the Zoning Ordinance to Use the Property as an Outdoor Event Venue. **GRANTED WITH CONDITIONS ON 9/16/2021.**

8. OTHER BUSINESS

No Other Business brought before the Board.

9. EXONERATIONS

Mr. Moyer made a motion to approve the Exonerations. Mrs. Nocella 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	\$	495,774.06
Benefit Escrow		-
Open Space		117,325.32
Sewer Operating Fund		18,538.81
Sewer Capital Fund		-
Traffic Impact Fee Fund		5,230.77
Capital Reserve		6,317.88
Highway State Aid Fund		8,432.61
TD Escrow		-
Totals	\$	<u>651,619.45</u>

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

11. ADJOURNMENT

Mr. Duffy made a motion to adjourn the monthly meeting at 7:41 pm. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and the motion carried 5-0-0.

Respectfully submitted,

David G. Kraynik
Township Manager