

**MINUTES OF THE
EAST COVENTRY TOWNSHIP
BOARD OF SUPERVISORS
MEETING HELD OCTOBER 14, 2019**
(Approved November 11, 2019)

The Board of Supervisors held its regular monthly meeting on Monday, October 14, 2019. The following Supervisors were present for the meeting: W. Atlee Rinehart, Anthony Duffy, Ray Kolb, Karen Nocella and Michael Albert Moyer. Also present were David G. Krainik, Township Manager, Brady Flaharty, Township Engineer and Mark Hosterman, Township Solicitor.

Mr. W. Atlee Rinehart called the meeting to order at 7:04 p.m. and the pledge of allegiance was recited.

Mr. Hosterman stated that the Board of Supervisors met for an executive session which was held at 6:15 pm to discuss three potential acquisitions of interest in real estate, one being a trail license and two conservation easements. There was also legal opinion from counsel concerning enforcement of an Ordinance, and a legal opinion from counsel concerning an ongoing enforcement matter at 515 Kulp Road.

1. ORDINANCES

Ordinance No. 2019-235 – “Amendment re: Pool Setback Requirements”

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, to Amend Chapter 27 (Zoning), Part 13 (General and Supplemental Regulations and Design Standards), Section 27-1319 (Accessory Uses and Accessory Buildings), Subsection 1, Paragraph (4) to Change the Setback for Pools from 20 Feet to 10 Feet as Measured from the Outside Edge of the Permanent or Semi-Permanent Improvements Surrounding the Body of Water. Mr. Hosterman reviewed the proposed Ordinance. Mr. Hosterman stated this has been reviewed by Chester County Planning Commission and the East Coventry Township Planning Commission and both have recommended the Ordinance for adoption. The Ordinance has also been duly advertised. Mr. Hosterman asked if the Board of Supervisors has any questions and if the audience has any questions.

Vince Ottaviano, 875 Ebelhare Road, asked if this change in setback also covers garages, an accessory building. Mr. Hosterman stated this Ordinance is just for pool setbacks and does not include garages. Linda Ottaviano, 2364 New Schuylkill Road, asked if you have to ask for a waiver if you want to put a garage less than 20 feet. Mr. Hosterman stated you would need a variance if you want it less than what is required for a garage. There is a variance application fee. A discussion ensued.

Mr. Moyer made a motion to adopt Ordinance No. 2019-235 – “Amendments re: Pool Setback Requirements”. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Ordinance No. 2019-236 – “Amendment re: High Tunnel Facilities”

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, to Amend Chapter 9 (Grading and Excavating), Part 1 (Stormwater Management), Section 9-106 (Exemptions and Modified Requirements), Subsection 3 (Exemptions for Specific Activities), Paragraph E (Agricultural Related Activities) to Add a New Subparagraph (3) to Create an Exemption for Certain High Tunnel Facilities; and to Amend Chapter 9 (Grading and Excavating), Part 1 (Stormwater Management), Section 9-112 (Definitions), to Add a New Definition for “High Tunnel”. Mr. Hosterman reviewed the proposed Ordinance. Mr. Hosterman stated there are certain minimal requirements within Act 267 that had to be in the Township’s Ordinance and this is one of the

requirements that has to be in the Stormwater Management Ordinance. This can best be described as a pop-up greenhouse. The concern is to keep them at adequate distance from streams and waterways in order to help water quality within the Township. It was stated that for the record the floor of the High Tunnel Facility can be made of soil, crushed stone, matting, pavers or a floating concrete slab. Mr. Hosterman asked if the Board of Supervisors has any questions and if the audience has any questions

A motion was made by Mr. Kolb to adopt Ordinance 2019-236 – “Amendment re: High Tunnel Facilities”. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

2. SOLICITOR’S REPORT

Mr. Hosterman stated the Township issued a Notice of Violation for 515 Kulp Road for an artesian well that is causing some stormwater issues. At this time the property owner has asked the Board of Supervisors to enter into a Tolling Agreement while they work with a well drilling company that they hired in order to resolve this situation and stop the flow from the artesian well. The Notice of Violation is almost a year old. It is Mr. Hosterman’s recommendation is that the Township enter into a Tolling Agreement with the property owner so he cannot use as a defense that the Board of Supervisors have waited too long for taking action. The property owner has not signed the agreement yet, Mr. Hosterman would recommend that the Board of Supervisors wait to sign the agreement until the property owner has signed. Mrs. Nocella made a motion to authorize the Tolling Agreement with the property owner at 515 Kulp Road. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Mr. Hosterman stated he has had several discussions with the Township Manager regarding the Sign Ordinance. Right now, the Ordinance classifies signs under several various categories. There is a 2015 Supreme Court decision entitled “Reed vs. Town of Gilbert” which makes it illegal to classify signs under different categories. Most municipalities are redrafting their Sign Ordinance so that it is content neutral. Mr. Hosterman is asking for the Board of Supervisors to authorize the solicitor to begin redrafting the Sign Ordinance in order to comply with content neutral. The process will take place predominately with the Planning Commission as is typically with our zoning ordinances. Mr. Rinehart made a motion to authorize the solicitor to redraft the Sign Ordinance. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Mr. Hosterman stated he has also had discussions with the Township Manager with regard to the Wireless Communication Facility Ordinance. We have had an application at 480 Ridge Road on two occasions now to modify facilities that are on that tower. Each time there is a modification it requires the applicant to enter into an Indemnification Agreement with the Township which is drafted by the Township Solicitor’s office. It is also required that the Township Solicitor’s office review the Certificate of Insurance to make sure they have all the appropriate insurance required by the Township’s Ordinances. It has been noted that there is no provision in the Ordinance currently to require the applicant to reimburse the Township for the solicitor’s expenses and it is Mr. Hosterman’s recommendation to draft an amendment to the Wireless Communications Facilities Ordinance so the Township can be reimbursed for these expenses. Mr. Kolb made a motion to authorize the Solicitor to amend the Wireless Communication Facility Ordinance. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

3. MINUTES

September 9, 2019, Meeting Minutes

Mr. Kolb made a motion to accept the September 9, 2019 meeting minutes. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

4. PUBLIC COMMENT

Missy King, 10 Eleanor Drive, stated she was at the tax collector convention this past weekend and learned that at the PSATS convention the Supervisors voted to keep the municipal township tax collectors. She appreciates that and wanted to say thank you.

Gail Brown, 500 Sanatoga Road, announced that there will be a public meeting on Wednesday, October 16, 2019 at 6:00 pm regarding the Parkerford Trailhead and Riverside Park Concept Plan at the Township Building.

Rose Miller, 134 Zieber Road, stated in the Newsletter, Ordinance 2018-227 wording seems incorrect regarding grass clippings. Mr. Kraynik stated he will look into it and, if necessary, correct it in the next newsletter. She also asked about when Zieber Road Bridge would be opening and how the Supervisors feel about it. Mr. Kraynik stated the project is now completely through design and is ready to go out to bid. About a week ago letters went out to two property owners that we need temporary construction easements signed by them to allow the contractor to mobilize some of their properties when the work is being done. As soon as those two property owners sign the temporary construction easements the project will go out to bid. The hope is that the Board would be able to award a contract if not at the end of this year then very early next year and the project will start in the spring. Ms. Miller also stated about the traffic driving through the property on the corner at Peterman Road and Route 724.

Mr. Flaharty stated that in regards to Old Schuylkill Road, the new culvert is in place and the road should be passable by Friday, October 18, 2019.

Bob Bauers, 169 Sawmill Road, stated he would like the Ordinance identified as to the enforcement that was discussed during the executive session. Mr. Hosterman stated it was the Sign Ordinance. A discussion ensued. Mr. Hosterman stated this will be discussed at great length at the Planning Commission meeting.

Sandy Bauers, 169 Sawmill Road, stated she would like to see lots of public discussion regarding the Sign Ordinance.

Mrs. Nocella stated the Fall Walk is on Saturday, October 19, 2019 at 10:00 am and they are meeting at the Maack Road parking lot. There will be homemade refreshments, made by Connie Coppo, that will be served at the Schoolhouse. The rain date will be Sunday, October 20, 2019. Mr. Kolb asked if the Board had any objections to allowing a participant, who has walked the trails in the past, but now can no longer walk them, participate by riding in a golf cart. The Supervisors stated they had no objections. Missy King said all the trails should be handicap accessible. Mrs. Nocella stated they are working on it.

Mr. Moyer stated he is East Coventry Township's member to the Pottstown Metropolitan Regional Planning Commission (PMRPC). Approximately a year ago he came before the Board and asked for problem areas in regards to the Township roadways. The Delaware Valley Regional Planning Commission undertook a massive study of the communities that comprised the Pottstown Metropolitan Regional Planning Commission. The roads they came up with at that time were Vaughn Road and PA 724, Wells Road and PA 724, and Bethel Church Road and PA 23. He said the recommendations they made were the following: Vaughn Road and Route 724 – some improvements need to be made, cost of improvements would be approximately \$15,000; Wells Road and Route 724 - because of Schuylkill River Trail coming up the street, they want handicap access across the street and they are also calling for a new traffic light there, two stages for these improvements with the approximate costs of \$43,000 for stage one and \$277,000 for stage two; Bethel Church Road and PA 23 – recommending a four way stop sign and some improvements with an approximate cost of \$13,000. Mr. Moyer stated this is all for evaluation.

Mr. Rinehart wants to remind residents if they do not have a green house number sign it can be purchased at Ridge Fire Company. The green house number signs are very helpful with finding houses in emergencies.

Rose Miller asked Mr. Moyer if PMRPC had talked about Sanatoga Road and Route 724. Mr. Moyer said no, but they will most likely be doing this study again and he will let them know about that intersection.

Walt Woessner, 164 Schoolhouse Road, stated in the Newsletter that not all the no parking areas are listed, some are missing.

5. **REPORTS**

Township Manager's Reports

Consideration of a Request to Conduct a Streambank Repair Workshop on Saturday, November 16, 2019 at Ellis Woods Park from 9:00 am to 11:00 am. The Workshop will be Conducted by Penn State Extension of Chester County and the Chester County Conservation District.

Mr. Kraynik stated that this workshop, being conducted by Penn State Extension, is to train volunteers how to install plant portions into the streambed. Mr. Rinehart made a motion to approve the Streambank Repair Workshop. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Consideration of Review of the 2020 Proposed East Coventry Township Budget

Mr. Kraynik stated the Board of Supervisors were given the Draft 2020 Township Budget and would like them to review the budget before the next Board meeting on November 11th. Mr. Kraynik thanked Jill Barbera, Financial Accountant, for putting together the budget. Mr. Kraynik stated there are eight separate funds, there will not be a tax increase for 2020 in this budget, the expenditures for 2020 are similar to 2019. In the Capital Reserve Fund, they are hoping to budget for the Zieber Road Bridge repair in the amount of \$175,000, and as recommended by our Public Works Department a new truck for \$155,000 and a new mower for \$102,000, also looking to provide some security upgrades to the building and a new roof. He stated the schedule is as follows: Mr. Kraynik will ask the Board at the November 11th meeting to authorize advertising of the draft budget which will appear in the Pottstown Mercury on November 13th and will also be made available in the office as well as the website on that date. At the December 9th meeting he will ask for the Board to adopt the budget. At this time no action is required.

Missy King, 10 Eleanor Drive, asked if they are increasing the donation to the library. Mr. Kraynik stated it is under consideration by the Board.

Consideration of Approval of Copier Lease

Mr. Kraynik stated the copier lease in the Administration office is up before the end of the year. Jill Barbera and Sue Kutsch both looked into a new copier lease and have recommended we use Rothwell Document Solutions which is giving us costars pricing of \$3,683 annually. Mr. Kraynik has asked the Board to approve the copier lease for the Administration office and stated he will be back next month with the copier needs for the Police Department. Mr. Kolb made a motion to approve the new copier lease with Rothwell Document Solutions. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote the motion carried 5-0-0.

Special Fire Police Services

- Twin Valley Fire Department, Wednesday, October 16, 2019, 6:00 pm, Parade Event in Elverson. Rain date is Thursday, October 17, 2019.
- Owen J. Roberts Education Foundation and Best Buddies, Saturday, November 9, 2019, 9:00 am to 11:00 am, 5K at High School Stadium.

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

Mr. Flaharty has nothing additional to report at this time. Mr. Duffy made a motion to approve the Engineer's Report. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Mr. Rinehart stated his understanding is that the organization that previously had taken care of the ceremony for Memorial Day at Ellis Woods Cemetery is having difficulty with having someone organize it. Mr. Rinehart would like some recommendations as to what can be done to continue this tradition. Missy King, 10 Eleanor Drive, suggested that between the Historical Commission and Parks and Recreation maybe they can work together on it. Gail Brown, 500 Sanatoga Road, stated she and Mr. Kraynik had met with the gentleman from the veteran's association who ran it in the past and said they stated they don't have enough veterans participating. If a committee was formed, the Historical Commission could possibly help but they cannot run it themselves. She also suggested that the Junior ROTC or boy scouts could be involved in organizing the ceremony. Mr. Kraynik stated this event was never a Township event and that it sounds like the veteran's association is running out of steam. Mr. Kraynik feels this is a community event. A discussion ensued. Liz Willow, 683 Ellis Woods Road, stated she would volunteer to organize the event. Mr. Rinehart made a motion to officially appoint Liz Willow as chairperson for organizing the Memorial Day Event at Ellis Woods Cemetery. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Mr. Kolb made a motion to accept the various reports. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

6. SUBDIVISIONS AND LAND DEVELOPMENT

There were no Subdivision and Land Development applications brought before the board.

7. ZONING HEARING BOARD APPLICATIONS

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

8. OTHER BUSINESS

Request of a Waiver for Land Development Approval for 60 Wells Road

Mr. Kraynik stated a building permit application was submitted requesting to add on to an existing commercial building at 60 Wells Road by the property owners. The Solicitor has stated that this does require land development approval. The property owners, Mr. & Mrs. Smith are requesting a waiver for Land Development approval for 60 Wells Road. Mr. & Mrs. Smith were unable to attend tonight's meeting but have sent their architect to make a presentation as to why they want a waiver for land development. The architect stated there are two occupants of the building at 60 Wells Road, a pool supply company and a softball training facility. He stated the addition is 10 x 50 feet (500 square feet) and does not require stormwater management. There will be no sidewalks or other improvements. They are requesting a waiver due to the scale of the project, the budget for the project is roughly \$17,000 to \$18,000, and in proportion to that to go through land development, this would be a hardship. There is no proposed additional lighting, hardscaping, no sidewalks or improvements in that area. The property owner's argument is that they are replacing a storage shed to put pool supplies in. Mr. Hosterman stated this still falls under definition of land development but the Board may consider the waiver if they feel its appropriate. Mr. Kolb asked if there is a swale. It was stated that the landscaping is not changing and the slope will not change. A discussion ensued. Mr. Moyer made a motion to waive land development at 60 Wells Road. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

9. EXONERATIONS

There were no Exonerations brought before the board.

Mr. Kraynik stated they have three citizens who would like to become members of citizen committees for East Coventry Township: Jeffrey Stevenson for the Historical Commission, Liz Willow for the Parks and Recreation Committee as a Voting Member and Frank Coppo for the Parks and Recreation Committee as an Associate Member. Mr. Kolb made a motion to accept the new members of the committees. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

10. PAYMENT OF BILLS

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

<u>Fund Name</u>		<u>Amount to Pay</u>
General Fund	\$	535,397.08
Open Space		9,889.45
Sewer Operating Fund		21,884.65
Sewer Capital Fund		-
Traffic Impact Fee Fund		-
Capital Reserve		79,754.93
Highway State Aid Fund		28,403.73
TD Escrow		-
Totals	\$	<u>675,329.84</u>

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

11. ADJOURNMENT

Mrs. Nocella made a motion to adjourn the monthly meeting at 8:05 pm. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and the motion carried 5-0-0.

Respectfully submitted,

David G. Kraynik
Township Manager