

**MINUTES OF THE  
EAST COVENTRY TOWNSHIP  
BOARD OF SUPERVISORS  
MEETING HELD OCTOBER 10, 2022**

*(Approved November 14, 2022)*

The Board of Supervisors held its regular monthly meeting on Monday, October 10, 2022. The following Supervisors were in attendance for the meeting: W. Atlee Rinehart, Anthony Duffy, Karen Nocella, Ray Kolb, and Michael Albert Moyer. Also, in attendance were David G. Kraynik, Township Manager, Mark Hosterman, Township Solicitor, and Brady Flaharty, Township Engineer.

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

Mr. Hosterman opened the meeting up by welcoming the group of residents that showed up for the meeting. He mentioned, he assumed the majority of the attendees were there for the Spring City Acres/Nolt matter at 851 Bethel Church Road. He asked the residents to review the agenda and announced that a special meeting on that issue on October 24. He recognized that many were at the Zoning Hearing meeting last week and expressed concerns that if we wait until October 24, that it will be too late and too far along with construction before you get your say, that is not the case. Mr. Hosterman was able to get Spring City Acres to halt construction between now and the meeting on the 24<sup>th</sup>. So, on the 24<sup>th</sup>, we will be able to do all of your questions, handle all of your questions, give you information about that meeting. The applicant will be there, the attorney for the applicant will be there at Ridge Firehall, there consultant will be there, the township's consultant that we consulted with will be there as well to handle all of your questions. There will be no construction between now and then, I have it in writing, we will enforce it and if there is any activity out there, we're not going to let it happen. We're not in a position tonight with the size of the crowd to entertain questions. We don't have legal counsel from the applicant to entertain questions and we don't have the consultants here to entertain questions. Your questions need to be addressed at the special meeting scheduled October 24.

One of the residents asked if they could go on record, because of the hours and hours they spent working on the questions. They turned them in, in written format. Mr. Hosterman said, they are welcome to turn their questions in, in written format, however tonight is not the place where they will be addressed. Mr. Hosterman suggested sending their questions to the general email address and he said they were welcome to stay for public comment. The Chairman of the Board recommended each resident would have two minutes (as long as the questions were not duplicated), during public comment. Mr. Hosterman did respond to one of the residents by saying, they were welcome to submit Right to Know Requests and that they would be addressed accordingly.

Mr. Kraynik, Township Manager addressed the crowd by stating, "we will post on the website the information he has sent out to various Right to Know Requests that have already been submitted." We will post on the website, the agreement that the Board entered with all of the exhibits that are part of that agreement including our consultant's letter.

There was a response by a resident that stated they had just found out about this. They trusted the BOS to take care of and protect our community. Other townships have suspended this work because of this issue. The residents just don't understand how the BOS could do this to their

community. They are concerned they will not be able to have quality of life as they live right across the street and are fearful the smell will prevent them from opening their windows.

The BOS met on 9/22 due to personnel matter, there was a matter of potential litigation against a member of the police department, several personnel matters, the Nolt trucking matter, and also the status of the litigation with regard to 515 Kulp Road.

### **1. ORDINANCES**

#### **Ordinance No. 2022-257 – “Stormwater Management Ordinance Amendments”**

Public Hearing and Consideration of Approval of an Ordinance Amending the Codified Ordinances of East Coventry Township, to Amend Chapter 9 (Grading and Excavating), Part 1 (Stormwater Management), Articles A through I to update the Township’s Stormwater Management Ordinance Provisions to be Consistent with Current Best Management Practices and the Chester County Water Resources Authority Guidance; and Further Amending Chapter 9 (Grading and Excavating), Appendix A.3 by Repealing and Replacing it in its Entirety to Revise and Update the Simplified Approach Stormwater Best Management Practices (BMPs) and Conveyances Operation, Maintenance and Inspection Plan and Agreement; and Further Amending Chapter 9 (Grading and Excavating), Appendix B by Repealing and Replacing it in its Entirety to Revise and Update to Clarify the Options Hydrology Site Designs; and Further Amending Chapter 9 (Grading and Excavating), Appendix E by Repealing and Replacing it in its Entirety to Update the Stormwater Best Management Practices and Conveyances Operation and Maintenance Agreement; and Further Amending Chapter 9 (Grading and Excavating), Appendix F by Repealing and Replacing it in its Entirety to Revise and Update to Clarify Swimming Pool, Hot Tubs and Spa Water Discharges.

Mr. Hosterman stated he worked very closely with Mr. Flaherty on the above Ordinance. Mr. Flaherty stated not too many changes from a technical standpoint relative to the current version of the ordinance.

Mr. Moyer made a motion to adopt Ordinance No. 2022-257. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

### **2. SOLICITOR’S REPORT**

Mr. Hosterman received a request with regard to Coventry Chase Subdivision on their working on a Subdivision and Land Development Agreement and finalizing their financial security. Previously they were granted a 60-day extension in order to post their financial security and to record the subdivision plans. That would take them to November 8th to be able to do that within the extension. They are asking for an additional two-week extension until November 22<sup>nd</sup>. They need a motion for the additional two-week extension.

Mr. Rinehart made a motion to extend the two-week extension. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

### **3. MINUTES**

Consideration of Approval of the Minutes of the September 12, 2022 meeting.

Mr. Rinehart has a correction for the minutes from September 12. Mr. Rinehart would like, the minutes to reflect the camera is not on the arm, it is actually on the side of the bus. When the eight-way system is activated, it automatically activates the car camera for any motion. Therefore, that is a correction that needs to be made.

Mr. Moyer made a motion to adopt the minutes. 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: Over the last 18 months we have added approximately \$36,816 as a result to the townhomes that were built to the tax base. We have also added \$24,740.44 because Manatawny Manor is no longer tax exempt, it's now publicly owned. We've added \$61,000 to our tax base. Missy would like for the township to consider increasing the budget to the Spring City Library by \$2500. We currently give \$7500 and she would like to see that rise to \$10,000.

Eric Snyder – 11 Hastings Lane: Concerned about the Nolt Trucking/Spring City Acres project. Specifically, I'm concerned about the interpretation and enforcement of the zoning permits for the property being zoned agricultural – the proposed use of the property. He asked to go on record that he emailed his concerns to Mr. Hosterman earlier the same day. He is looking forward to hearing from Mr. Hosterman, either before or at the meeting on October 24.

Gloria Pasekoff – 75 Creamery Road: Gloria stated she submitted a document containing 26 questions for Mr. Hosterman and the Board of Supervisors to review. She stated the group would appreciate answers to the questions in written form by the 17<sup>th</sup> so they have time to read and prepare for the meeting on the 24<sup>th</sup>.

Walt Woessner – 164 Schoolhouse Road: Relative to the Whispering Woods dead trees. The dead trees should be taken down. He would expect to see some cleanup and seeding take place. He would appreciate seeing everyone's support and help in this matter.

Roger Kolb – He is representing the fire company. At the last meeting, he missed a couple of things while he was present. Through the township, they apply for the grant for an ATV for the trail. They are still waiting on feedback from the township. They did get the ATV with the skid mount. They just went to East Vincent's township and they just signed, to replace their pumper tanker. They try to replace their big trucks in couple year intervals. In the Spring of 2024, they will spend 1.2M for a firetruck. They have a trailer to transport the ATV.

A resident asked if the community is allowed to know where the BOS live relative to the open pit? Mr. Duffy lives 1500 feet from the pit. The Board openly shared their addresses with the group.

Nancy Duffield – Because businesses are audited for their employees and their payrolls. This business that bought this property does have payroll for truckers. They have 15 trucks with seven drivers. The community is concerned about Commercial trucks being in our farm residential area. The community is concerned about the septic exposure, the trucking exposure, they're concerned about the 10-ton trucks commuting up and down Bethel Church Road as it's just been repaved, and people walk, ride their bikes, and run up and down this road and see it as being unsafe to the community.

Mr. Rinehart asked that the group come out to the meeting on October 24 so everyone can continue the dialogue on Nolt Trucking/Spring City Acres. Mr. Hosterman addressed the group by stating they were asking questions and expecting responses that the Board will address at

the October 24 Special Meeting. He assured the group, that responses with better information will be provided at that time. At this point, the group became agitated. One resident asked if any of the board drove out to Ephrata to see one of the pits? The smell will cause you to gag to the point where you cannot get close enough to the pit. This shouldn't go in anyone's neighborhood.

John Kieffer - 29 Creamery Road: Asked for the Board to create ordinances to test wells and review ground water. Wells need to be installed prior to and monitored on a consistent basis at least once a month. Establish a base line. Tank testing – test tank in different spots. When a tank arrives to the pit, an independent company should test what's coming out of the truck before it goes in the pit. Is the township demanding a leak resistant system? Will that system report directly to the township, if it should alarm? Insurances, should the pit leak (and most assuredly it will), are we insured? Will Nolt maintain an insurance policy that protects the township? If the sight is abandoned, we have a performance bond in place that would remove the pit and return the ground to its original condition. These are all ordinances that Mr. Kieffer believes the Board should pass and give to the trucking company before doing business in our township.

Linda – 939 Bethel Church Road: Methane digesters cause health issues. Please investigate.

Mrs. Wright - 554 Bethel Church Road: Review DEP manual. The pit should be at least 1,000 feet from property lines. It is currently not the case. Please review Best Management Practices.

Eric – 81 Linwood Circle: Please put something out there so the community can come to the meeting on the 24<sup>th</sup> so they can ask good questions and better understand what's going on. Many of the residents don't understand what's going on right now.

Kristen Cassidy - 181 Grubb Road: We have a lot of potential impacts to the community with this pit going in. There was one pit that went in up in Antrim last year and many of the residents have complained about their well water becoming contaminated. Please put together a plan to stop this pit from coming into our neighborhood.

Cassandra Long: There are other items on tonight's agenda and would really appreciate it if the meeting could resume. She appreciates how important this project is to the community and apologized to the group, but really just wanted the meeting to get back on task.

Deborah Harvey – 1401 Old Schuylkill Road– spoke with some realtors out in the Antrim area and asked the agents how the market is for the homes near the pit. There are 14 wells that are contaminated and the value of homes has diminished due to the pit.

Mr. Rinehart stated Public Comment has come to a close. Mr. Hosterman suggested they break for a 10-minute recess.

Mr. Rinehart made a motion to close Public Comment, Mr. Moyer second the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

## 5. REPORTS

### Consideration of Township Manager Report

Mr. Harry Weaver, Barry Isett & Associates, will review the 2023 Hourly Rates for Zoning and Property Maintenance Officer services.

Mr. Kraynik stated Mr. Weaver will attend the meeting in November to discuss his request to increase rates.

Consideration of Approval of a Grant of Easement and Declaration of Covenants between David and Gail Nesspor, French and Pickering Creeks Conservation Trust, Inc., and East Coventry Township for 1200 and 1232 Ellis Woods Road. Said Approval is Subject to Receiving a Phase I Environmental Assessment Satisfactory to the Solicitor.

Mrs. Nocella made a motion to consider the agreement. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Consideration of Approval of Hiring Richard Eppleman as a Part-Time Police Officer.

Mr. Rinehart made a motion to approve the hiring of Mr. Eppleman as the part-time Police Officer. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Consideration of Approval of Agreements with Begley, Carlin and Mandio, LLP and Intercounty Investigations & Solutions, Inc. Regarding Personnel Matters.

There are two agreements for the Board to consider. The first agreement is to table the Begley, Carlin and Mandio LLP Agreement.

Mr. Duffy made a motion to table the agreement and Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-1. Mr. Kolb abstained from the motion.

The second agreement is for the Intercounty Investigations & Solutions, Inc. regarding Personnel Matter.

Mrs. Nocella made a motion for Intercounty Investigations & Solutions, Inc. to move forward. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-1. Mr. Kolb abstained from the motion.

Review of the 2023 Proposed Township Budget.

Mr. Kraynik stated, copies of the 2023 Proposed Budget have been delivered to the supervisors. There are eight separate funds that will be making up the 2023 budget. No tax increase is recommended in the proposed budget. No action is needed from the Board tonight. At the next meeting on November 14, you will be asked to advertise the draft budget. After the meeting of the 14<sup>th</sup>, the budget will go on the Township website and the advertising will go into the Pottstown Mercury. Also, a copy of the budget will be available at the window for anyone that would like to review it.

Consideration of Applications for Special Fire Police Services:

- Retro Approve – Ludwig’s Corner Fire Company, September 17, 2022, 2:00 pm to 10 pm.
- Best Buddies – OJRSO 5/10K Run, November 5, 2022, 10:00 am to 11:30 pm.

Mr. Duffy 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 4-0-0. Mr. Moyer was out of the room.

Consideration of Township Engineer Report

Mr. Flaharty had nothing to report at this time. Mr. Kolb made a motion to accept the Engineer’s Report. Mr. Rinehart seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-0. Mr. Moyer was out of the room.

Consideration of Approving Reports from Various Departments and Committees

Mrs. 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 4-0-0. Mr. Moyer was out of the room.

**6. SUBDIVISIONS AND LAND DEVELOPMENT**

**Resolution 2022-18** – A Resolution of the Board of Supervisors of East Coventry Township, Chester County, Pennsylvania, Granting Conditional Approval of a Preliminary/Final Minor Subdivision and Land Development Plan Submitted by Judith Depue for the Property Located at 281 Sawmill Road in East Coventry Township. Mr. Hosterman stated the resident was at the meeting. There are currently three acres and they are proposing two lots. Both lots will hook up to the public sewer. The Planning Commission recommended all the waivers and deferrals be granted. John Aston – surveyor spoke to Mrs. Depue wanting to subdivide the property so she could sell one lot off.

Mr. Kolb made a motion to approve Resolution 2022-18. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

**7. ZONING HEARING BOARD APPLICATIONS**

**Application No. 290 – 481 Ebelhare Road – Nick C. Leasure and Veronica A. Covalesky For Informational Purposes. The Date and Time of the Zoning Hearing Board meeting is To Be Determined.** Application for a variance to allow Theater with a View to operate on the property.

**8. OTHER BUSINESS**

**Announcement** – There will be a Special Meeting of the Board of Supervisors on Monday, October 24, 2022 at 7:00 pm at the Ridge Firehouse to Discuss the Nolt Trucking/Spring City Acres Food Processing Residual Storage Facility.

**9. EXONERATIONS**

Mr. Moyer made a motion to accept the Exonerations. Mrs. Nocella 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 approve the payment of bills.

<u>Fund Name</u>		<u>Amount to Pay</u>
General Fund	\$	378,832.36
Benefit Escrow		-
Open Space		11.15
Sewer Operating Fund		15,528.81
Sewer Capital Fund		47,215.00
Traffic Impact Fee Fund		-
Capital Reserve		3,704.00
Highway State Aid Fund		5,523.19
TD Escrow		-
<b>Totals</b>	<b>\$</b>	<b><u>450,814.51</u></b>

Mrs. Nocella 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 7:58 pm. Mr. Duffy seconded the motion. Mr. Rinehart called for the vote and the motion carried 5-0-0.

Respectfully submitted,

David G. Kraynik  
Township Manager