

**MINUTES OF THE  
EAST COVENTRY TOWNSHIP  
BOARD OF SUPERVISORS  
MEETING HELD SEPTEMBER 13, 2021**  
*(Approved October 11, 2021)*

The Board of Supervisors held its regular monthly meeting on Monday, September 13, 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 to discuss a number of items. Items discussed were the police contract negotiations; two personnel matters, one of those personnel matters was consideration of promotion of an officer to the position of Sergeant and when he gets to the Solicitor's Report he will then turn that matter back over to the Board of Supervisors; an informational item on the outdoor event venue Zoning Hearing Board application; discussion of the sewer connection enforcement proceedings for East Cedarville Road and Sanatoga Road; and potential litigation for consultant reimbursement to the Township for a subdivision application.

**1. ORDINANCES**

Ordinance No. 2021-250 – “Amended and Restated Sign Ordinance”

Consideration to Authorize Advertising an 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 this was before the Board of Supervisors before and two of the Supervisors had some comments with regard to certain provisions in the Sign Ordinance. It went back to the Planning Commission for discussion. Supervisor Rinehart attended the Planning Commission meeting when this was discussed. Two changes were made to the Ordinance.

Mr. Rinehart made a motion to authorize advertising Ordinance 2021-250 “Amended and Restated Sign Ordinance”. Mr. Duffy seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

## **2. SOLICITOR'S REPORT**

Consideration to Authorize Rescheduling/Advertising a Public Hearing for October 11, 2021 to Consider a Resolution 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.

Mr. Moyer made a motion to authorize rescheduling/advertising a Public Hearing for October 11, 2021 to Consider a Resolution Accepting the Recommendations of the East Coventry Township Agricultural Security Area Advisory Committee. Mrs. Nocella seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

Mr. Hosterman stated the Board of Supervisors will consider whether they wish to discuss the promotional process of the Sergeant's position and if so, they would need to make a motion to amend the agenda to discuss this item. Mr. Moyer made a motion to amend the agenda to include discussion of the promotional process of the Sergeant's position. Mr. Duffy seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

Mr. Hosterman stated in the past the Board of Supervisors when considering the promotion for Sergeant have adopted criteria in that they have always looked for an officer who has had at least five (5) years of experience in East Coventry Township. There are currently two (2) officers with at least five (5) years of experience in East Coventry Township and there is another officer with approximately four (4) years of experience in East Coventry Township but seven (7) years overall. If the Board of Supervisors wish to deviate from the criteria, they would need to decide that tonight. Along with the years of experience criteria, they would also have to go through certain testing, evaluation and interview process by a Board of Chief's.

Mr. Kolb made a motion to keep the same criteria for the promotional process for the Sergeant's position which includes that an officer has to be employed by East Coventry Township five (5) years before consideration. Mr. Rinehart seconded the motion. Mr. Kolb called for a vote and the motion did not carry at 2-3-0. Motion failed.

Mr. Moyer made a motion to amend the criteria to allow an officer who has five (5) years of experience from any location the ability to apply for the Sergeant's position. Mr. Duffy seconded the motion. It was further asked if Mr. Moyer is just requiring five (5) years of experience for the promotional process or does that include the regular interview process. A discussion ensued. Mr. Moyer amended his motion to amend the criteria so that any officer who has five (5) years of police experience from any location can compete for the promotional process for Sergeant along with the same promotional process used before regarding the testing, evaluation and interview process be used again which is a panel of three Police Chief's and a recommendation from them. Mr. Kolb asked if Mr. Duffy and himself can sit in on the interview process. Mr. Moyer stated he would be fine with that. Mrs. Nocella seconded the motion. Mr. Kolb called for a vote and the motion carried 4-1-0, with Mr. Kolb voting no.

## **3. MINUTES**

Mr. Rinehart made a motion to accept the August 9, 2021 meeting minutes. Mr. Moyer seconded the motion. Mr. Kolb called for a vote and the motion carried 4-0-1, Mr. Kolb abstained.

## **4. PUBLIC COMMENT**

Roger Kolb, 768 Ebelhare Road, asked what the benefit is of doing what was just done regarding the promotional process for the Sergeant's position. Is seniority getting thrown out? Mr. Moyer stated they are not eliminating seniority, what they changed is the criteria from having five (5) years of police experience in just East Coventry Township to having five (5) years of police experience from anywhere. A discussion ensued.

Roger Kolb, 768 Ebelhare Road, also stated that with the last storm the fire company was out a lot and he didn't feel it was safe for only one officer to be on duty during a storm. Chief Mossman stated they have a mutual aid agreement with the surrounding Township's police departments and that most of them only have one (1) officer on duty. He stated we can only do what we are equipped to do. Mr. Rinehart asked if we could bring in an additional officer when we know bad weather is going to happen. Chief responded by saying yes, we can have another officer come in or hold the day shift officer.

Larry Tietjen, 131 Maack Road, asked when the Township was going to do something about the runoff water from the Township's property that comes onto his property. He stated this is the fourth time he has had to repair his heater because of his basement flooding. He said the pipe that goes under the road can't handle the water. He feels the Township needs to do their part. Mr. Kraynik suggested they have the Township Engineer investigate and see if there are any recommendations he can offer. Mr. Kolb stated he will also go with Mr. Flaharty to look at the water runoff issue at Mr. Tietjen's property.

Walter Woessner, 164 Schoolhouse Road, stated he has not seen any activity with Whispering Woods getting rid of the dead trees. Mr. Kolb stated he pushed three (3) dead trees off of the sewer right-of-way today. Mr. Hosterman stated that Whispering Woods will be required to remove the dead trees before escrows are released. Mr. Flaharty stated he will follow up with them and that Whispering Woods does have an extensive dedication punch list.

George Colette, 80 Country Lane, asked if anyone has been cited for blowing grass on the roads. Chief Mossman stated he doesn't believe anyone has been cited but he knows people have been warned and after they have been warned they do clean it up. Mr. Colette also asked what happened to the bridge on Old Schuylkill Road. Mr. Kolb said the pipe couldn't hold all the water and they had to repair it.

Steve Ussler, 938 Schoolhouse Road, asked about the status of the Maack property. Mr. Kolb stated it is all done based on the conservation plan. Mr. Ussler then asked about the tree that fell on the trail at Schoolhouse. Mr. Kolb stated they cleared the trail and the tree on Mr. Ussler's property is his property. Public Works is not going on Mr. Ussler's property to remove the tree. Mr. Kolb told Mr. Ussler to move his tractor away from the trail or they will pull it out of the trail tomorrow morning. Mr. Kolb stated as far as the tree on his property the Public Works Department will not go onto his property to remove the tree, it is an act of God when trees fall on someone's property and it is the property owner's responsibility to remove it. Mr. Kolb also stated that why would Public Works go onto Mr. Ussler's property when he made a police report that Public Works mowed six (6) inches on his property. Mr. Ussler has made it very clear he doesn't want the Township on his property. Mr. Duffy also stated that Mr. Ussler cannot block the trail.

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. It was originally scheduled on October 23<sup>rd</sup> but they had to change it to October 30<sup>th</sup>. Dawn White will be there with owls/hawks and they may have some other vendors. She stated the fee for Dawn White is \$525 and Mr. Kraynik stated that will come out of the Parks and Recreation budget.

## **5. REPORTS**

### **Township Manager's Report**

#### **Presentation by Representatives from United Sports Regarding Construction of a Possible Sports Complex.**

Ms. Nocella stated she received a phone call from United Sports that they will have to reschedule their presentation.

Review of Specifications for a New Maack Property Lease, as Per the Conservation Plan Prepared by the Chester County Conservation District.

Mr. Kraynik stated they engaged with Chester County Conservation District to come up with a conservation plan and worked with them for several months. As Mr. Kolb has mentioned before that work has been completed. They are now in a position to go out to bid. He stated the Chester County Conservation District suggested two years of hay and then crop rotation. They are also considering having it be a five (5) year lease with the option of renewal for another five (5) years if both parties agree. A discussion ensued. Mr. Kolb made a motion for a five (5) year lease and they follow the Conservation Plan with first two (2) years of hay and then crop rotation with the option of auto renewal of an additional five (5) years if both parties agree. Mr. Moyer seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

Consideration of Awarding a Contract to Utility Services Group, Inc. for Sewer Manhole Lining/Repairs for \$31,995, State Bid Price.

Mr. Kraynik stated this contract is for sewer manhole lining/repairs. Mr. Duffy made a motion to award the contract to Utility Services Group, Inc. for \$31,995. 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 – East Marlborough Township, Chester County Balloon Festival, September 10<sup>th</sup> through 12<sup>th</sup>, 2021 at the following times: Friday 4:00 pm to 9:00 pm, Saturday 2:00 pm to 9:00 pm and Sunday 2:00 pm to 7:30 pm.

Mr. Moyer made a motion to retro approve the Special Fire Police application for East Marlborough Township, Chester County Balloon Festival. Mr. Rinehart 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. Duffy made a motion to accept the Engineer's Report. Mr. Moyer seconded the motion. Mr. Kolb called for a vote and the motion carried 5-0-0.

Mrs. Nocella wanted to let everyone know they will be planting 50 trees and 50 shrubs along the creek in Ellis Woods Park on Saturday, September 26, 2021 if anyone would like to volunteer their time.

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 is 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.

**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	\$	270,586.09
Benefit Escrow		-
Open Space		6,152.33
Sewer Operating Fund		22,483.68
Sewer Capital Fund		-
Traffic Impact Fee Fund		2,134.21
Capital Reserve		-
Highway State Aid Fund		9,981.87
TD Escrow		31,098.58
<b>Totals</b>	<b>\$</b>	<b><u>342,436.76</u></b>

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 7:47 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