

**MINUTES OF THE
EAST COVENTRY TOWNSHIP
BOARD OF SUPERVISORS
MEETING HELD SEPTEMBER 9, 2019**
(Approved October 14, 2019)

The Board of Supervisors held its regular monthly meeting on Monday, September 9, 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. Kraynik, Township Manager, Brady Flaharty, Township Engineer and Mark Hosterman, Township Solicitor.

Mr. W. Atlee Rinehart called the meeting to order at 7:05 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 a personnel matter, an update on the DiBono property Phase II Environmental audit, a potential acquisition of a new conservation easement and to obtain legal advice from the solicitor on a potential rezoning.

1. ORDINANCES

Ordinance No. 2019-234 – “Amendments to Zoning and Subdivision and Land Development Ordinances to Implement Open Space Plan”

Mr. Hosterman stated the Board of Supervisors will hold a public hearing and reviewed the proposed Ordinance Amending the Code of Ordinances of the Township of East Coventry, Chester County, Pennsylvania, to Amend Chapter 22 (Subdivision and Land Development), Part 2 (Definitions), Section 22-202 (Definitions), to Add a New Definition for “Recreation Land” and to Amend and Restate the Definitions for “Recreation, Active” and “Recreation, Passive” to Incorporate the Definitions from the Township Parks, Recreation and Open Space Plan; to Amend Chapter 22 (Subdivision and Land Development), Part 3 (Plan Processing and Content), Section 22-305 (Final Plan Submission, Resubmission, Review and Content), Subsection 3 (Content), Paragraph B (Site Design, Layout Standards and Content), Subparagraph (2), to Amend and Restate Clause (e) in its Entirety to Require the Homeowners Association Adopt an Open Space Management Plan for the Use, Maintenance and Management of Open Space Containing the Applicable Elements Described in Appendix 22-D; to Amend Chapter 22 (Subdivision and Land Development, Part 4 (Development Design Standards), Section 22-418 (Sidewalks), to Add New Subsection 8 to Permit Trails in Lieu of Sidewalks if Certain Stated Conditions and Criteria are Satisfied; to Amend Chapter 22 (Subdivision and Land Development), Part 4 (Development Design Standards), Section 22-426 (Park, Recreation and Open Space), Subsection 2 (Mandatory Dedication of Land for On-Site Park, Recreation and Open Space Use), Paragraph A, Subparagraph (1) to Increase the Amount of Open Space to be Dedicated from 0.07 Acres to 0.074 Acres per Dwelling Unit or Building Lot; to Amend Chapter 27 (Zoning), Part 2 (Definitions), Section 27-202 (Definitions), to Add a New Definition for “Recreation Land” and to Amend and Restate the Definitions for “Recreation, Active” and “Recreation, Passive” to Incorporate the Definitions from the Township Parks, Recreation and Open Space Plan; and to Amend Chapter 27 (Zoning), Sections 27-805.1.C(14) and 27-1404.1(6)(C)(1) to Clarify that Documentation for Open Space Maintenance Shall also Address Open Space Management.

Mr. Hosterman stated the Planning Commission has finalized their recommendation to approve the Ordinance and they also have letters from Chester County Planning Commission. Mr. Hosterman asked if the Board of Supervisors has any questions and if the audience has any questions regarding the Ordinance. Since there are no questions, at this time the hearing is closed for action on the Ordinance.

Mrs. Nocella made a motion to adopt Ordinance No. 2019-234 – “Amendments to Zoning and Subdivision and Land Development Ordinances to Implement Open Space Plan”. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

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

Consideration of advertising for adoption of an 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 asked if the Board of Supervisors has any questions and if the audience has any questions.

Bob Townsend, 1546 Old Schuylkill Road, asked why should the setback be moved closer? Mr. Kraynik stated that due to small lot sizes, some residents have stated the 20-foot setback was difficult to obtain and asked the Township to consider changing the setback. Mr. Hosterman also stated that this Ordinance also clarifies where you begin measuring the distance because before it wasn’t clear.

A motion was made by Mr. Kolb to authorize advertising a public hearing for proposed Ordinance 2019-235 for consideration of adoption at the Board of Supervisors meeting on October 14, 2019. Mr. Moyer 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”

Consideration of advertising an 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.

A motion was made by Mr. Rinehart to authorize advertising a public hearing for proposed Ordinance 2019-236 for consideration of adoption at the Board of Supervisors meeting on October 14, 2019. Mr. Kolb seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

2. SOLICITOR’S REPORT

Mr. Hosterman stated that at this time the Board of Supervisors will conduct a public hearing to consider designating 320 Sawmill Road as an addition to the Agricultural Security Area. The Township is in receipt of an application from Chad and Morgen Westfall for the addition of two parcels at 320 Sawmill Road to the existing Agricultural Security Area. The parcels total approximately 29 acres and 62.7% of the soils on the tract meet the criteria for an Agricultural Security Area. Agriculture is a permitted use within the zoning district where the tract is located. The applicants have requested that all 29 acres be included in the Agricultural Security Area. The land is viable for agriculture. The Planning Commission makes a recommendation to the Board of Supervisors with regard to this addition and there was a 3-0-0 vote to add this to the Agricultural Security Area. It was also considered by the Agricultural Security Area Advisory Committee who also recommended that all 29 acres be included in the Agricultural Security Area. They did, however, recommend that a bridge be constructed so farm equipment can access the property.

Missy King asked if this will change the assessment. Mr. Hosterman stated, no. Roger Kolb, who is on the Agricultural Security Area Advisory Committee, stated in regards to the suggestion on building a new bridge, they were concerned about the existing bridge and whether or not it is capable of supporting farm equipment. Mr. Hosterman stated the bridge is a recommendation but not a requirement. Mr. Rinehart asked who would be responsible for building the bridge and Mr. Hosterman stated the homeowner would be responsible.

Mr. Moyer made a motion to approve including Chad and Morgen Westfall's property located at 320 Sawmill Road (Parcel #18-4-180 and 18-4-181) into the Agricultural Security Area without conditions. Mr. Kolb seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Mr. Hosterman stated he needs to discuss a possible text amendment to the C Commercial District as well as the LI District. Right now, the C Commercial District allows auto sales and repair. There was also a decision from the zoning hearing board that allowed an applicant to construct a vehicle auction facility in the C1 District. That application has not moved forward thus far. Mr. Hosterman's recommendation is that since the zoning hearing board said the vehicle auction facility is similar to auto sales and repair and they granted a use variance on that parcel, that the Board authorize the solicitor to prepare an ordinance to continue to allow auto sales and repair but to clarify that does not include vehicle auction as defined in the ordinance and then allow vehicle auctions in the LI District. Mr. Kolb made a motion to allow the Solicitor to prepare the Text Amendment Ordinance. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Gail Brown, 500 S. Sanatoga Road, asked about the Coventry Business Park plan. Mr. Flaharty stated he believes the plan was formally withdrawn but will check. A discussion ensued.

3. MINUTES

August 12, 2019, Meeting Minutes

Mr. Kolb made a motion to accept the August 12, 2019 meeting minutes. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

4. PUBLIC COMMENT

Scott Allen, 1898 E. Cedarville Road, said with the washed-out area on Old Schuylkill Road, Peterman Road traffic is really bad. Mr. Flaharty stated that in regards to the washed-out area on Old Schuylkill Road, they have engaged a contractor and will be having a preconstruction meeting on Wednesday of this week. They will have 30 days to complete which begins on September 18th. The new culvert gets delivered on September 23rd. The anticipated completion date is October 18, 2019 for the road to be passable. We are working under an emergency situation, otherwise it would take longer. Mr. Allen stated there is so much traffic on Peterman Road, which is a very narrow road, making it hard for traffic coming east on Route 724 to turn onto Peterman Road. He felt a short-term solution is that the township could trim some of the trees so traffic can see what is coming from the west. Mr. Kraynik stated that in regards to Peterman Road, the Township has secured a grant for approximately \$2.6 million to improve the Peterman Road intersection. It will be approximately two years until they will be at a point of bidding the project out and getting the work done. Right now, it is in the design phase and will have to also be approved by PennDOT.

George Colette, 80 Country Lane, asked if there will be a traffic light at Fricks Lock Road. Mr. Hosterman and Mr. Rinehart both stated potentially that may happen.

Heather Peterman, 134 N. Savanna Drive, stated she is there on behalf of a seven-year old who has asked if the speed limit can be changed on North and South Savanna Drives. Ms. Peterman asked if it is possible to put speed bumps to slow people down in the development. Mr. Kraynik stated staff will look into the situation.

Mr. Kolb stated Community Day at Ridge Fire Company is this Saturday, September 14, 2019 from 1 pm to 3 pm.

Mr. Rinehart stated that the Old Home Farm 250th Anniversary was a very nice event on September 8, 2019.

5. **REPORTS**

Township Manager's Reports

Presentation by Arro Consulting and Frens and Frens Regarding Rehabilitation of Building 19, Fricks Lock Village

David Kee from Arro Consulting and Carol Quigley from Frens and Frens discussed the rehabilitation that is being proposed to Building 19 at Fricks Lock Village. Mr. Kee stated they will be adding a small addition to the existing building, a pavilion and patio area. There is an existing stone parking lot which they will be converting and adding 53 spots. They will be adding an on-lot system for water/sewer. There will be three infiltration facilities to meet the Ordinance and NPDES requirements. The NPDES permit has been received. Mr. Duffy asked what the completion date is on the building. Mr. Kee and Ms. Quigley said the bidding will be in January/February and the construction phase will take three to six months. Right now, they are anticipating completion by the Fall of 2020. There will be separate bids for the building and separate bids for the ground work.

Ms. Quigley stated the structure dates back to approximately 1860. They will be putting in a unisex bathroom and the addition will have two restrooms which will be accessible from outside. The second floor and attic will not be occupied by the Historical Commission so therefore will not be rehabilitated at this time. The entire building will be repointed. There will need to be some modifications to the windows to allow for the pitch of the roof on the addition. Mr. Kolb asked what kind of heat and it was stated that it's a split system. There will only be heat in the restrooms. A resident asked who pays the bills. It was stated it is owned and operated by the Township. Ms. Quigley stated they will be back to a Board meeting around November with more information.

Consideration of Approval of \$4,275.00 for Five Garage Door Openers by Pro Keystone Garage Door Co., to be offset 100% by Grant

Mr. Kraynik stated that the Township is in need of new garage door openers for both the police parking garage and the streets department garage doors which total \$4,275.00 and will be offset by an insurance grant by 100%. Mr. Moyer made a motion to approve the five garage door openers. Mr. Rinehart seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

2020 MMO (Minimum Municipal Obligation) for the Township's Police and Non-Uniform Employee Pension Plans

Mr. Kraynik stated he is required to annually inform the Board of Supervisors by the end of September of the expected financial obligation for the coming year. The pension calculation was done by the combination of the Township Accountant, Jill Barbera, and the pension actuary. The MMO total, which will be included in the budget, for all plans for 2020 is \$137,408.00 which would be offset by state aid in the amount of \$105,530.00. Mr. Rinehart made a motion to accept the 2020 Minimum Municipal Obligation. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Special Fire Police Services

- West Bradford Township, Sunday, October 6, 2019, 7:00 am to 4:00 pm, Marshallton, Traffic Control and Event Logistics. Mr. Moyer made a motion to approve the special fire police services request. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Mr. Flaharty has nothing to report that hasn't already been discussed.

Mrs. Nocella stated in regards to the Parks, Recreation & Conservation Committee, they are having a Fall Walk on Saturday, October 19, 2019 at 10:00 am. They are meeting at the Maack Road parking lot. The rain date is Sunday, October 20, 2019 at 10:00 am.

Mr. Rinehart asked if Fricks Lock will have a favorable electric bill. Mr. Kraynik stated since there will be limited usage, yes.

Mrs. Nocella made a motion to approve the various reports. Mr. Kolb 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

Consideration of Approval of Resolution 2019-16, A Resolution Approving the Establishment of a Committee of the Historical Commission to be Known as the "Fricks Lock Subcommittee" and Approving the Appointment of Members to the Fricks Lock Subcommittee.

Mr. Hosterman stated this Resolution is to approve an establishment of the Fricks Lock Subcommittee and appoint members. This Subcommittee is to manage the Fricks Lock Village. The members are: David Kraynik, Township Manager; William Mossman, Chief of Police; Ray Kolb, Public Works Director and Member of the Board of Supervisors; Gail Brown, Historical Commission; and Larry Tietjen, Historical Commission. The reason they wanted Chief Mossman is because there is a security component that is critical for the Fricks Lock Village. The non-voting members are: David Stauffer, Capital Project Coordinator, Chester County Department of Facilities and Parks; Jordan Rajan, Environmental Chemist, Exelon; Karen Marshall, Historic Preservation Officer, Chester County Planning Commission. A Resolution will not need to be adopted annually for appointing members. They will be appointed annually at the reorganization meeting. Mr. Kraynik stated that the group has been able to negotiate with Exelon a dedicated amount of money to be given to this effort every year for upkeep and maintenance of the buildings. Mr. Duffy made a motion to approve Resolution 2019-16. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

9. EXONERATIONS

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

<u>Fund Name</u>		<u>Amount to Pay</u>
General Fund	\$	213,755.00
Open Space		6,559.67
Sewer Operating Fund		13,063.08
Sewer Capital Fund		-
Traffic Impact Fee Fund		-
Capital Reserve		-
Highway State Aid Fund		1,903.73
TD Escrow		-
Totals	\$	<u>235,281.48</u>

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

11. ADJOURNMENT

Mr. Duffy made a motion to adjourn the monthly meeting at 7:58 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