

**MINUTES OF THE
EAST COVENTRY TOWNSHIP
BOARD OF SUPERVISORS
MEETING HELD SEPTEMBER 12, 2022**

(Approved October 10, 2022)

The Board of Supervisors held its regular monthly meeting on Monday, September 12, 2022. The following Supervisors were in attendance for the meeting: Ray Kolb, W. Atlee Rinehart, Anthony Duffy, Karen Nocella and Michael Albert Moyer. 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 7:24 p.m. The pledge of allegiance was recited.

Swearing in of Fire Police Officer, Evan Colegrove.

Mr. Kolb announced he was stepping down as Chair of the Board of Supervisors and that Mr. Rinehart as Vice-Chair will run the meeting.

Mr. Hosterman said the Board of Supervisors met in executive session this evening to discuss a real estate matter, a matter of potential litigation regarding alleged violation of constitutional rights, status on the 515 Kulp Road litigation, the Kolb Farm Store enforcement matter discussing possible terms of a settlement, the MAACK farm Notice of Violation in terms of agricultural easement, legal opinion on the Coventry Terrace Mobile Home Park Zoning Hearing Board application and a matter of personnel.

Mr. Rinehart opened nominations for Chair and Vice-Chair of the Board of Supervisors. Mrs. Nocella made a motion to nominate Mr. Rinehart as Chair of the Board of Supervisors. Mr. Moyer seconded the motion. Mr. Rinehart asked if there were any other nominations, hearing none, he called for a vote and the motion carried 5-0-0.

Mr. Moyer nominated Mrs. Nocella as Vice-Chair. Mr. Kolb seconded the motion. Mr. Rinehart asked if there were any other nominations, hearing none, he called for a vote and the motion carried 5-0-0.

1. ORDINANCES

Ordinance No. 2022-256 – “Brush, Weeds, Grass and Dumping Amendments”

Consideration to Authorize Advertising an Ordinance Amending the Codified Ordinances of East Coventry Township, to Amend Chapter 10 (Health and Safety), Part 5 (Brush, Weeds and Grass) by Deleting the Title in its Entirety and Replacing with a New Title to Include Dumping Regulations; to Amend Section 501 (Declaration of Nuisance) to Add New Subsection 3 (Establishing the Dumping of Various Debris as a Nuisance and Expressing the Township’s Goal of Protecting Trees which have Naturally Fallen in a Forest or Woodland; to Amend Section 501 (Declaration of Nuisance), Subsection 1 and Section 502 (Height Restrictions; Exceptions; Noxious Vegetation Prohibited; Grass Clippings) to Specify the Exception of Perennial Plants from References to Vegetation; to Amend Section 502 (Height Restrictions; Exceptions; Noxious Vegetation Prohibited; Grass Clippings) to Establish the Types of Land and Uses Exempt from the Established Height Restrictions, to Provide Conditions for Exempted Land Uses to Remain Exempt, to Add New Paragraph Exempting Managed

Meadows from the Established Height Restriction and to Prohibit the Dumping of Debris within Twelve (12) Feet of any Neighboring Property Line; and to Amend Chapter 22 (Subdivision and Land Development), Part 2 (Definitions), Section 202 (Definitions) and Chapter 27 (Zoning), Part 2 (Definitions), Section 202 (Definitions) to Add a New Definition for “Managed Meadow”, to Amend Chapter 22 (Subdivision and Land Development), Appendix 22-D to Incorporate Requirements for Managed Meadows. Mr. Hosterman reviewed the ordinance and said Mr. Tralies, Township Planner, had significant input on the language for fallen trees and the term managed meadows. Mr. Rinehart asked if he received any feedback why wood chips can’t be left in a pile and Mr. Hosterman said it’s because it takes forever to decompose which is not good for the environment, but you can spread the wood chips out. Scott Maerten, 87 Peterman Road, asked what happens if trees fall in forest or woodland area. Mr. Hosterman said trees that fall in a forest or wooded area are allowed to be left in place to decompose.

Mrs. Nocella made a motion to authorize advertising Ordinance No. 2022-256 “Brush, Weeds, Grass and Dumping Amendments”. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

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

Consideration to Authorize Advertising 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 reviewed the ordinance and recommended the Board of Supervisors have the Planning Commission review it also even though it does not affect the Subdivision/Land Development or Zoning Ordinances.

Mrs. Nocella made a motion to authorize advertising Ordinance No. 2022-257 – “Stormwater Management Ordinance Amendments” and for the Planning Commission to review. Mr. Kolb seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

2. SOLICITOR’S REPORT

Resolution 2022-17 – A Resolution Requiring a Waiver of Additional Charges for Nonpayment of Real Estate Tax when a Taxpayer has Purchased Real Estate or Transferred Title to a Mobile Home and Has Not Received a Real Estate Tax Bill within Twelve (12) Months of Purchase or Transfer. Mrs. Nocella made a motion to adopt Resolution 2022-17. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-1-0, with Mr. Moyer voting no. Mr. Moyer then stated he wanted to change his vote as he didn’t

understand the Resolution clearly. Although the vote has already been passed, it is noted that Mr. Moyer has no objection to Resolution 2022-17.

Coventry Chase Request for 60-Day Extension to Record and Fund Financial Security

Mr. Hosterman stated Lennar's attorney has requested this extension partly because of the Township changing Engineer's and the Construction Cost Breakdown. Mr. Rinehart made a motion to approve the 60-day extension request for Coventry Chase to record and fund financial security. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

3. MINUTES

Mr. Duffy made a motion to accept the August 8, 2022 meeting minutes. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-1, with Mr. Kolb abstaining since he was not present for that meeting.

4. PUBLIC COMMENT

Roger Kolb, Deputy Fire Chief at Ridge Fire Company, said that Chester County has a program that is teaching people like Evan Colegrove who was just sworn in as a Fire Police Officer. He said it is a good program.

Scott Maerten, 87 Peterman Road, asked about the Growing Greener Ordinance Amendments and why it can't be a referendum to let the public vote on it. Mr. Hosterman said it is not able to be a referendum because there has to be an authorizing state statute that would allow it to be a referendum which there is not. Mr. Hosterman said once they have the Growing Greener Ordinance Amendments in the form for adoption, it will go on the Planning Commission's agenda and then once the Planning Commission recommends it for adoption to the Board of Supervisors it will then go on their agenda. Mr. Hosterman said residents are welcome to participate at the Planning Commission meeting when this is on their agenda or at the Board of Supervisors meeting when the hearing is scheduled. Mr. Maerten also asked how much it costs to prepare these ordinances and Mr. Hosterman said he does not have that information. A discussion ensued.

Robert Gilleland, 45 Robins Nest Lane, asked when the Growing Greener Ordinance Amendments will be on the agenda. Mr. Hosterman said at this time he doesn't believe it will be on the Planning Commission agenda for another month or two. Mr. Hosterman said it's best to keep checking the Township website for when it's listed on the agenda. Mr. Hosterman also said that when it goes to the Board of Supervisors the public will have more than 30 days notice of when the hearing will be scheduled. Mrs. Nocella read a paragraph about the positives of Growing Greener and how it saves money and saves the environment. A discussion ensued.

Walt Woessner, 164 Schoolhouse Road, asked about the dead trees at Whispering Woods. Mr. Hosterman said they met in August with Lennar, the HOA and the arborist for the HOA. His understanding is that there was going to be a field visit which he was not involved in and then they were going to get back to the Township. Mr. Flaharty said they are not coming off the punch list until Mr. Hosterman or Mr. Tralies say everything has been satisfied.

5. **REPORTS**

Consideration of Township Engineer's Report

Presentation by Representatives of the Spring City Public Library

Julie Wiant of the Spring City Library was unable to attend so Brenda McFadden, Board Member of the Spring City Public Library, was present. Ms. McFadden thanked East Coventry Township for their support. They have been able to continue with children's programs, purchase books, have a full staff, a book locker for when someone wants to pick up or drop off books. They are booming with activity. Ms. McFadden again thanked the Board of Supervisors for their support.

Comparison Presentation of Mixed-Use Proposal and By Right Residential or By Right Commercial Uses for the Villages and Shoppes at Fricks Lock

Jackie Erickson, Joan Hodges, Ron Christy, Joan London (Attorney) and Patrick Stewart were all present. Ms. Erickson said they will be closing with Mr. Colona in the next 30-45 days on the properties. She said they attended the Planning Commission meeting in August and received some good feedback. They made some revisions to the plan which were discussed. Artisan has reached out to the property owner whose property is between the two lots that they are proposing ball fields, to see if she would be interested in selling and she is willing to have a conversation with Artisan. They are adding additional buffering to the plan. The traffic light will be a three-way stop and eight (8) poles will be relocated on Fricks Lock Road. They are also planning a site walk on the property on September 21st.

Larry Brown, 500 Sanatoga Road, asked what the next steps are for this concept. Joan London, attorney for Artisan, said the next step will depend on the Board of Supervisors tonight. What has been submitted to the Township is a sketch plan, the formal submission has not been made yet. They have drafted a text amendment which allows for mixed use and if they go in that direction, the next step is that the text amendment would go to the Planning Commission and Chester County Planning Commission for their review. This will also go to the Historical Commission. Gail Brown, 500 Sanatoga Road, expressed several concerns. Ms. Erickson said that Mrs. Brown's concerns will be addressed. A discussion ensued.

The different options regarding the property and how it can be developed were discussed. Gail Brown did mention that she has had people who come to the Fricks Lock tours ask where they can go get a bite to eat and having some type of restaurant nearby would be good. A discussion ensued.

Mr. Moyer made a motion to table for further discussion. Mr. Duffy seconded the motion. Mr. Rinehart said they will table it.

Consideration of Approval of the Winter Traffic Services Agreement with PennDOT for the 2022/2023 Season

Mr. Kraynik said this is an agreement we have every year with PennDOT. Mr. Moyer made a motion to approve the Winter Traffic Services Agreement with PennDOT. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Consideration of Approval of a Proposal by Dilworth Paxson LLP for Legal Consulting Services

Mr. Kraynik said this is for legal guidance to match the recommendations of PFM Financial who is looking at the long-term financial picture of the Township. Mr. Moyer made a motion to approve the proposal by Dilworth Paxson LLP for legal consulting services. Mr. Rinehart seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Consideration of Approval of a Proposal from NetDocuments for \$2,493.20 for Document Management Services

Mr. Kraynik said the Township has a lot of old documents dating back 70-80 years or so and that we need to preserve these documents by putting them in the cloud which is what this service will do help us do. Mr. Rinehart asked how they go about preserving the documents. It was stated they are saved in the cloud. Mrs. Nocella made a motion to approve the proposal from NetDocuments for \$2,493.20. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Consideration of Approval of an Intergovernmental Agreement with the Owen J. Roberts School District for the Use of BusPatrol, a Stop Arm Signal Enforcement System

Mr. Kraynik said this system will help the police with enforcement of cars that drive past a school bus that is stopping to pick up or drop off children. The camera is on the stop arm. Mr. Rinehart made a motion to approve the Intergovernmental Agreement with Owen J. Roberts School District for the use of BusPatrol. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Consideration of Authorizing a Phase I Environmental Assessment at 1200 Ellis Woods Road as Part of Obtaining a Conservation Easement

Mr. Kraynik said they received two quotes for the Phase I Environmental Assessment at 1200 Ellis Woods Road, Nesspor property, and the lowest proposal was from Carroll Engineering in the amount of \$4,971.00. He is recommending the Board approve Carroll Engineering's proposal. Mrs. Nocella made a motion to approve Carroll Engineering's Phase I Environmental Assessment at 1200 Ellis Woods Road. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Consideration of Applications for Special Fire Police Services:

- Lundale Farm, Sunflower Fest Community Event, September 24, 2022, 3:00 pm to 7:00 pm.
- West Bradford Fire Company, Marshallton Triathlon, October 2, 2022, 7:00 am to 4:00 pm.
- OJR Music Parents Organization, Annual Cavalcade of Bands, October 1, 2022, 4:00 pm to 10:00 pm.

Mr. Duffy made a motion to approve all three (3) Special Fire Police Services requests. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Township Engineer's Report

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

Mrs. Nocella made a motion to approve the reports from various departments and committees. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

6. SUBDIVISIONS AND LAND DEVELOPMENT

No Subdivision and Land Development Brought Before the Board

7. ZONING HEARING BOARD APPLICATIONS

Application No. 288 – 2359 E. Cedarville Road – Zimrick Building Group, LLC

For Informational Purposes. The Date and Time of the Zoning Hearing Board meeting is September 22, 2022 at 6:30 pm. Application for a variance to permit the reduction of the minimum lot area and front yard setback at the property in order to construct a single-family dwelling.

Application No. 289 – 6 Orchard Lane – Coventry Terrace Mobile Home Park

For Informational Purposes. The Date and Time of the Zoning Hearing Board meeting is October 4, 2022 at 6:30 pm. Application for a variance and special exception to allow three additional mobile homes be added to a pre-existing Mobile Home Park.

The Board of Supervisors had no questions regarding the two Zoning Hearing Board applications.

8. OTHER BUSINESS

Announcement – Joint Meeting of the Board of Supervisors and Planning Commission – Site Walk at Proposed Villages & Shoppes at Fricks Lock, Wednesday, September 21, 2022, 10:00 am.

Announcement – The Township has received two grants from PA DCNR and Chester County totaling \$369,000 for Improvements at Towpath Park. Roger Kolb asked how the fire company made out with the grant they applied for and Mrs. Nocella said she would check into it.

9. EXONERATIONS

Mr. Moyer made a motion to accept the Exonerations. Mr. Duffy seconded the motion. Mr. Rinehart 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	\$	356,108.08
Benefit Escrow		-
Open Space		2,683.65
Sewer Operating Fund		37,733.01
Sewer Capital Fund		-
Traffic Impact Fee Fund		-
Capital Reserve		17,187.02
Highway State Aid Fund		261,310.90
TD Escrow		-
Totals	\$	<u>675,022.66</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 9:01 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