

MINUTES OF THE
EAST COVENTRY TOWNSHIP BOARD OF SUPERVISORS
MEETING HELD ON JUNE 9, 2008
(Approved July 14, 2008)

The Board of Supervisors held a regular monthly meeting on Monday, June 9, 2008. Present for the meeting were supervisors W. Atlee Rinehart, Rosemarie C. Miller, Robert F. Preston, Timothy Roland and Ray Kolb. Also in attendance was Bernard A. Rodgers, Township Manager, Mark A. Hosterman, Township Solicitor, and Brady Flaharty, Township Engineer.

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

Sewer Update

Mr. Flaharty noted that a final walk through inspection with the contractor was done. He noted that the start-up of Pump Station #5 was not able to be completed and that issues at Pump Station #5 are being addressed. He indicated that his office is in the process of preparing a substantial completion and a report on the walk through inspection. Mr. Flaharty handed out a summary of change orders to date.

Mr. Preston moved to grant Change Order No. 21 – Time extension for final completion of entire project to N'Abbonizio to July 14, 2008 for final completion – with no additional costs. Mr. Roland seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Walter Woessner of 164 Schoolhouse Road asked if it is necessary to wait 2-3 days for an inspector to show up and the Township Manager noted that the permit was worded as such due to the wording of the ordinance. Mr. Woessner suggested that maybe the ordinance should be reworded.

Mr. Preston moved to authorize the Township Engineer's office to inspect the same day and not abide by the ordinance. Mr. Rinehart inquired if this was appropriate and Mr. Hosterman noted that the ordinance would need to be changed to do things correctly. Mr. Preston modified his motion to authorize the ordinance to be amended and until then to allow same day inspections. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Woessner commented on Resolution 2008-24 regarding the decommissioning of existing septic systems. Mr. Woessner noted the amount of Clorox/bleach that should be used is not quantified. Mr. Preston stated that the amount did not need to be quantified and that the waste hauler(s) should know the quantity of Clorox/bleach to use.

Payment Application No. 13 for the Phase 2 Sanitary Sewer Project

Mr. Preston moved to authorize Payment No. 13 for the amount of \$148,443.59 contingent upon the paperwork being completed properly with no cross-outs and appropriate signatures attached. Mrs. Miller seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Preston moved to direct that the Township Manager clarify the payment amounts to be included in Application for Payment Nos. 12 and 13 and after determining the correct amounts to be included in each Application for Payment, to make payment to the Contractor after communicating same to the Board of Supervisors. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

1. MINUTES

Minutes of the May 5, 2008 Special Meeting

Mr. Preston moved to approve the minutes of the May 5, 2008 special meeting as amended Mrs. Miller seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote. Amendment is:

- Zoning Ordinance Discussion – in last paragraph change ‘Section 102’ to Sections 102 and 105

Minutes of the May 19, 2008 Monthly Meeting

Mr. Roland moved to approve the second draft minutes of the May 19, 2008 monthly meeting as amended. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

There was a discussion regarding Resolution 2008-14 – Transfer of funds – Mr. Preston noted the \$40,000 was not the amount of such transfer and Mr. Rodgers noted that the actual transfer amount was different but that because the Resolution as adopted stated \$40,000 it could only be amended adopting another Resolution.

Mr. Rinehart moved to have a resolution drafted to state the specific amount of funds transferred. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Amendments are:

- Change Order No. 20 – last paragraph to read ‘Mr. Preston provided information and pictures of the property at 2002 East Cedarville Road and noted the driveway needs to be fixed and also provided pictures of the front of his house at 2013 East Cedarville Road and asked that the Contractors be instructed to fix the items in front of his property including cleaning the three (3) pipes of debris for the 60’ of pipe as shown in the pictures.’
- Public Comment – in the second paragraph change ‘East Cedarville Road’ to ‘Brownstone Drive’
- Resolution No. 2008-24 – in the second sentence change ‘not language’ to ‘no language’

- Ellis Woods Road Park – in the second paragraph add to the end of the motion ‘because cut and fill requirements are included in the basic services provided’
- Playground Equipment – add ‘and installation’ after ‘playground equipment’
- Sewer Inspections by ARRO – in the first paragraph add ‘+/-’ after ‘220’
- DCNR Grant – last sentence to read ‘Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote’

Resolution No. 2008-28 – Police Department Policy

Mr. Rinehart moved to approve Resolution No. 2008-28 amending police department policies. Mrs. Miller seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Agreement with Exelon

Exelon has submitted an agreement to East Coventry Township for police patrol services at Fricks Locks Village. Mr. Preston asked if the amount in the contract was acceptable and Chief Theobald noted it was not. The Township Manager noted the cost the agreement should cover 100% of the Township’s costs.

Gail Brown – Chair – East Coventry Historical Commission inquired whether part of, all of or none of the property was in the exclusionary zone and if the Township was assuming liability for nuclear regulation requirements.

Mr. Preston recommended that the Township Manager and Police Chief meet with Exelon to resolve outstanding questions, that standard police patrols of the area to continue and to address the agreement, with assistance from the Township Solicitor, with a phone vote and ratification from the Board of Supervisors. The Township Manager noted he and the Chief would continue discussion with Exelon. .

Mr. Preston moved to have Chief Theobald, the Township Manager and Township Solicitor to work on the agreement and have an e-mail vote and then ratification by the Board at a later meeting. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

2. PUBLIC COMMENT

Walter Woessner of 164 Schoolhouse Road asked the status of the zoning ordinance and the Township Manager noted the Township Solicitor is reviewing Sections 102 and 105 and after that it will be forwarded to the County Planning Commission for Act 247 review and advertised for adoption at a Hearing scheduled for August 11, 2008.

3. REPORTS

Reports from Various Departments and Committees

Mr. Roland moved to approve the reports from the various departments and committees. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Preston requested the ATV situation on Country Lane be followed up on.

Township Manager's Report

The Township Manager noted a violation letter that was sent to the property owner of 498 Bethel Church Road.

Marie and George Pfitzenmeyer of 140 Wiand Lane provided pictures taken of aforementioned address and also provided a petition from the neighbors. Mr. Rinehart noted that the item is in the hands of the Zoning Department and should be left as such. Mrs. Pfitzenmeyer noted that in addition to the business, workers are living in an apartment in the home and a second apartment is going to be rented even though the property is zoned R-1. The Township Manager noted that the violations would be followed up on.

Building Inspector/Code Official Services

There was a discussion regarding Building Inspector/Code Official services.

The Township Manager noted he has mailed out a request for proposal for Code Enforcement services to 8-9 companies and proposals are to be received by end of June. The Township Manager requested that the Board consider creating a Code Enforcement and Inspection position, adopt the job description and wage plan as presented this evening and authorize advertising the position.

Mr. Preston did not recommend creating a position at this time but would consider advertising and interviewing for the position. The Township Manager noted that he felt a creating the position and accepting the job description was necessary in order to advertise and interview.

Mr. Roland moved to advertise for a Code Enforcement position as written in the June 9, 2008 e-mail from Mr. Rodgers with no commitment to create or fill the position. Mrs. Miller seconded the motion. Mr. Rinehart abstained due to lack of information. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-1 vote.

There was a discussion regarding the Code Inspections Inc.'s invoices for sewer lateral inspections for 2008 and 2007 at \$150 per building sewer inspection. It was noted that the agreement with Code Inspections Inc. states provided that it receive 60% of listed permit fees and where specific services are not listed shall be paid at the rate of \$45/hour. The Township Manager noted that the Board had approved payment to Code Inspections, Inc in the amount of \$150 per sewer lateral inspection, which is the full amount of the sewer permit fee, but that he recommended paying 60% of the sewer permit instead. Mr. Preston noted that he felt it was a good compromise if they did their job properly. Mr. Preston noted that 60% of the sewer permit fee should be paid to Code Inspections, Inc retroactively but that no payment should be made until resolution of the 20+ laterals that were installed improperly.

Mr. Preston moved that Code Inspections Inc. should not be paid any monies for building sewer lateral inspections until the items have been resolved to the satisfaction of the Board. There was a brief discussion on the propriety of continuing to have Code Inspections, Inc perform sewer inspections knowing that payment for those services was being withheld. Mr Rodgers noted that ARRO Consulting, Inc. was appointed by the Board to perform the inspections for the Phase II sewer connections and that for consistency of inspections and administration that ARRO be appointed by the Board to perform all sanitary sewer inspections. A discussion ensued with Mr. Flaharty, P.E. of ARRO Consulting, Inc who agreed to do the inspections for \$120 each. The basis of this amount was that his company did not have an inspector stationed at the Township building and that travel time had to taken into consideration. Mr. Preston modified his motion to include that all building sewer lateral inspections be done by ARRO Consulting, Inc. at \$120 per inspection. Mr. Roland seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Ellis Woods Park Project

A change order for extension of time for tree and shrub planting to start on September 15, 2008 was presented. Mr. Preston noted that a correct change order containing the proper information and signatures should be submitted for next month's meeting.

There was a discussion regarding Payment Application No. 1 for the Ellis Woods Park Project for the amount of \$109,029.52.

Mr. Preston moved that the marked up payment request not be accepted as submitted. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Preston moved to authorize the Township Manager to clarify the information on Payment Request No. 1 and have it submit for ratification action by the Board. Mr. Roland seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

2008 Road Maintenance Project

Bids received were as follows:

Reading Site Contractors	\$86,350.80
Melchoirre Construction Co	\$90,784.00

Mr. Roland moved to accept the bid of and award the contract for the 2008 Road Maintenance Project to low bidder Reading Site Contractors for \$86,350.80. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Preston clarified that the contractor is responsible for traffic control.

Heyser Tract

Bids received were as follows:

	<u>First Year</u>	<u>Second Year</u>	<u>Third Year</u>
Howard Swavely	\$1,010.00	\$1,060.00	\$1,110.00
Kenneth Miller	\$2,100.00	\$3,100.00	\$3,100.00

Mr. Preston moved to award the Heyser Tract lease to Kenneth Miller for the first year \$2,100, the second year \$3,100 and third year \$3,100 and waive the bid defect of failure to increase each year by \$50 for years two and three. Mr. Kolb seconded the motion.

Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

4. SUBDIVISION AND LAND DEVELOPMENT

Project: Coventry Glen Applicant: Heritage Building Group

There was a discussion regarding Escrow Release No. 24 for Coventry Glen.

Mr. Preston inquired about the status of the building sewer issues. Mr. Rodgers stated that he had received an e-mail from Mat Arnoldy of Ryan Homes indicating his intention to attend the July 2008 Board of Supervisors' meeting to discuss and hopefully resolve the outstanding issues.

Mr. Preston stated he could not vote for release of monies.

Mr. Kolb moved to approve Escrow Release No. 24 for Coventry Glen for the amount of \$31,056.75. Mr. Roland seconded the motion. Mr. Preston voted no. Mrs. Miller voted no. Mr. Rinehart called for the vote and **the motion** carried with a 3-2-0 vote.

Project: Heather Glen Applicant: Heritage Building Group

There was a discussion regarding Escrow Release No. 13 for Heather Glen.

Mr. Preston inquired about the sewer laterals issues at Heather Glen and the Township Manager noted that the Codes Official stated the items have been fixed. Mr. Rinehart requested such status in writing.

Mr. Preston moved to approve Escrow Release No. 13 for Heather Glen subject to verification that the sewer laterals have been fixed. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Project: Orchard Ridge Applicant: High Associates

There was a review of ARRO Consulting, Inc.'s letter dated May 5, 2008 regarding the end of the maintenance period for the public improvements observation and the list of deficiencies found in letter.

The Township Manager suggested that the Board authorize to have the proper paperwork prepared to draw down on the maintenance escrow and take the appropriate steps to get these items resolved.

Mr. Preston moved to authorize that the maintenance escrow be drawn down in the amount of 150% of the value of items listed in the May 5, 2008 ARRO Consulting, Inc. letter and authorized the Township Solicitor to prepare the appropriate documents. Mr. Hosterman noted that he may have a conflict with this project due to his representation of the Developer on an earlier project in another municipality. Mr. Preston added to his motion to use the Township's Conflict Counsel, if necessary. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Project: Eckhart Subdivision Applicant: Brandie Layne Associates, LP

There was a discussion regarding the end of the maintenance period for the public improvements observation and the deficient items as found in ARRO Consulting, Inc. letter dated May 5, 2008.

Mr. Flaharty noted the two items found in his letter have been corrected but one inlet is sinking into the paving and needs to be corrected.

Mr. Preston moved to authorize that the maintenance escrow be drawn down in the amount of 150% of the value of items listed in the May 5, 2008 ARRO Consulting, Inc. letter and authorized the Township Solicitor to prepare the appropriate documents. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Project: Coventry Self Storage Applicant: Ronald Elliott

There was a review of the extension of the completion date for Coventry Self Storage in accordance with the ARRO Consulting, Inc. letter dated June 4, 2008.

Mr. Preston moved to extend the Coventry Self Storage completion date and current financial security agreement to September 8, 2008. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

The Township Manager inquired about the township holding financial security for projects when there are no public improvements. Mr. Preston noted that the financial security should be held to ensure the proper installation of stormwater related items and that this was particularly important due to the MS4 Program.

Project: Plan Review Extension

Mr. Roland moved to approve a plan review extension for the Painter Tract B, Whispering Woods and Telvil Hall. Mr. Kolb seconded the motion. Mr. Rinehart abstained due to a conflict of interest. Mr. Rinehart called for the vote and **the motion** carried with a 4-0-1 vote.

It was requested that the second submission for Painter Tract be named Painter Tract B to distinguish it from the first submission and that separate file be maintained for both.

5. OTHER BUSINESS

Fire Police Request

Mr. Rinehart moved to approve fire police request for French Creek Iron Tour bike ride for June 22, 2008. Mr. Roland seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

6. DISCUSSION ITEMS

Natural Lands Trust

There was discussion regarding the Board's attendance at the June 18, 2008 Township Planning Commission meeting for the Natural Lands Trust discussion. It was concluded that because there was a potential for a majority of the Board of Supervisors to be in attendance that it was to be advertised as a Board meeting for the purpose of discussions regarding Natural Lands Trust.

7. PAYMENT OF BILLS

Mr. Rinehart moved to pay the NCD bill for \$95.16. Mr. Roland seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 4-1-0 vote with Mr. Preston voting no.

Mr. Preston moved to pay bills for the General Fund for the amount of \$143,334.38 that includes two (2) payrolls. Mr. Kolb seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Kolb moved to pay bills for the Highway State Aid Fund for the amount of \$2,181.25. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Preston moved to pay bills for the Sewer Capital Fund for the amount of \$180,241.16 including Payment No. 13 to N. Abbonizio Contractors for \$148,443.59. Mr. Roland seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Kolb moved to pay bills for the Sewer Operating Fund less the \$1,990.10. Mr. Roland seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Ms. Miller moved to pay bills for the Traffic Impact Fund for the amount of \$4,104.44. Mr. Preston seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Roland moved to pay bills for the Water Users Fund for the amount of \$340.71. Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and **the motion** carried with a 5-0-0 vote.

8. ADDITIONAL INFORMATION BROUGHT BEFORE THE BOARD

Mrs. Miller asked if letters have gone out regarding the rezoning and the Township Manager noted the letters will go out in July.

Mrs. Miller noted she attended the June 10, 2008 Northern Federation meeting and distributed a draft document relative to the Northern Chester County Regional Parks and Recreation Plan.

Mr. Preston suggested revisions should be made to the stormwater ordinance allowing for the establishment of impact fees to developers. He noted that he would discuss this further during the July 2008 meeting.

The Board authorized the 1998 police car to be re-advertised for bid with no minimum amount.

9. ADJOURNMENT

The monthly meeting adjourned at 10:55 p.m.

Respectfully submitted,

Bernard A. Rodgers
Township Secretary