

MINUTES OF THE
EAST COVENTRY TOWNSHIP BOARD OF SUPERVISORS
MEETING HELD ON OCTOBER 8, 2012
(Approved November 12, 2012)

The Board of Supervisors held their regular monthly meeting on Monday, October 8, 2012. Present for the meeting were supervisors Ray Kolb, Mariea Geho, W. Atlee Rinehart, Michael Albert Moyer, and Karen Nocella. Also present were Bernard A. Rodgers, Township Manager, Mark A Hosterman, Township Solicitor, and Brady L. Flaharty, Township Engineer.

Mr. Kolb called the meeting to order at 7:03 p.m. and the pledge of allegiance was recited.

Mr. Hosterman stated that an executive session was held at 6:00 p.m. immediately preceding this meeting to discuss a potential real estate acquisition, potential settlement of claims relative to Woodcrest Estates, and an ongoing zoning enforcement issue.

Hearings and Adoptions

Ordinance No. 193

Mr. Hosterman opened the public hearing for consideration and adoption of Ordinance No. 193 at 7:04 p.m. This proposed ordinance adds a Chapter 20 and the ordinance is entitled "Municipal Waste Collection and Recycling Ordinance".

Mr. Hosterman provided an overview of proposed Ordinance No. 193 as follows:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF EAST COVENTRY TO ADD A NEW CHAPTER 20 ENTITLED "MUNICIPAL WASTE COLLECTION AND RECYCLING" SETTING FORTH DEFINITIONS; LEGISLATIVE INTENT; RECYCLING PROGRAM; RESPONSIBILITIES OF GENERATOR; MATERIALS TO BE RECYCLED; RESPONSIBILITIES OF MUNICIPAL WASTE COLLECTORS; OWNERSHIP OF RECYCLABLE MATERIALS AND MUNICIPAL WASTE; ALTERNATE RECYCLING ACTIVITIES; HANDLING OF LEAF WASTE; AND ENFORCEMENT AND PENALTIES.

Mr. Hosterman asked if the Board of Supervisors had any comments or questions regarding proposed Ordinance No. 193. Mr. Rinehart asked if the proposed ordinance prohibits him from composting on his property. Mr. Hosterman advised that composting is not prohibited but compost materials may not be placed in the trash. Composting materials can be composted on private property or be taken to a composting facility. Mr. Rinehart asked about the recycle items that have a triangle and number on the bottom (which are not mentioned in the proposed ordinance) and Mr. Hosterman stated that they can be comingled in the trash and recycling of such would be handled on a case by case basis.

Mr. Moyer felt that the fines were too high and Mr. Hosterman stated that the fines are set high for the purpose of fining trash haulers that don't follow regulations. Mr. Moyer suggested the ordinance be voted down. Mr. Hosterman stated that recycling is a state mandate.

Ms. Nocella suggested an informational session be held to educate people on recycling and also made note of the option of the township going with one hauler to possibly cut disposal costs for residents.

Mr. Kolb did not feel that the trash bins should be placed in the cart way.

It was also suggested that the second sentence in Section 105.5 be deleted that placed limits on when waste and recyclable material containers can be at the curb.

Mr. Hosterman opened up the questions and comments to the public.

Walter Woessner of 164 Schoolhouse Road had provided the Township Manager with a memo containing suggested amendments to the proposed recycling ordinance. This memo was reviewed.

Roger Kolb of 768 Ebelhare Road asked if businesses are required to recycle and Mr. Hosterman stated that they are.

Sally Kolb of 231 Baptist Church Road asked if the recycling mandate would cost more for residents and Mr. Rodgers stated that it would. Mrs. Kolb asked how the ordinance will be enforced and Mr. Rodgers noted that violations will be addressed.

Suzanne Yorgey of 1175 Bethel Church Road noted that trash cans will be all over the road if residents are allowed to place them close to the road. Ms. Yorgey asked if residents will have to sign up for trash and asked if individuals can burn. It was noted that this ordinance does not allow municipal waste burning but agricultural burning is not restricted.

Mr. Hosterman closed the hearing at 7:50 p.m.

Mrs. Geho moved to table adoption of Ordinance No. 193 entitled "Municipal Waste Collection and Recycling" and take into consideration the comments received. Mr. Moyer seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

1. MINUTES

Minutes of September 10, 2012

Mr. Rinehart moved to approve the minutes of the September 10, 2012 monthly meeting as corrected. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Corrections being:

- Minutes of August 13, 2012 - Nature Trail Clean Up – shall read "*Mr. Moyer stated that he attended the Nature Trail Clean Up on August 11, 2012 and acknowledged Ann Sage, Howard Sage, Connie Megay, Bruce Stephens, **Cathy Carney-Horner**, Melissa Albright, Eric Hughes, Eric Hughes' parents, Bernard Rodgers and Mariea Geho for also attending.*"

- Township Engineer's Report – MS4 – The vote was a 3-2 vote with Mr. Rinehart and Mr. Moyer voting 'no'.

2. PUBLIC COMMENTS

- William Keller of 91 Do Jan Drive asked if the Board had received the e-mail he had sent to the township office. Mr. Kolb noted that the Township Engineer and Township Solicitor are already doing the items that Mr. Keller suggested in his memo. The Township Engineer is tracking the work completion of the projects. Mr. Keller asked what is going on with Woodcrest and the high weeds at the empty lot. Mr. Rodgers noted that a violation notice had been sent to the landowner regarding that property. Mr. Keller asked about the status of the stormwater basin. Mr. Rodgers noted that the basin is the responsibility of the developer and the developer is working with the Chester County Conservation District. Mr. Keller noted that there are some dead trees at the Woodcrest development and Mr. Rodgers noted that he did not think that there would be any tree replacements.
- Walter Woessner of 164 Schoolhouse Road asked about the sewer cleanouts that are above grade. The Township Engineer stated that he did not know how to pursue this issue because the 'permits were closed out'. The Township Engineer stated that the contractors did not cut the sewer cleanouts down to grade and attempts to contact the contractors have not been successful.

Mrs. Geho moved to send a letter to the property owners of the affected properties regarding the sewer cleanouts that are above grade to have the cleanouts cut. Mr. Kolb seconded the motion. Mr. Kolb called for the vote. The motion carried with a 5-0-0 vote.

- Roger Kolb of 768 Ebelhare Road Road asked about the status of the Parkerford Light improvements and the crosswalk. Mr. Rodgers noted that the County is working on obtaining an easement for the extension of the Schuylkill River Trail through this area and with PennDot for a crosswalk at the intersection. He felt that the Township would not be in a position to move forward with the new signalization until those items were resolved.

3. REPORTS

Township Manager's Report

Driveway Ordinance

Mr. Rodgers noted that he had sent a draft of the driveway ordinance amendments to the Board of Supervisors.

Mr. Moyer moved to authorize the Township Solicitor to prepare an amended driveway ordinance in proper form and authorize advertising of such proposed ordinance. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

**North Coventry Township Comprehensive Plan Amendment
Limerick Township Ordinance Amending and Adopting the Official Map**

Mr. Rodgers noted that the North Coventry Township Comprehensive Plan Amendment and the Limerick Township Ordinance Amending and Adopting the Official Map of Limerick Township have been received and review of such in accordance with the Pennsylvania Municipalities Planning Code is requested.

Mr. Moyer moved to forward to the East Coventry Township Planning Commission the North Coventry Township Comprehensive Plan Amendment and the Limerick Township Ordinance Amending and Adopting the Official Map of Limerick Township for review and comment. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote

Township Engineer's Report
Act 167

Mr. Flaharty provided an overview of the draft Chester County Act 167 Stormwater Plan.

Township Engineer's Report

Mr. Rinehart moved to approve the Township Engineer's report. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Reports from Various Departments and Committees

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

4. SUBDIVISION AND LAND DEVELOPMENTS

5. ZONING HEARING BOARD APPLICATIONS

John and Brenda Keiffer

The Board did not have any comment or take action in regards to the Zoning Hearing Board decision of the Zoning Hearing Board Application for John and Brenda Keiffer at it relates to 29 Creamery Road.

Glenn Kuszyk

The Board did not have any comment or take action in regards to the Zoning Hearing Board decision of the Zoning Hearing Board Application for Glenn Kuszyk at it relates to 279 Kulp Road.

6. OTHER BUSINESS

Police Vehicle

Bid results for the 2008 Crown Victoria Police Cruiser are found below.

| Bidder | Amount | Bond |
|-----------------------------|---------------|-------------|
| GRACE QUALITY USED CARS INC | \$3,056.00 | X |
| CHICAGO MOTORS INC | \$2,607.00 | X |
| BAY RIDGE MOTORS INC | \$2,219.00 | X |

Mr. Kolb moved to award the bid for the 2008 Crown Victoria to Grace Quality Used Cars Inc. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Schuylkill Highland Grants Program

Mrs. Nocella moved to approve processing of the Schuylkill Highland Grants Program grant application as it relates to the Frick’s Lock project. Mr. Kolb seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 4-0-0 vote. Mrs. Geho was out of the room at the time of the vote.

Nature Training Program

Mr. Rinehart moved to authorize Mrs. Geho to attend the Force of Nature Training Program. Mr. Moyer seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 4-0-0 vote. Mrs. Geho was out of the room at the time of the vote.

Per Capita Tax Ordinance

Mr. Rinehart moved to authorize advertising of the proposed ordinance (as corrected) entitled “Per Capita Tax Amendment” which amends Chapter 24 (Taxation, Special), Part 1 (Per Capita Tax), Section 103 (Imposition of Tax). Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Corrections being: §103. Imposition of Tax. In the first line change ‘capital’ to ‘capita’ and in the fifth line change ‘taxable’ to ‘prior taxable’.

CCATO Fall County Convention

Mr. Kolb moved to authorize Mrs. Nocella, Mrs. Geho and Mr. Rodgers to attend the 2012 CCATO Fall Conference on November 8, 2012. Mr. Rinehart seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Exonerations and Exemptions

Mr. Moyer read the exonerations as presented by the Tax Collector.

Mrs. Geho moved to approve the exonerations as presented. Mr. Rinehart seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Fire Police Requests

Mr. Kolb moved to ratify approval of the fire police request for the Twin Valley Fire Company on October 17, 2012 from 5:00 pm – 10:00 pm. Mr. Rinehart seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Rinehart moved to approve the fire police request for the OJR School District for the Halloween Parade at East Coventry Township Elementary School to be held October 31, 2012 from 12:00 pm – 2:30 pm. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Kolb moved to approve the fire police request for the Farmer’s Daughter Farmers Market for their Fall Fest to be held October 13 and 14, 2012 from 9:00 am – 6:00 pm. Mr. Rinehart seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

7. PAYMENT OF THE BILLS

Mrs. Geho moved to pay bills as presented:

| | |
|-------------------------|---------------------|
| General Fund | \$535,102.06 |
| Sewer Operating Fund | \$14,679.78 |
| Traffic Impact Fee Fund | \$112.00 |
| Highway State Aid Fund | \$12,919.40 |
| <u>Open Space Fund</u> | <u>\$320,000.00</u> |
| | \$882,813.24 |

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

8. ADDITIONAL ITEMS BROUGHT TO THE BOARD

Boy Scout Project

Mr. Kolb noted that the Boy Scout would like to start his project at the Wineberry Property on Saturday and Mr. Kolb stated that he needs to verify the property lines. Mr. Rodgers stated that a boundary survey was done on the property and the surveyors would need to be contacted.

Playground Equipment

Mr. Kolb stated that the playground equipment for Towpath Park will arrive this Wednesday.

Tax Collection Committee

Mr. Rinehart stated that the Tax Collection Committee has a meeting schedule for November 13, 2012.

Minimum Municipal Obligation for Fiscal Year 2013

Mr. Rodgers noted a memo sent to the Board of Supervisors regarding the pension plan Minimum Municipal Obligation for Fiscal Year 2013.

Mr. Rodgers stated that an executive session is needed for a personnel item.

Mr. Rinehart moved to have an executive session. Mrs. Geho seconded the motion. Mr. Rinehart, Mr. Kolb, Mrs. Geho and Mrs. Nocella voted yes. Mr. Moyer voted no. Mr. Kolb called for the vote and **the motion** carried with a 4-1-0 vote.

The Board of Supervisors recessed into Executive Session at 8:40 pm.

The Board of Supervisors meeting reconvened at 8:53 pm.

Mr. Moyer moved to vacate the motion he made back in August which dealt with amending the Employee Handbook. Mr. Moyer then turned the meeting over to the Township Solicitor.

Mr. Hosterman noted that the motion to amend the Employee Handbook was in consideration of Chief Theobald's wife being Medicare eligible. She could opt out of the Township's group healthcare coverage and go onto Medicare for benefits, if the Township would be willing to reimburse the cost of supplementary Medicare insurance and Part B. However, the Township Solicitor determined that the regulations with regard to Medicare are such that the township is prohibited from providing an incentive for an employee or their dependent to leave the group health insurance and to go onto Medicare. The objective in reversing the Board's previous motion is to make sure that it is clear that there is no incentive offered. Mr. Hosterman recommended an amendment to the Employee Handbook to remove such Medicare provision.

Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Hosterman distributed a proposed Memorandum of Understanding (MOA) between the Chief Theobald and the Township. He stated that in recognition of the good work that Chief Theobald has done for the township this MOA provides that the township is going to reimburse the Chief for the cost of the Medicare supplementary insurance Part B for his dependent but that the dependant would remain eligible at all times for the healthcare paid for by the township under the same provisions as provided to other employees. The dependent may opt to stay on the township plan or may opt out but it's the dependent's own decision. In that way the township has removed any appearance of an incentive for anyone to leave the group plan.

Mr. Moyer stated that Part 2 of the Memo of Understanding states that the reimbursement should not exceed any contribution the township would have made otherwise meaning the township would not have to pay anymore than they would have to under normal circumstances.

Mr. Moyer moved to accept the Memorandum of Understanding between the township and Chief Theobald. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

9. ADJOURNMENT

Mrs. Geho moved to adjourn the monthly meeting at 8:55 p.m. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Respectfully submitted,

Bernard A. Rodgers
Township Secretary