

MINUTES OF THE
EAST COVENTRY TOWNSHIP BOARD OF SUPERVISORS
MEETING HELD ON NOVEMBER 12, 2012
(Approved December 10, 2012)

The Board of Supervisors held their regular monthly meeting on Monday, November 12, 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 7:00 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 an ongoing zoning enforcement issue, two real estate matters and a tax assessment appeal. No decisions were made.

Hearings and Adoptions

Ordinance No. 194

Mr. Hosterman opened the public hearing for consideration and adoption of Ordinance No. 194 at 7:02 p.m. This proposed ordinance amends Chapter 24 (Taxation, Special) and the ordinance is entitled "Per Capita Exemption Amendment".

Mr. Hosterman provided an overview of proposed Ordinance No. 194 as follows:

**AN ORDINANCE AMENDING THE TOWNSHIP OF EAST COVENTRY
CODE OF ORDINANCES, CHAPTER 24 (TAXATION, SPECIAL), PART
1 (PER CAPITA TAX), SECTION 103 (IMPOSITION OF TAX) TO
PROVIDE AN EXEMPTION FROM SUCH TAX FOR ANY INDIVIDUAL
RESIDENT WHOSE TOTAL INCOME FROM ALL SOURCES DURING
THE TAXABLE YEAR IS BELOW 100% OF THE GROSS ANNUAL
INCOME FOR A FAMILY OF 1 PERSON AS SET FORTH ON THE
FEDERAL POVERTY LEVEL TABLES FOR THE APPLICABLE TAX
YEAR.**

Mr. Hosterman asked if the Board of Supervisors had any comments or questions regarding proposed Ordinance No. 194. Mr. Moyer clarified that this ordinance addresses an existing tax and no new tax is proposed and the purpose of the ordinance is to exempt from the per capita tax those under the federal poverty level.

Mr. Hosterman asked if there were any questions and/or comments from the public.

Melissa King, Tax Collector, noted that the resident has to request the exoneration.

Mr. Hosterman closed the hearing at 7:06 p.m.

Mr. Rinehart moved to adopt Ordinance No. 194 entitled “Per Capita Tax Amendment”. Mr. Moyer seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Ordinance No. 195

Mr. Hosterman opened the public hearing for consideration and adoption of Ordinance No. 195 at 7:07 p.m. This proposed ordinance amends Chapter 21 (Streets and Sidewalks) and the ordinance is entitled “Driveway Ordinance”.

Mr. Hosterman provided an overview of proposed Ordinance No. 195 as follows:

AN ORDINANCE AMENDING THE TOWNSHIP OF EAST COVENTRY CODE OF ORDINANCES, CHAPTER 21 (STREETS AND SIDEWALKS) TO DELETE EXISTING PART 1 (DRIVEWAYS) AND REPLACE IT WITH A NEW PART 1 ENTITLED “DRIVEWAYS” SETTING FORTH: SHORT TITLE; PREAMBLE AND INTENT; DEFINITIONS; SCOPE; PERMIT REQUIREMENTS FOR DRIVEWAYS; MAINTENANCE; INSPECTIONS; REQUIREMENTS FOR SUBDIVIDERS; INDEMNIFICATION OF THE TOWNSHIP; PENALTIES AND REMEDIES FOR VIOLATIONS; APPEALS; AND WAIVER.

Mr. Hosterman asked if the Board of Supervisors had any comments or questions regarding proposed Ordinance No. 195. Mr. Moyer noted that the intent of this ordinance is to make it less onerous for residents to do work on their driveway.

Mr. Hosterman asked if there were any questions and/or comments from the public. There were no questions or comments from the public.

Mr. Hosterman closed the hearing at 7:15 p.m.

Mrs. Geho moved adopt Ordinance No. 195 entitled “Driveway Ordinance”. 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 October 8, 2012

Mr. Rinehart moved to approve the minutes of the October 8, 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:

- Public Comments – in the last paragraph change Roger Kolb’s address to 768 Ebelhare Road

Minutes of October 29, 2012

Mr. Rinehart moved to approve the minutes of the October 29, 2012 special meeting as presented. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried

with a 5-0-0 vote.

2. PUBLIC COMMENTS

- Mr. Kolb stated that West End Ambulance would no longer cover East Vincent Township and East Vincent Township will be covered by Friendship HLH & Ambulance, Inc. Mr. Kolb stated that Goodwill Ambulance has expressed their willingness to cover all of East Coventry Township. Mr. Rinehart moved to proceed with changing East Coventry Township's ambulance service to Goodwill Ambulance and prepare a resolution to address such. Mr. Moyer seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

3. REPORTS

Township Manager's Report

Release of Funds

Mr. Rinehart moved to approve Change Order No. 3 for the amount of \$2,588.00 for the Coventry Glen improvements project in accordance with Township Engineer correspondence dated November 1, 2012. Mrs. Geho 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 release of funds in the amount of \$42,630.25 to P.J. Reilly Contracting Co Inc for work completed at Coventry Glen. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Mrs. Geho moved to authorize the Township Solicitor to prepare the paperwork required for a maintenance agreement for Coventry Glen. Mr. Rinehart seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

PECO Green Region Grant

The PECO Green Region Grant will be addressed at the time of the budget discussion.

Auditor

Mr. Rinehart moved to approve the Proposal for Professional Services from Reinsel Kuntz Leshner LLP dated November 7, 2012 for auditing services and advertise the notice for adoption of the appropriate resolution. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Ambulance Service

This item was addressed under public comment.

Township Engineer's Report

Mrs. Geho moved to approve the Township Engineer's report. Mrs. Nocella 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

Mrs. Geho moved to approve the reports from the various departments and committees. Mr. Rinehart 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

Ronald and Sharon Wisler

Mr. Rinehart moved to take no action regarding the Zoning Hearing Board decision for Ronald and Sharon Wisler for 1478 Harvey Lane. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

6. OTHER BUSINESS

Historical Commission

Mrs. Geho moved to accept Phyllis Snyder's resignation from the Historical Commission and prepare a resolution to recognize her service on the Historical Commission. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Chester County SPCA

Mrs. Geho moved to approve 2013 Animal Protective Services Agreement (Option #1 – Full Contract) with the Chester County SPCA. Mrs. Nocella 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.

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

Fire Police Request

Mr. Kolb moved to ratify approval of the fire police request for the Linfield Fire Company on October 26, 27, and 28, 2012. Mr. Moyer seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Ordinance No. 193 – Chapter 20 (Solid Waste)

There was discussion and review of proposed Ordinance No 193 entitled "Municipal Waste Collection and Recycling Ordinance" amending Chapter 20 (Solid Waste).

Mr. Hosterman stated that adoption of the proposed Ordinance No. 193 was tabled from the last Board of Supervisors meeting and the comments received at that time had been addressed. Mr. Hosterman stated that the necessary additional changes will be made and a revised ordinance will be provided to the Township Manager for distribution. The ordinance does not have to be adopted until March 2013.

Zena Gavin of 1112 Kulp Road asked who will govern the recycling collectors and Mr. Hosterman noted that recycling violations should be reported and if the recyclers are comingling that is a violation of this ordinance and the Township can enforce.

Ms. Gavin also asked about burning leaves and Mr. Hosterman stated that leaf waste is considered recyclable and will be collected curbside. Mr. Rodgers noted that there will be no burning of municipal waste and the township must enforce this or they will be penalized and not given grant funds from the State. Mrs. Geho stated that the haulers who do not recycle should be banned.

Sally Kolb of 231 Baptist Church Road said she felt that it made more sense to have one hauler in the Township rather than having several haulers in the township.

In response to Mrs. Kolb's statement there was a brief discussion of the pros and cons regarding the township using only one hauler. Mr. Moyer stated that he felt that use of a single hauler system would be anti-consumer.

The proposed ordinance will be reviewed further at the next Board of Supervisors meeting.

2013 Budget

Mr. Rodgers provided an overview of the proposed 2013 budget which includes eight (8) funds.

Walter Woessner of 164 Schoolhouse Road asked the criteria for replacing maintenance vehicles and police cars. Mr. Kolb stated that maintenance vehicles are replaced about every ten (10) years. The hours of use and mileage are taken under consideration and the police cars are in a five (5) year rotation.

Mr. Rodgers noted that there was not a tax increase or sewer use fee increase proposed for 2013. In addition, he stated that Police Officer wages were proposed to increase in 2013 by 4% pursuant to the current contract and that the non-uniform wages were proposed to increase by 2% with two of three employees being advanced one step in the pay classification plan. After some discussion, Mr. Kolb moved that the Township Manager's salary be advanced one step in the pay classification plan for 2013. Mrs. Nocella seconded the motion. Mr. Kolb, Mrs. Nocella and Mrs. Geho voted yes. Mr. Rinehart and Mr. Moyer voted no. Mr. Kolb called for the vote and **the motion** carried with a 3-2-0 vote.

Mrs. Geho moved to advertise the proposed 2013 budgets. Mrs. Nocella seconded the motion. Mr. Kolb, Mrs. Nocella, Mr. Rinehart and Mrs. Geho voted yes. Mr. Moyer voted no. Mr. Kolb called for the vote and **the motion** carried with a 4-1-0 vote.

Mr. Kolb moved to approve submission of the grant application for the PECO Green Region Program Grant. Mrs. Geho 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	\$307,859.88
Fire Hydrant Fund	\$945.88
Open Space Fund	\$25,325.00
Sewer Operating Fund	\$15,547.70
Traffic Impact Fee Fund	\$223.00
Capital Reserve	\$8,671.32
<u>Highway State Aid Fund</u>	<u>\$2,458.78</u>
	\$361,031.56

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

Zoning Enforcement Action

Mr. Hosterman stated that the township has been in extensive negotiations with counsel regarding a Zoning Enforcement Action and both sides have reached a tentative agreement. This agreement is to be voted on at the December Board of Supervisors meeting and recommended meeting notices be sent to property owners to discuss the potential settlement with the Board.

Mr. Moyer moved to have the appropriate residents be sent the notice and settlement agreement and invite them to discuss at the December Board of Supervisors meeting. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Frick's Lock Village

Mr. Kolb stated that he went on a tour of Frick's Lock Village and it looks nice and it is really coming around.

Towpath Park

Mr. Kolb stated that the playground equipment at Towpath Park is complete.

Maack Farm

Mrs. Nocella asked if the township would allow deer hunting on the Maack Farm with a permit. Mr. Kolb suggested the township insurance carrier be contacted to inquire about such liability.

Old Schuylkill Road

Mr. Rinehart stated that residents on Old Schuylkill Road have complained about high speed traffic.

One Trash Hauler

Mr. Moyer stated that he feels that the township requiring residents to use one hauler would be anti-consumer and by using one hauler the township would be telling the taxpayer what they can and cannot do.

9. ADJOURNMENT

Mr. Rinehart moved to adjourn the monthly meeting at 8:35 p.m. Mrs. Geho 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