

MINUTES OF THE
EAST COVENTRY TOWNSHIP SPECIAL MEETING
HELD ON OCTOBER 24, 2022
(Approved November 14, 2022)

The Board of Supervisors held a special meeting on Monday, October 24, 2022, to discuss the Nolt Trucking/Spring City Acres pit issue. Present for the meeting were W. Atlee Rinehart, Michael Moyer, Anthony Duffy, Karen Nocella and Ray Kolb. Also present were David Kraynik, Township Manager, Mark Hosterman, Township Solicitor, and Joe Clement, Esq., Wisler Pearlstine, LLP. Attending from East Vincent Township were: Catherine Ricardo, Township Manager, Beth Flor, Vice Chairman of the Board of Supervisors, and Ed Dracup, Supervisor.

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

Mr. Hosterman opened the meeting by announcing tonight's meeting was to be for the residents of East Coventry to address their concerns to the applicant for the FPR Facility. The Board received a letter from the attorney representing Nolt Trucking last week stating they would not be participating this evening. They stated at this point in time, they would not be moving forward with construction, but they did preface it by saying, at this point in time. The Board did work with Nolt in order to enter into an agreement that we felt protected the township by limiting the scope of the operation. The law is pretty clear on this, that this is a normal agricultural operation, and that we also received confirmation from DEP that they consider this to be a normal agricultural operation. In any event, since they are not here tonight, we are going to move forward. When we get to the public comment and discussion period, Joe Clement will be the moderator for that discussion. Mr. Hosterman stated the Board of Supervisors is very disappointed that no one from Nolt attended the meeting this evening. He stated they have a few action items with regard to this FPR Facility and also State Law in general in PA that the Board of Supervisors would like to address.

Mr. Moyer made a motion to Rescind the Agreement between Spring City Acres and East Coventry. Mr. Duffy seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Moyer moved to authorize the township solicitor to prepare letters for the Board of Supervisors review addressed to State Representative Tim Hennessey, State Senator Katie Muth, and Governor Tom Wolf exposing the appalling lack of regulation of FPR facilities in Pennsylvania and requesting immediate action of law makers to regulate these facilities to protect the public health, safety, and welfare.

Mr. Moyer made the motion. Mr. Duffy seconded the motion. The motion carried with a 5-0-0 vote.

PUBLIC COMMENT – Moderated by Joe Clement

Kristen Pionzio, Hamburg, Rubin, Mullen, Maxwell, & Lupin, PC, Land Use and Zoning Attorney, attending with her partner William Roark who specializes in Environmental Law and Agency Law and Annie Neamand is their associate as well. We represent East Coventry Advocacy, a 501c4 group that is interested in bettering the lives of the East Coventry residents and to seek information as this process and any other future process move forward. The group is now about 250 people who are a part of our organization. Kristen stated they are grateful for the action that was just taken this evening. This puts a lot of minds at ease relative to the tank and the FPR facility that was proposed to date. What they are concerned about is a line of communication for future applications, as you've indicated you recognize that Nolt has gone away for now. What the residents are concerned about now, is Nolt's reapplication in the future. Fearing Nolt's hopes that people calm down and don't show up any more and that they can slip in and file another permit application and the community would not have any notice of that. In addition, the residents are concerned about other applications for properties in East Coventry Township. As a municipal solicitor, myself, I understand that it's usually up to the residents to seek a "Right-to-Know" request to see what permits have been issued, but as your solicitors will inform you there is a 30-day clock to appeal permits in this Commonwealth, from the time that you knew about the permit or should have known about the permit. The latter is problematic, because people usually have spent a lot of money even though a neighboring property owner might have or should have known that the permit has been issued. To avoid this complication, we're looking for some report, some methodology of communication relative to a permit like this one. Either for an FPR facility, a tank, or something like that in furtherance of an operation like what's proposed by Nolt. I would like to start there and see what we can do about that line of communication.

Per Mr. Hosterman: What I would suggest to the Board, is if they (Nolt), come back to seek renewal of the permit that we immediately notify Ms. Pionzio who's representing the citizens group so that they will know about it and we immediately place it on an agenda for the next supervisors meeting.

Ms. Pionzio asked if they (the township) could go a step further and notify them if anybody who would apply for such a use so they are not limiting themselves to the Nolt application. Mr. Hosterman stated, he did not believe the Board would have any problem with that. Any type of application for an FPR facility, we will notify you.

Ms. Pionzio stated:

1. Some of the review they are interested in, lies with DEP. As your solicitor rightly said, FPR unfortunately is not regulated as a normal agricultural operation if it falls into that category. But there are certain things that would tip us off that would maybe suggest it's not a normal agricultural operation like the size of the tank for the property, what they're doing in the tank, are they mixing other elements like manure with the FPR so now that it's a manufacturing use and maybe not just the storage of FPR; those are the kinds of things that if we have knowledge of an application we can look into. Working together, we think that we can get to a place that we feel that what's supposed to happen on farmland actually does and what's not supposed to happen on farmland does not as well.
2. We don't want anyone storing FPR on their property for resale, we don't want manufacturing uses where they're not permitted in the underlying zoning.
3. Truck traffic. In some cases some operations call for trucks that aren't worthy for some of your residential roads, they're narrow, there's bridges that maybe deficient, or just the

shear volume of trucks can sometimes be problematic for a municipality. Ms. Pionzio stated she is not aware if there is a concern from the township's point of view relative to trucks and how they may need to be restricted. Should there be another application such as this we can look beyond just the nature of FPR and any new legislation that would need to be considered to give you a stronger handle on this type of operation for years to come. Ms. Pionzio is asking for staff and supervisors to look at the roads and bridges sections of your ordinances to see, what if anything, can be done to proactively prevent some operations, such as this one. Ms. Pionzio posed the question to the supervisors.

- a. Mr. Hosterman stated, they could look into that but they cannot limit specific truck traffic on Bethel Church Road. They can't target just FPR trucks, it would have to be based on tonnage and axles and things of that nature. We can look into it, but I am not sure how much room we have to regulate that truck traffic.
4. Ms. Pionzio stated there was some talk about an Open Space Acquisition of the subject farm. I understand that there was some research and funding that was explored some time ago and that those efforts have lapsed. Are the supervisors interested in revisiting an open space acquisition of the farm at hand?
 - a. Mr. Hosterman stated, that option was explored with the previous owner. It has not been explored with this current owner.
 5. Ms. Pionzio asked if the supervisors would consider putting this back on the table and exploring this option with the current owner?
 - a. Mr. Hosterman stated, if the current owner is interested in that option, I'm sure the supervisors are interested in Open Space. We're very definitely a pro-Open Space township. We have a tax that has given us funding to purchase open space, agricultural easements or conservation easements. When an interested land owner comes forward, in order to sell the development rights, we have an ear to listen.
 6. Ms. Pionzio stated, "Let me push a little further, Mr. Hosterman." Would the township consider the use of eminent domain to acquire this property notwithstanding the opinion of the property owner?
 - a. Mr. Hosterman stated, "That's not something we're going to discuss in public, they would take that under advisement."
 7. Ms. Pionzio thanked the Board for their consideration. They look forward to this open line of communication, so that we can be prepared to do what we can do to help in the future. Thank you.

Steve Schur – Coventry Glen resident: It's a shame that we have to get to this point for the Board of Supervisors to have made a decision that they could have made in June. It's a shame they had to create all sorts of confusion and concern in this community on something so obvious and detrimental to the community that you should have said, this is a problem and if we're going to head down this road, we should at least let the people of this community know what's going on. The continued lack of transparency from the Board of Supervisors is unacceptable. You spend \$1200 redoing your website and yet you can't find any information on the website. Other township websites have a lot of information, you guys have nothing there – literally nothing. If in fact, you want to let people know what's going on about anything that's going on, you need to have it on the website so we can easily access it. It's almost like you're hiding stuff. Thank you.

Alexandra Davis – Anderson Road: Nothing I’m saying here tonight has anything to do with any of you personally. This is strictly against this. It is the declared policy of the commonwealth to conserve and protect and encourage the development and improvement of its agricultural land for the production of food and other agricultural products. I’m a well driller’s daughter, my father was a well driller for many years. I know what it is when water is contaminated. How does this improve our land, if it will, and there’s a spill or it leaks into our water. How do you feel that is going to improve the agricultural outlook, the outlook for our families, our children, our health, and our well-being. Because you just can’t clean it up in well water. My well is 93’ deep. I live in an old home. It would hit me like that, and I have a real problem with it. I have a real problem that we were never notified about this. I also have a problem that every supervisor voted for it, and Ray, this has nothing to do with you as a person. However, your family is a well-established family in this community and everybody likes your family. However, I don’t feel that you should’ve been voting on it at all, I think you should have been out of that vote completely. I understand that all five (5) of you voted for it. I think that is a conflict of interest. Family name, everybody knows Kolb’s. We all like the Kolb’s, we all like the dairy and of course we all liked the meat. But this isn’t representing us. It isn’t representing our constituents. It’s not representing our families. I work at OJR, I see your kids every day, I’d like to see them healthy. Thank you.

Mr. Hosterman stated, that Kolb family is not Ray Kolb’s immediate family. Mr. Hosterman stated there was not a conflict of interest. Ms. Davis stated, it’s in the family name, because everyone knows the Kolb’s, so they think it’s okay.

Ms. Pionzio asked, if the Supervisors knew if they were spraying today, even though they are not interested in constructing the tank? Would there be a way for the township to know, or would it just be by word of mouth when people see it, or?

Mr. Clement stated – they did not know if they were spraying. He also stated, “we the township would not be notified.”

Ms. Pionzio stated, “So you have no knowledge as of today whether or not they are spraying even without the tank?”

A Board member stated “no”.

Cathy Jamieson – Saylor’s Mill Road: Thank you for your vote today, I appreciate that. Just for clarity, I think probably for myself, maybe for some other people, so the vote today to rescind the application for this – is that also stopping them from being able to spray not from this pit – just sort of in general. Can they still spray on all these fields that are part of the whole Spring City Acres, or does your vote stop that as well? I just need some clarity on that.

Mr. Clement stated – the vote that the board took this evening was to rescind the agreement that was entered into between the township and the farm. Per Ms. Jamieson – does that include spraying? Per Mr. Clement, that is only relative to that particular agreement. PA DEP does not regulate spraying. As long as there is a nutrient management plan, they could have; I’ll read the email that we received from PA DEP as well that says, Spring City’s Acres plans to store food processing residuals (FPR), in a to be constructed 1.4-million-gallon inground concrete tank and then apply the FPR to fields they own in the area in accordance with the best management practices (BMPs), in the departments food processing residual management manual it is permitted. Ms. Jamieson

stated, “So they can still spread stuff, just not from the pit that they were originally going to build?” Mr. Clement stated, “They can fertilize their fields as long as they are adhering to whatever the PA DEP and agricultural regulations are. So, yes, they can use a traditional fertilizer, they can use FPR, they can use manure, unfortunately the township has zero control. Ms. Jamieson asked, “Is there a regulating agency at all that would ever know what they are spraying?”. Mr. Clement stated, “PA DEP”. Per Ms. Jamieson, “But they are only notified if someone files like complaints of misuse or misacting.” Mr. Clement stated, “It’s a little more than that. PA DEP has a nutrient management plan or a manual that they put together. It can be for manure, FPR, a number of different things. That manual has to be followed. So, PA DEP is supposed to know that. But there’s no general permit, there’s nothing of that nature.” Ms. Jamieson stated, “But they just don’t come out and look regularly?” Per Mr. Clement, “No, they do not. As long as the BMPs are being followed, it is what it is.” Per Ms. Jamieson, “I understand it’s beyond the township.”

Jocelyn Henry – Stoney Run Road: I am one of the closest neighbors to this, literally the farm field is next to my house. According to table 8.11 of the FPR manual, it says a minimum of 50 feet from the property line they can spray. My house is 100 feet from that property line, so it should be 50 feet over. 300 feet from wells and occupied buildings, so that takes them into the middle of the farm field. My house is 100 feet from the field, my well is 180 feet from the field. Who is going to regulate this? You know they are going to come in and spray. I have either two choices, either I sell now or you guys step up. It’s very discouraging. I’ve lived here 20 years. I’ve lived in East Vincent since 1972, where half of our property is East Vincent / half is in East Coventry. What are you going to do?

Meaghan Wright – Bethel Church Road: I am coming to you with the table that was just referenced from the DEP (Table 8.11), FPR manual. These are required regulated distances and there are minimum isolation distances, so it’s unambiguous, it’s clear, in addition to the things that were just said. So, honestly, I want to thank you for your time, your efforts, and the votes tonight, but my main concern is with the application of this FPR. If we’re saying we are not going to allow them to enter into this agreement and build – that’s great; but what are we doing to prevent the FPR application? There needs to be zoning for that as well, I think. I guess at this point, I’m not clear what latitude you have or what recourse we’re to take other than complaining to the DEP.

Per Mr. Clement, “There’s no good answer for this at all, because the lawmakers at a state level have completely regulated this or deregulated, however you want to say that, but have taken this out of the hands of local townships, we can’t zone and prevent farming or what they now defined as a normal agricultural operation. ACRE is the right to farm act. Really the answer is, go to your state legislators and tell them that you want this regulated in a way that it’s not regulated now. If this were not being applied to land, if we were trying to make fertilizer, natural fertilizer, this would be in the general permit of PA DEP. But just because it’s being applied to the land and that has been determined as normal agricultural operation, it’s deregulated.”

Per Ms. Wright, “I wonder too, if we can look at other counties. My understanding is that Lancaster County does zone for this.” Per Mr. Clement, “Lancaster County has different zoning in place, they have county-wide zoning in some instances, but that would not apply to something like this.” Per Ms. Wright, “Do you have any advice for us at this point, other than to contact legislators?” Per Mr. Clement, “No, honestly, that is really

what needs to happen now. The more voices that are heard by your state legislators the more chance there is for this to be regulated in a more traditional sense.”

Don Foy – Woodcrest Estates: I appreciate the Board rescinding the agreement with Nolt. My concern is, how confident are we that, that’s going to stick? I would assume, Nolt came to the Board with the permit request prior to the purchase of the property? Is that correct? Per the Board, “No.” Per Mr. Clement, “My understanding is that Nolt approached after the property was purchased.” Per Mr. Foy, “So the purchase was not contingent upon getting this agreement?” Per the Board, “Not to their knowledge.” Per Mr. Foy, “So, you rescinded the agreement tonight, based upon, it sounded like concern by the citizens as well as the fact that Nolt was not here to represent themselves. I’m not sure if there was another reason for rescinding that, was there?” Per Mr. Clement, “There was a letter that was received from counsel for Nolt, and they said they were not moving forward with the construction.” Per Mr. Foy, “I think you also said earlier that they may come back again now, should they, what’s going to keep you from approving it the next time? They would be there in person. That takes away that reason for why you rescinded tonight. Can you rescind, strictly based upon the fact that we don’t like it?”

Per Mr. Clement, “Right now there is no agreement in place because there has been a vote by the Board. If any facility, if it’s Nolt or somebody else, were to come back to the township, what Ms. Pionzio asked, was that she and the neighbors be notified and that the board would then put it on a public agenda so there would be at least a public process for everybody to participate in. When we’re looking at these FPR operations right now, the way the state law is, they can move forward as normal agricultural operations. There’s a lot of protections in Pennsylvania for farmers. One of which is they don’t need traditional building permits for farm buildings. Even that is something this Board does not have control over anymore. The best we can do is to tell everybody it’s happening, and give everyone an opportunity to participate in whatever that process is. Write and call your legislators, do anything you can to get in touch with them and voice your opposition to things like this. Pennsylvania is the least regulated state in this area.”

Per Mr. Foy, “I understand this, but that’s not a resolution to this issue. Perhaps that should be done long term no disagreement. But as far as this particular issue, I would assume, since that this is the primary reason why they purchased this property, was to conduct this kind of business, that the permit is rescinded, they are going to come back and fight this, do we have a legal basis to not give them the permit the next time? Mr. Foy stated, “We’re going to walk away from this tonight all happy and later find out this has somehow been approved in the future and that work has already started.” Per Mr. Clement, “He understands, and again, the state law is such that these types of operations are protected, it’s difficult for us to take a stand before somebody comes in and asks for something or on just the basis of a zoning permit, but as far as the Board is concerned, they are telling you right now, that there will be a public process. So that anybody that comes in with an FPR operation at least there will be knowledge.”

Mr. Foy additionally wanted to speak to the zoning. His understanding is that there were some initial concerns with the zoning permit. In terms of whether this really was going to be agriculture and not manufacturing and whether or not it would comply with the ordinance as far as odor goes and he believed they were told they had to demonstrate compliance with that, if that’s correct, what was the evidence?

Mr. Clement stated, “Where things may have gone a little sideways, is that initially, there was a determination made that perhaps this was not a normal agricultural operation or farming and should be subject to something like a zoning hearing. But then after counsel for the farm came forward, and produced a couple different cases, and gave the township some more information it fell within that normal agricultural operation.”

Karen Flores – Do-Jan Resident: Stated her daughter and others were trying to attend via phone. Mr. Kolb said there are technical difficulties preventing that.

Linda – Bethel Church Road: She stated that when she spoke with PA DEP, they told her they knew all about Nolt Trucking and they took Nolt’s word for it.

John Kieffer – Creamery Road: I believe it’s within the authority of the supervisors to create an ordinance that would require testing of any material that’s sprayed on the fields. If the testing shows that stuff is being put on the fields and there’s no harm then we probably don’t have a problem. I would assume they would adamantly disagree, that they should be tested at all. I think it would behoove us to begin a new ordinance that would require testing and then we would know what they are putting on and into our water.

Mr. Clement stated, “If this is considered a normal agricultural operation, which today it is, according to the case law and the statutes and regulations, we as the township can’t pass an ordinance that would in any way restrict their use or their ability to perform what their normal agricultural operation is.” Per Mr. Kieffer, “They talk about nutrient content, I’m talking about pollutants being put in our soil. That’s all we want to know. Are you putting anything in there that shouldn’t be? That’s not much to ask, and I don’t think the ordinance speaks to that, or the law speaks to that.”

Someone asked if the agreement would speak to Mr. Kieffer’s concern. Mr. Clement stated, “If you’re talking about the rescinded agreement, there were some provisions in there relative to what was going to happen, yes.” Mr. Hosterman stated, “I would just add to that, that under the FPR manual from DEP, that it cannot be anything hazardous. The FPR has to be non-hazardous in order to be considered a normal agricultural operation.” Mr. Kieffer stated, “All we’re asking is that it be tested, that it’s non-hazardous. It’s a simple test.”

Howard Sacks – Bethel Church Road: I have two items. One is that the township hires an actual professional engineer to review the plans of Nolt Trucking. The reason for this, as many of the residents have observed there’s inconsistencies between what Nolt has intended to do and what the regulations state that they can do. We’ve spoken about setbacks from wells, setbacks from residences, we’ve spoken about setbacks from upstream variance of surface water, we haven’t spoken about the high ground water that’s on much of the land that they’ve purchased. It is not appropriate for this type of application of FPR according to DEPs own regulations, and I believe if the township had hired an actual professional engineer and not a nutrient management consultant this would have been highlighted many, many months ago. This difference is, they intend to apply this stuff to our fields in East Coventry and DEP needs to know that we take it seriously and it’s very obvious from the public documents that this is not appropriate. I don’t think all of the residents in the township should have to fund PEs to go to DEP and make calls to DEP. I think the township should do it on the residents’ behalf.

Per Mr. Clement, “The agreement is now rescinded and they are not moving forward with this at this time.”

The residents stated, they know Nolt is coming back.

Per Mr. Sacks, “The pit and the application of the FPR are two distinct issues. We want DEP to have an injunction with Nolt Trucking, not to be able to apply FPR on these lands because it’s inappropriate for them to do so according to DEPs own regulations. I direct you to table 8.10 and 8.11 from DEPs own FPR manual, I have a copy that I can provide to you if you don’t have it. It clearly states all of it’s concerns that we have spoken about today and I believe, had we hired a PE initially, and had we went to DEP with that, that they would make a knowledgeable decision.” Per Mr. Hosterman stated, “If you would like to suggest a good PE that would be a good consultant for an application such as this, we’re all ears.”

Ms. Pionzio stated that there is suspicion in the group that they are actually spraying. I know that you have said you don’t have knowledge of that, but there’s fear or suspicion that, okay now that they said in their correspondence that they are walking away from the construction of the tank. The distinction is a good one. Spraying can still happen under their manual with DEP. So, the residents are concerned that spraying is happening or will happen, today, tomorrow, next week which is not regulated and then the isolation distances are not being respected, so if we had a plan of the property and were able to layout the isolation distances and the water courses and the high-water table and things like that, we would know by sight where they should and should not be if they do walk on the property and spray. So having that kind of information would be very useful for everyone. I will get in touch with you guys tomorrow as to some recommendations that we would like you to consider.

Mr. Sacks stated, My second item is Tim Hennessey our State Representative could not be here today. He asked me to read a letter for him. He writes on behalf of East Coventry residents who have expressed concerns about an opposition to propose 1.4-million-gallon FPR sludge pit proposed in the township. They are dismayed at what they see as a lack of public notice and public awareness about this proposal and feel they were not afforded adequate notice. Well, I’m glad to hear that the applicant is putting his plans for the storage pit on hold temporarily there are other issues which remain on the near horizon with regard to the quantity of FPR which might be applied to the farmland. I’ve reviewed several documents about this proposal. It occurs to me that to fill a storage pit this size would require almost 250 tanker loads carrying 600 gallons each.

According to one of the FPR management plan summaries, FPR #7, the application of the FPR material is planned to occur seasonally four times per year, that would cause severe strain on both our state highways and local roads, bridges in East Coventry, and I wonder if the cost of deterioration, rebuilding, especially the township assets have been considered. I also notice that the application rate is listed at 85,000 gallons per acre, an amount which would raise concerns about run off into streams and the local aquafer. My review of the FPR storage agreement dated June 13, 2022 fails to detail any significant benefits to East Coventry and indeed seems to actually limit the townships regulatory and enforcement powers. For example, restricting the right of the township inspectors to actually inspect by limiting them to situations where DEP is conducting its own inspections. I don’t see anything which the township would gain in return for giving up its

own authority to conduct inspections. The issue certainly seems to need more public discussion and a much more detailed statement of the townships authority to monitor and inspect the multitude of tanks loads being brought into the township. I suggest that the whole proposal be put on a long hold while these issues can be addressed. The prospect of extended litigation should make the applicant willing to address these concerns and consider how changes might be made to address them. Very Truly, Tim Hennessey.” Mr. Sacks stated he would provide the Board with a copy of the letter that I’ve read aloud.

Nikki Whitlock, Chief of Staff for State Senator Katie Muth: The Senator sent a follow up letter. She sent a letter on October 4, 2022, to the Zoning Hearing Board in regards to this permit and also, she just sent a letter electronically today (October 24, 2022), to Mr. Kraynik as the Township Manager. A lot of things that you are discussing here, that could be done at the state level, I’d really like the ability to setup a meeting so we can talk to township officials and also the advocacy group. To talk about where there is the possibility for legislation to be made.

Kristen Cassidy – Grubb Road: She asked the residents attending the meeting to take a look at Tim Hennessey’s track record and how he has voted to protect the environment thus far. I think if you look and see the kind of decisions he’s made you may want to rethink your decision. Please vote on November 8, 2022 and also take a look at both candidates.

Elaine Curry – Two things that come to mind is, I have farmland behind me and I have chosen to rent it at a farm rate so that people won’t spray roundup and that kind of thing right around my water. I was wondering if the township would consider in the short run, doing something like that, so that the people that live next to this farm that want to do that so they would feel safer. Land that is rented at a farm rate is not expensive.

Mr. Clement stated, “The Supervisors would be open to a number of different things, but this property owner doesn’t seem real interested in talking about those things.”

Mrs. Curry stated, “Not right now, but if you tell them where the line is, he might be more interested. It seems to me, and no disrespect meant, but it takes more zoning to build a two-stall barn then it did to pass this thing. I built a two-stall barn two years ago and I had to be very nice and friendly and speak to a lot of people and get all of kinds of permits and it took me a long time to do it. I don’t understand how you can just say yes to this off-hand. It seems to me that West Nantmeal, East Nantmeal, those are townships that are very serious about conservation and they are very picky about what goes into their township and I don’t understand why we are not picky. I wish that you would consider renting in the short-run so that we can kind of control this a little better. Also, I know farmers around here and they spray where ever they damn well please, someone needs to make sure that the boundaries are respected.”

Mr. William Roark, Attorney for Hamburg, Rubin, Mullen, Maxwell, & Lupin, PC. Kristen Pionzio is my partner, as she mentioned, my expertise is in the area of environmental and agency law. I am handling a few FPR cases right now before the environmental hearing board so I’m acutely aware of what can go wrong. I wanted to propose one extra tool that you may have in your toolbox. It is correct that FPR is not a permit activity, there is not a permit that exists for it, but to say that it is entirely unregulated I think is a bit of a misstatement. Before the material can be applied to the

land the applicant does have to demonstrate to the department through a land application plan that she or he are going to follow best management practices, those BMPs. It is only after that proof is given to the department that the department gives you the green light and the department makes a determination that you are allowed to apply. That determination from an agency law perspective is an appealable action to the environmental hearing board. Now, you won't have any automatic notice, when the department would approve that; however, it has been my personal experience from antidotal evidence, and me personally in my case, if you notify the department beforehand that you have an interest in this, in any requests for permits/applications in your township the department will notify you when that approval is given. So now the clock is ticking, so if the township wanted to file an appeal for that determination the township would have 30 days to do so and would be able to avail itself of all the opportunities that the environmental hearing board possesses.

Sharon – Wiand Lane: I'm addressing everyone here. This isn't over and it's up to each individual here to see what goes on in the community and how this Board of Supervisors could permit this without a hearing like this, yes you have rescinded it for now, but let me tell you community – this isn't over and it's up to us to see what goes on in our community.

Mark Elliott – Old Schuylkill Road: I noticed that DEP was mentioned a lot but the Department of Agriculture also has a lot to say about what can and cannot be put on the ground. Do they have specific BMPs regarding FPR? Mr. Clement stated, "Yes, the Department of Agriculture has pretty much punted this over to PA DEP." As I look out at this crowd, you're eligible to vote and to build a platform and campaign on it and sit right up here and take the heat yourselves. Seriously, if you're really concerned about your community – you can do it. It's great to see all of you out here because you think they did something wrong. Next time you're at Towpath Park or Ellis Woods Park and you are enjoying it – call them up and say, hey Thanks! You're only here when you're upset. At least let them know once in a while when you're happy with something they do.

Dorene Pasikoff – Creamery Road, Hill Creek Farm and the President of East Coventry Advocacy: I would like to remind the Board to reconsider to purchase this property as Open Space. To prevent food processing residue waste from being sprayed, injected, or otherwise placed on the property. The agreement should also include a prohibition that Nolt Trucking and other connected persons could purchase or operate any other properties in Chester County. We've looked at this for Open Space before we can do it again.

Mr. Moyer made a motion to adjourn the meeting at 8:00 p.m. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Respectfully submitted,

David G. Kraynik
Township Manager