

DRAFT MINUTES OF THE  
EAST COVENTRY TOWNSHIP BOARD OF SUPERVISORS  
MEETING HELD NOVEMBER 9, 2015  
*(Approved December 14, 2015)*

The Board of Supervisors held its' regular monthly meeting on Monday, November 9, 2015. Present for the meeting were supervisors Ray Kolb, Mariea Geho, Karen Nocella, W. Atlee Rinehart and Michael Albert Moyer. Also present were Bernard A. Rodgers, Township Manager and Mark A. Hosterman, Township Solicitor.

Mr. Kolb called the meeting to order at 7:04 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 several matters of potential real estate acquisitions and two (2) matters of potential litigation.

Mr. Hosterman discussed proposed Ordinance No 205 - Miscellaneous SALDO and Zoning Ordinance Amendments changes. The Ordinance has been reviewed by the Planning Commission. Mr. Hosterman is requesting the Board of Supervisors authorize the advertisement of the Ordinance for adoptions at their December 14, 2015 meeting. Mrs. Geho made a motion to advertise Ordinance No 205 - Miscellaneous SALDO and Zoning Ordinance Amendments. Mr. Moyer seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

**1. MINUTES**

Mr. Rinehart proposed the following correction to the minutes on Page 4, Item 10. The current minutes read "Mr. Rinehart commented on the clean-up of an abandoned gas station site along Rt. 100 owned by Karl Glocker and Gambone Brothers in North Coventry Township" but should read, "Mr. Rinehart commented on the clean-up of the abandoned gas station site along Rt. 100 owned by Davis Brothers Fuel. The property was cleaned up by Karl Glocker and Gambone Brothers, which are the property owners of Glocker, Inc.

Mrs. Geho made a motion to approve the minutes of October 12, 2015 Board of Supervisors meeting with the corrections as noted. Mr. Rinehart seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

**2. PUBLIC COMMENTS**

Mr. Walt Woessner stated a couple months ago he made a comment pertaining to the Ash trees near his property. He wanted to let the Board of Supervisors know that Upper Pottsgrove Township is cutting down all the Ash trees on public property.

**3. ORDINANCES**

**4. REPORTS**

**Township Manager's Reports**

**Consideration of authorization to advertise the 2016 Township Budget**

Mr. Rodgers reviewed several changes to the draft 2016 Township budgets including the General Fund, Open Space Fund and Highway Aid Fund. He further explained that a grant proposal had been submitted to Pottstown Area Health and Wellness Foundation for \$25,000 to develop the trail on the Ussler farm. The total cost of the project would be approximately \$32,254.40. This affected both the General Fund and Open Space Fund as did the receipt of an agreement from Chester County for the purchase of an Agricultural Easement on the Elliott farm located at 583 Old Schuylkill Road, Pottstown, PA. Also reviewed were several changes to line items in the Highway Aid Fund.

Mr. Rodgers recommended that the Board of Supervisors authorize the advertisement of the proposed 2016 Township Budget (s) for public inspection and adoption at the December 14, 2015 Board of Supervisors meeting pursuant to the Second Class Township Code.

Mrs. Geho made a motion to authorize the advertisement of the proposed 2016 Township Budget. Mr. Rinehart seconded the motion. . Kolb called for the vote and **the motion** carried with a 5-0-0 vote. Mr. Rodgers stated there would be no change in taxes.

Consideration of approval of Elliott Agricultural Conservation Easement & Challenge Grant Agreement of Sale

Mr. Rodgers reviewed the details for the Elliott Farm Agricultural Conservation Easement & Challenge Grant Agreement of Sale. The Elliott Farm Agricultural Conservation Easement consists of 26+/- acres. The agreement states the payment per surveyed acre is \$3,139.00. The \$3,139.00 x 26 acres is a total of \$81,614.00. Additional incidental costs are estimated at \$2,675. The total cost to the Township for the purchase is proposed at \$84,289.00 with the estimated incidental costs. This represents 50% of the total cost with Chester County paying the other 50% . Mr. Rodgers asked the Board of Supervisors to authorize approval for the appropriate Township Officials to sign the Agreement of Sale documents.

Mrs. Geho made the motion to authorize the appropriate Township Officials to sign the Agreement of Sale documents for the Elliott Agricultural Conservation Easement. Mr. Rinehart seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Consideration of approval for proposed 24' x 24' x 14' garage shed extension from Unlimited Structures, Inc in the amount of \$7,697.00

Mr. Rodgers discussed the information provided by Unlimited Structures, Inc for a proposed 24' x 24' x 14' garage shed extension for the Public Works Department. Mr. Kolb stated the work will not be performed until the Spring of 2016. Mr. Rinehart made a motion to approve the proposed 24' x 24' x 14' garage shed extension from Unlimited Structures, Inc. as proposed. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Consideration of approval on 2016 Chester County SPCA Contract

Mr. Rodgers review the proposed Contract received from the Chester County SPCA. The contract is for three (3) calendar years, 2016, 2017 and 2018. The contract will end on December 31, 2018. The baseline fee will remain the same at \$1,500.00 per year, with additional fees for Animal Acquisition fees, Unclaimed Stray Boarding fees, Activity fees and Emergency fees. There will be a three (3%) percent increase assessed per contract year for years 2017 and 2018. An Emergency fee of \$100.00 has been added for services rendered outside normal business hours. The Township spends approximately \$3,000.00 per year.

Mr. Rinehart asked if the animals were dropped off at the SPCA or where they picked up at the Township. Mr. Rinehart also asked how long the animals are kept. Mr. Rodgers stated the animals are picked up here. The SPCA will contact the owner letting them know their animal is at the shelter. If the SPCA cannot locate the owners, they follow their internal policies.

Mr. Rinehart made a motion to approve the three (3) year Full Contract (Option #1) contract received from the Chester County SPCA. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Discussion of 2015 Mini-Grant Program Application submitted to Pottstown Area Health & Wellness for Ussler Trail

Mr. Rodgers reviewed the 2015 Mini-Grant Program Application submitted to the Pottstown Area Health & Wellness Foundation to install the 1.4 mile trail on the Ussler property. The total project cost is estimated at \$32,254.40 of which \$25,000.00 is being requested through the 2015 Mini-Grant Program. The Township's responsibility will be \$7,264.40. The Township's share will be paid from the Open Space Fund. The Township's share of the project cost includes its 10% required match of \$3,226.44. Most of the work is to be performed by the Public Works Department Employees during the winter months.

Consideration of approval of proposal for staking trail easement on Ussler Property - 938 Schoolhouse Road

Mr. Rodgers reviewed the proposal from Register Associates, Inc., Land Surveying & Civil Engineering for staking the trail easement on the Ussler Property located at 938 Schoolhouse Road. The cost of the proposal is \$2,800.00. Mr. Rodgers is requesting the Board approve the proposal as submitted. Mrs. Geho made a motion to approve the proposal submitted by Register Associates, Inc to stake the trail easement on the Ussler Property located at 938 Schoolhouse Road. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Consideration of approval of Sewer Line Extension, East Cedarville Road, for CKKP Properties, LLC; C.K. Builders, Inc.; and FM Development Co. Inc.

Mr. Rodgers discussed the proposed connection of three (3) lots on East Cedarville Road to public sanitary sewer. The parcel numbers for these lots are 18-1-41.5, 18-1-41.6 and 18-1-41.7. The owners of the parcels are CKKP Properties, LLC; C.K. Builders, Inc. and FM Development Co. Inc. Mr. Rodgers is recommended that the Board accept the following Agreements:

Sewer Connection Easement Agreement for the three (3) parcels. Mrs. Nocella made a motion to accept the Sewer Connection Easement Agreement for the three (3) parcels on East Cedarville Road. Mr. Rinehart seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 4-0-1 vote. Mr. Moyer abstained since he knows the owner of CKKP Properties, LLC.

Utility Easement Agreement for two (2) parcels, 18-1-41.5 and 18-1-41.6. Mrs. Nocella made a motion to accept the Utility Easement Agreement for parcels 18-1-41.5 and 18-1-41.6. Mr. Kolb seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 4-0-1 vote. Mr. Moyer abstained since he knows the owner of CKKP Properties, LLC.

Declaration of Access for two (2) parcels, 18-1-41.5 and 18-1-41.6. Mr. Rinehart made a motion to accept the Declaration of Access Agreements for parcels 18-1-41.5 and 18-1-41.6. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 4-0-1 vote. Mr. Moyer abstained since he knows the owner of CKKP Properties, LLC.

Mr. Rodgers requested the Board of Supervisors approval for the Chairman to sign the Improvements Agreements. Mr. Rinehart made a motion approving the Chairman of the Board of Supervisors to sign the Improvement Agreements. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 4-0-1 vote. Mr. Moyer abstained since he knows the owner of CKKP Properties, LLC.

Discussion of Application for Exemption from Certain Real Estate Property Taxes for 730 Pigeon Creek Road

Mr. Rodgers discussed the information received from the PA Department of Military and Veterans Affairs regarding a proposed real estate tax exemption for Mr. Thomas E Herbert, 730 Pigeon Creek Road, Pottstown, PA 19464. At this time, Mr. Rodgers is not looking for an approval from the Board. Mr. Rodgers is waiting for a letter from Chester County or Mr. Herbert.

Consideration of approval of three (3) year audit proposal from Reinsel Kuntz Leshner, Certified Public Accountants & Consultants

Mr. Rodgers discussed the year (3) year proposal received from Reinsel Kuntz Leshner, Certified Public Accountants & Consultants. The Township has used this firm for their audit for the last six (6) years. The proposal is for performing the audits required for the fiscal years of 2015, 2016 and 2017. The fees proposed are \$11,300.00 for fiscal year 2015, \$11,700.00 for fiscal year 2016 and \$12,000.00 for fiscal year 2017. Mr. Rodgers is requesting that the Board approve this proposal from Reinsel Kuntz and Leshner and authorize advertising the appointment of Reinsel Kuntz Leshner to perform the fiscal year 2015 annual audit during the calendar year 2016 per the Second Class Township Code. Mr. Rinehart made a motion to authorize the advertisement of Reinsel Kuntz Leshner as the Townships Certified Public Accountants & Consultants for the next three (3) years. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Discussion of proposed Holding Tank Agreement for 479 (497?) Old Schuylkill Road

Mr. Rodgers discussed the request for a proposed Holding Tank Agreement for 497 Old Schuylkill Road and reviewed an agreement prepared by Mr. Hosterman at his request. Mr. Hosterman stated the agreement was tailored to this property, but he had used an agreement prepared by former Township Solicitor Koury (which was well written) as a template. Mr. Rodgers requested that the Board approve the Holding Tank agreement for 497 Old Schuylkill Road. Mrs. Geho made a motion to approve the Holding Tank Agreement for 497 Old Schuylkill Road. Mr. Rinehart seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Consideration of Township Engineer's Report

There was no discussion on the Township Engineer's report.

Consideration of approving reports from various departments and committees

Mrs. Nocella discussed the 5k Run proposed by the Parks, Recreation & Conservation Committee to replace Community Day in 2016. The Committee is working with John Doyle on the project. Mr. Doyle was present and reviewed the proposed Flyer, Sponsor Letter & Form, the Race Application Form and the proposed finance spreadsheet. Mr. Doyle explained that the proposed race would be at the Maack Property and Wineberry Property. Mr. Doyle stated the funds collected could be used to improve the trail on the Maack Property, repair the stone wall on the Maack Property, repair the fence around the tennis court on the Maack Property or replace the tiles on the shed. The race is proposed to take place on March 19, 2016. Mr. Moyer stated the flyer should state that any contribution or payment to the Township is not tax deductible. Mrs. Nocella asked if the Board would be agreeable to having the Run on March 19, 2016 instead of Community Day in 2016. Mr. Moyer asked if March 19, 2016 was a little early to hold a run. Mr. Doyle stated on March 19, 2015 weekend, there were over 50 races held that weekend in Pennsylvania. Mr. Tony Duffy, 541 Stoney Run Road asked if the Township would have to have Liability insurance. Mr. Rodgers stated the Township would notify the insurance carrier about the race. Mr. Howard Sacks, 805 Bethel Church Road asked if there would be an additional cost for the Liability insurance. Mr. Rodgers stated normally, there is no additional cost. Mrs. Nocella stated they may need Police assistance for road closures or directional assistance. Mr. Kolb stated the Ridge Fire Police can assist with the road closures and directional assistance. Mr. Moyer made a motion to approve the 2016 5k Run instead of the 2016 Community Day. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Rinehart asked Mrs. Nocella how the Park, Recreation & Conservation Committee was doing with the proposed Frisbee Golf Course. Mrs. Nocella stated Mrs. Kapp was not in attendance, but Mrs. Kapp walked the Maack Property Wineberry Property on Saturday November 7, 2015 with Mr. Fein and the course designer. Both Mr. Fein and the course designer are very excited with the proposed course. The proposed course consists of nine (9) holes on the Maack Property and nine (9) holes across the street on the Wineberry Property. Mr. Rinehart asked if playing the Frisbee Golf Course could be a fund raiser. Mrs. Nocella stated yes, it could be.

**5. Subdivision and Land Development**

**6. Zoning Hearing Board Applications**

2461 East Cedarville Road - Owen J Roberts School District

Mr. Hosterman discussed the Zoning Hearing Board application from Owen J Roberts School District for the proposed East Coventry Elementary School located at 2461 East Cedarville Road. Mr. Hosterman stated Owen J Roberts is requesting a special exception, three (3) variances and three (3) interpretations from the Zoning Hearing Board. Mr. Hosterman reviewed each request individually to determine whether the Board of Supervisors would support the application, take action on the application, take no action on the application or oppose the application. The requests are as follows:

- Section 702.3.B - A special exception to permit the property to be used for a public education use.

**The Board of Supervisors support the special exception for Section 702.3.B.**

**Mr. Moyer made a motion to support the special exception to permit the property to be used for a public education use. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and the motion carried with a 5-0-0 vote.**

- Section 703.1.C - A variance to permit an increase in the maximum height of the building from 35 feet to 38 feet.

**The Board of Supervisors support the variance for Section 703.1.C.**

**Mr. Moyer made a motion to support the variance to permit an increase in the maximum height of the building from 35 feet to 38 feet. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and the motion carried with a 5-0-0 vote.**

- Section 702.8 - A variance to eliminate the requirement that trails be provided in accordance with the Township approved trail plan. Mr. Hosterman stated the only trails provided are the ADA trails proposed to the Athletic fields.

**The Board of Supervisors oppose the variance for Section 702.8.**

**Mrs. Nocella made a motion to oppose the variance to eliminate the requirement that trails be provided in accordance with the Township approved trail plan. Mr. Rinehart seconded the motion. Mr. Kolb called for the vote and the motion carried with a 4-1-0. Mr. Moyer voted nay due to information provided by the School Board directors which do not allow pedestrian walking to the schools.**

A discussion ensued to clarify the variance request. After the discussion, Mr. Moyer would like to make a motion to reconsider the vote for Section 702.8. Mrs.

Nocella seconded the motion. Mr. Moyer requested a revote of the variance request for Section 702.8.

**Mrs. Nocella made a motion to oppose the variance to eliminate the requirement that trails be provided in accordance with the Township approved trail plan.**

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

- Section 1306.1.D(1)(b,c) - A variance to eliminate the requirement of accessible pedestrian walkways and bicycle facilities from adjacent residential neighborhoods.  
**The Board of Supervisors oppose the variance for Section 1306.1.D(1)(b,c).**

**Mr. Kolb made a motion to oppose the variance to eliminate the requirement of accessible pedestrian walkways and bicycle facilities from adjacent residential neighborhoods. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and the motion carried with a 5-0-0 vote.**

Mr. Woessner, 164 Schoolhouse Road, Pottstown, PA 19465, Chairman of the Planning Commission stated the Zoning Ordinance does not have a section 1306.1.D(1)(b,c). The section is 1306.

- Section 1309.1.A - An interpretation as to whether the proposed landscape screens and buffer plantings satisfy the requirements of Section 428 of the Township Land Development Ordinance and, in the alternative, a variance.  
**The Board of Supervisors support the variance or interpretation to the extent the proposed landscape screens and buffer plantings are acceptable to the Board of Supervisors, at final land development approval.**

**Mrs. Nocella made a motion to support the variance or interpretation as to whether the proposed landscape screens and buffer planting satisfy the requirements of Section 428 of the Township Land Development Ordinance and, in the alternative, a variance to the extent it is acceptable to the Board of Supervisors. Mr. Moyer seconded the motion. Mr. Kolb called for the vote and the motion carried with a 5-0-0 vote.**

- Section 1310.2.C - An interpretation as to whether the proposed landscape plan satisfies the requirement of Section 1310.2.C and, in the alternative, a variance.  
**The Board of Supervisors support the variance or interpretation to the extent the proposed landscaping is acceptable to the Board of Supervisors, at final land development approval.**

**Mrs. Nocella made a motion to support the variance or interpretation as to whether the proposed landscape plan satisfies the requirement of Section 1310.2.C and, in the alternative, a variance to the extent it is acceptable to the Board of Supervisors. Mr. Moyer seconded the motion. Mr. Kolb called for the vote and the motion carried with a 5-0-0 vote.**

- Section 1310.2.E - An interpretation as to whether the proposed landscape plan satisfies the requirements of Section 1310.2.E, in the alternative, a variance.

**The Board of Supervisors support the variance or interpretation to the extent the proposed landscaping is acceptable to the Board of Supervisors, at final land development approval.**

**Mr. Kolb made a motion to support the variance or interpretation as to whether the proposed landscape plan satisfies the requirement of Section 1310.2.E and, in the alternative, a variance to the extent it is acceptable to the Board of Supervisors. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and the motion carried with a 5-0-0 vote.**

Mr. Hosterman asked the Board of Supervisors if they would like to have the Solicitor represent the Board at the Zoning Hearing Board meeting on Monday, December 7, 2015 or send a letter to the Zoning Hearing Board with the Boards motions on the special exception and the variances. Mr. Hosterman suggested the Township contact the School District to try to resolve some of the items before the Zoning Hearing Board meeting. If it is determined the Solicitor will represent the Board at the meeting, the Solicitor will be requesting the other Consultants to attend also to respond to the special exception and the variances requested. Mr. Kolb asked the Board whether they would rather have the Solicitor and Consultants attend the meeting or prepare a letter. The Board determined it would be better to have representation at the meeting. Mr. Kolb made a motion to send the Township Solicitor and the Consultants as needed to the Zoning Hearing Board to represent the Board of Supervisors for the Owen J Roberts School District Zoning Hearing Board Application on Monday, December 7, 2015 at 7:30 pm. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Woessner, 164 Schoolhouse Road, Pottstown, PA 19465 mentioned one of the review letters for the proposed Elementary School stated Old Schuylkill Road as a state road. Mr. Woessner asked if Old Schuylkill Road is a State road or Township road. Mr. Kolb stated it is a Township road.

Mr. Roger Kolb, 768 Ebelhare Road, Pottstown, PA 19465 asked whether the School District will be installing a flashing warning light at the proposed school. Mr. Hosterman stated there is nothing on the plan showing the light being proposed. A discussion ensued.

Mr. Rodger Kolb, 768 Ebelhare Road, Pottstown, PA 19465 asked Mr. Hosterman if the School District requires a variance for the Emergency Access and Light at the proposed Elementary School. Mr. Hosterman stated they did not require a variance. A discussion ensued.

**7. Other Business**

**8. Exonerations**

Mr. Moyer read the list of exonerations. Mrs. Nocella made a motion to approve the Exonerations List. Mr. Rinehart seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

**9. Payment of Bills**

Mrs. Nocella made a motion to pay the bills as presented:

Fund Name	Amount to Pay
General Fund	223,470.59
Fire Hydrant Fund	1,018.23
Open Space	-
Sewer Operating Fund	19,694.96
Sewer Capital Fund	-
Traffic Impact Fee Fund	1,409.01
Capital Reserve	29,453.27
Highway State Aid Fund	65.10
TD Escrow	3,000.00
<b>Totals</b>	<b>\$ <u>278,111.16</u></b>

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

**10. Information Items and Additional Items to be Brought Before the Board**

Mr. Hosterman discussed the agreement of sale to purchase a parcel of the Ussler Property located at 954 Schoolhouse Road. The purpose was to develop the property as a trailhead site. One of the conditions of the sale is a clear title be conveyed to the Township. We received notification from the sellers council that they are not ready to convey a clear title to the Township. The sellers council has prepared a termination letter for the Township. By approving the termination letter, the Township will receive it's deposit back. Mr. Hosterman is requesting the Board authorize approval of the termination letter. Mrs. Geho made a motion to authorize the approval of the termination letter for 954 Schoolhouse Road. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Rodgers discussed the proposal from **M & S Service Company, Inc** for servicing the five (5) Pump Stations. The proposal for the year 2016 is for \$2,829.00. Mr. Rodgers is requesting the Board approve the proposal from M & S Service Company, Inc. Mr. Kolb made a motion to accept the 2016 proposal of \$2,829.00 from M & S Service Company, Inc for the service of the five (5) Pump Stations. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Rodgers informed the Board of Supervisors that the Township received the Time Extension from Owen J Roberts School District for the East Coventry Elementary School project.

Mr. Rodgers notified the Board of Supervisors the Township received notification that EPA approved the final remediation plan for the Recticon Site. All monitoring devices have been removed. Mr. Rinehart asked if the electric pole can be relocated now that we received notification. Mr. Rodgers confirmed that the pole can be relocated.

Chief Theobald requested approval from the Board of Supervisors to start the process of placing the 2009 Ford Crown Victoria out for bid. Mr. Moyer asked how many miles were on the car. Chief Theobald stated there were 110,000 miles. Mr. Kolb made a motion to place the 2009 Crown Victoria out for bid. Mrs. Geho seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.



**11. Adjournment**

Mrs. Geho moved to adjourn the monthly meeting at 8:15 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