

MINUTES OF THE  
EAST COVENTRY TOWNSHIP BOARD OF SUPERVISORS  
MEETING HELD OCTOBER 10, 2016  
*(Approved December 12, 2016)*

The Board of Supervisors held its' regular monthly meeting on Monday, October 10, 2016. Present for the meeting were supervisors Ray Kolb, W. Atlee Rinehart, Karen Nocella, Michael Albert Moyer and Anthony Duffy. Also present were Bernard A. Rodgers, Township Manager, Mark A. Hosterman, Township Solicitor and Brady Flaharty, Township Engineer.

Mr. Kolb called the meeting to order at 7:00 p.m. and the pledge of allegiance was recited. A moment of silence was held for past Board of Supervisor and Planning Commission member Mariea Geho who passed away on September 13, 2016.

Mr. Hosterman stated the Board of Supervisors scheduled an executive session for 6:30 pm, however the executive session did not take place as there were no issues to discuss.

Chief Mossman introduced Donald Mahoney, Phoenixville Borough Council member and Commander Bing Genesmer, of the VFW Post 1564. Mr. Mahoney gave a presentation for a check in the amount of \$4,200.00 donated from the VFW Post 1564 towards the purchase of new guns for the East Coventry Township Police Department

**1. MINUTES**

Mr. Hosterman noted that on page 1, under Public Comments, "Attorney Kim Vensie" should read "Attorney Kim Venzie". Mr. Rinehart noted that on page 2, under Township Manager's Report, "Mr. Moyert" should be "Mr. Moyer".

Mr. Rinehart made a motion to approve the minutes of the September 12, 2016 Board of Supervisors meeting. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

**2. PUBLIC COMMENTS**

Linda Ottaviano, 2364 New Schuylkill Road, Pottstown, PA 19465, stated she has not heard anything back from anyone. Ms. Ottaviano stated she received an agreement for a second easement on her property. She was wondering if someone could clarify where it came from and why. Ms. Ottaviano stated the cover letter stated it came from the Solicitor.

Mr. Rodgers stated the letter came from Mr. David Allebach, attorney for MacKissics, Inc. Mr. Rodgers stated the Township did not request the agreement, and noted that he had discussed this with Ms. Ottaviano earlier. Mr. Rodgers verified with Mrs. Marjorie Brown, Solicitor that the only easement the Township required was what was shown on the plan, which Mr. Rodgers and Ms. Ottaviano looked at on the plan and is a small turning area for the trucks. Mr. Rodgers stated he sent a copy of the original easement agreement, which Ms. Ottaviano had supplied, to Mrs. Brown, Esquire, who reviewed the easement and stated the easement covers what is shown on the plan.

Ms. Ottaviano stated when she spoke to David Allebach, he stated the Township requested it. Mr. Rodgers advised that the Township had not requested the second easement. Ms. Ottaviano stated she just wanted to make sure everyone was on the same page.

There were no other public comments offered from the audience.

### 3. **REPORTS**

#### **Township Manager's Reports**

##### **Consideration of financial security for cost of public improvements for Owen J Roberts**

Mr. Rodgers asked Mr. Hosterman to review the proposed financial security for the cost of public improvements for the proposed Owen J Roberts School District for the East Coventry Elementary School. Mr. Hosterman stated this matter was on the agenda at last month's Board of Supervisors meeting, but was tabled. Mr. Hosterman stated Owen J Roberts School District has proposed to use its Full Faith and Credit and Taxing Power for a portion of the financial security instead of all the financial security in the form of a set-aside account in a bank. Mr. Hosterman reviewed a spreadsheet showing the amount Owen J Roberts School District posted with East Vincent for the East Vincent Elementary School project. Ms. Jaclin Krumrine explained how the school district calculates the amount they place in escrow accounts.

Mr. Hosterman reviewed how East Vincent Township is handling the deductions from the escrow releases.

Mr. Moyer stated if the Township accepts the proposal, the proposal is shifting the responsibility from Owen J Roberts tax payers to East Coventry Township tax payers. Mr. Hosterman stated in essence, that is true. However, the escrow reduction from the full faith will keep the cash available. Mr. Hosterman stated you have that same situation with Engineering fees and legal fees with default.

Mr. Duffy asked Mr. Hosterman, in his experience, if the school district defaults on the project and the Township decided to complete the project, what the average time is to recover the funds. Mr. Hosterman stated it could be anywhere from two to four years. Mr. Hosterman stated that because this was a Land Development project, the Township would not have to undertake the completion of the project.

Mr. Rodgers asked Mr. Flaharty in the sequence of construction, where are most of the large cost located, the front end or the back end. Mr. Flaharty reviewed the costs.

Mr. Rinehart asked at what point would a Use and Occupancy be issued. Mr. Hosterman stated at 95 percent to 100 percent.

Mr. Kolb asked Ms. Krumrine what the worry is about putting \$2,000,000.00 instead of \$1,000,000.00 up for the project if the money is there. Ms. Krumrine stated when the money is set aside in the account, it makes them conscious of the balance when paying bills. Ms. Krumrine state that is how they have always done it.

Mr. Larry Tietjen, Maack Road, discussed what the saving would be for the amount in the letter of credit.

Mr. Moyer stated he is not comfortable with only \$1.2 million dollars in full faith and credit. Mr. Moyer stated he believes it is unfair to shift the responsibility to East Coventry Township tax payers. Mr. Moyer stated he could not vote for this.

Mr. Hosterman stated even though it is a Land Development, where the school if it is not completed on schedule, could sit there as an unfinished project, indefinitely, the public improvements could continue to be constructed using the available funds.

Mr. Rinehart stated he would feel very uncomfortable with a building sitting there not being used, if the Use and Occupancy is in jeopardy. Mr. Hosterman stated he feels the \$1.5 million is plenty to secure the public improvements if that would happen.

Mr. Roger Kolb stated Mr. Moyer stated he is worried about the tax payers in East Coventry, but the tax payers in East Coventry are also tax payers for Owen J Roberts school district. Mr. Moyer stated his concern is shifting the burden of responsibility of the school to the tax payers of East Coventry Township.

Mr. Moyer asked who originally recommended the amount be \$3.5 million for the escrow. Mr. Hosterman stated that number came from a formula.

Mr. Rodgers asked Ms. Krumrine what the School District's bond rating was and she replied a AA bond rating, just below AAA bond rating.

Mr. Rodgers asked Ms. Krumrine what the operating surplus was. Ms. Krumrine stated it is 1%.

Mr. Duffy asked what the School District's contingency was and Ms. Krumrine responded that it was 7% of the projected project cost of \$25,000,000.00.

Mr. Rinehart made a motion to approve \$1.5 million in the form of a set aside account and the remaining financial security covered through the District's Full Faith and Credit and Taxing Power. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 3-2-0 vote.

Consideration of approval of Special Fire Police Services for the Main Line Animal Rescue Cycling Event on October 1, 2016 from 10:00 am to 1:00 pm

Mr. Kolb made a motion to approve the Special Fire Police Services for the above event. Mr. Moyer seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Tax Collection Committee Meeting Agenda – November 15, 2016 at 1:50 pm

Mr. Rodgers reviewed the information received for the Tax Collection Committee Meeting. Mr. Rodgers is to prepare a proxy letter for Mr. Rinehart

Resignation of Michael Hott from the Open Space Committee

Mr. Rodgers reviewed the resignation letter received from Mr. Michael Hott from the Open Space Committee. Mr. Moyer made a motion to accept the resignation of Mr. Michael Hott from the Open Space Committee. Mr. Rinehart seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Contractor's Application for Payment No 1 for Parkerford Intersection Improvements to Marino Corporation

Mr. Rodgers reviewed the application for Payment No. 1 for the Parkerford Intersection Improvements. Mr. Rodgers stated the total payment is \$50,668.47.

Mr. Rinehart made a motion to pay the request for Payment No. 1 for the Parkerford Intersection Improvements in the amount of \$50,688.47. Mr. Duffy seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0.

Consideration to authorize approval to advertise the proposed ordinance for "Miscellaneous Ordinance Amendments and Amendments Regarding Transmission Pipelines"

Mr. Hosterman reviewed the proposed "Miscellaneous Ordinance Amendments and Amendments Regarding Transmission Pipelines". Mr. Kolb asked Mr. Rodgers what the difference was between the copy in the packet and the copy distributed tonight. Mr. Rodgers stated Mrs. Brown made additional changes from recommendations from the Planning Commission. Mr. Rinehart asked what

the price would be to pay to hold off the review of the ordinance. Mr. Hosterman stated there would not be any additional cost to hold off for another month.

Mr. Rinehart made a motion to table the approval to advertise the proposed ordinance for "Miscellaneous Ordinance Amendments and Amendments Regarding Transmission Pipelines" until the November Board of Supervisors meeting. Mr. Moyer seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Hosterman stated he would prepare an executive summary of the ordinance, which will be distributed with their packets at the November meeting.

Contractor's Application for Payment No 1 for the Parkerford Intersection Improvements

Mr. Rodgers stated he wanted to go back to a topic discussed earlier tonight. Mr. Rodgers stated two change orders were included in the Contractor's Application for Payment No 1 for the Parkerford Intersection Improvements. Change order #1 is to add an additional traffic signal head for the amount of \$1,120.00. Mr. Rinehart asked why PennDOT did not require this originally. Mr. Stephen C Giampaolo, P.E., Senior Project Manager for McMahon Associates, Inc. stated he asked the same question. Mr. Giampaolo stated the leaves were still on the trees when the first inspection was performed.

Change order #2 is to relocate an existing wooden traffic pole at Linfield Rd and Route 724 from the immediate work area for the amount of \$1,950.00 to allow work to proceed uninterrupted.

Mr. Rinehart made a motion to approve Change Order #1 and Change Order #2 for the Parkerford Intersection Improvements. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Review of Draft 2017 Budget

Mr. Rodgers reviewed the Budget Summary for the proposed Draft 2017 Budget(s). The details of the Budget Summary are as follows:

	General Fund 01	Benefit Escrow Fund 01A	Fire Hydrant Fund 03	Open Space Fund 04	Sewer Operating Fund 08	Sewer Capital Fund 09	Traffic Impact Fund 18	Capital Reserve Fund 30	Highway State Aid Fund 35	Total All Funds
Beginning Balance	776,981.39	64,185.52	16,303.00	941,147.56	181,440.17	1,279,752.37	129,503.92	908,525.12	33,568.44	4,331,407.49
Revenues	3,324,465.90	20,012.00	4.00	588,000.00	712,020.00	131,643.00	176,018.00	540,750.00	277,144.80	5,770,057.70
Total Available Funds	4,101,447.29	84,197.52	16,307.00	1,529,147.56	893,460.17	1,411,395.37	305,521.92	1,449,275.12	310,713.24	10,101,465.19
Expenses	3,299,658.88	0.00	12,240.00	692,370.95	485,837.69	20,000.00	2,000.00	883,100.00	253,800.00	5,649,007.52
Ending Balance	\$ 801,788.41	\$ 84,197.52	\$ 4,067.00	\$ 836,776.61	\$ 407,622.48	\$ 1,391,395.37	\$ 303,521.92	\$ 566,175.12	\$ 56,913.24	\$ 4,452,457.67

Mr. Rodgers noted that although a Fire Hydrant Fund is proposed for 2017 only funds currently available will be used to pay for the hydrant fees invoiced by Pa. American Water Co. He recommended that the Fire Hydrant Fund be discontinued after 2017 and that the fire hydrant fees be paid from the General Fund thereafter.

Mr. Duffy stated Michael Christian, Owen J Roberts School District, stated the school will not be completed until the 1st quarter of 2018 and asked Mr. Rodgers when Owen J Roberts School District will begin to pay sewer fees. Mr. Rodgers stated the Tap-In fees are paid at the time the Land Development and Financial Security Agreements are executed but user fees will not be assessed until

the building is occupied.

Mr. Rodgers stated the November meeting agenda will include the proposed Draft 2017 Budget for authorization to advertise for adoption at the December 2017 meeting.

#### 2017 MMO

Mr. Rodgers reviewed the memo dated 9-29-16 addressed to the Board for the 2017 MMO (Minimum Municipal Obligation) for the Township's Police and Non-Uniform Employee Pension Plans. Mr. Rodgers stated the Township's financial obligation for the Police Pension Fund is \$124,564.00 for the Non-Uniform Pension Fund it is \$61,000.00. Mr. Rodgers stated these amounts are already included in the proposed Draft 2017 Budget. Mr. Rodgers stated the Township's MMO cost will be offset by General State Aid for Municipal Pensions in an estimated amount of \$100,700.00, leaving the out of pocket expense for the Township at \$85,000.00.

#### Consideration of Township Engineer's Report

Mr. Duffy made a motion to approve the Township's Engineer Report. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

#### Consideration of approving reports from various departments and committees

Mrs. Nocella stated she had a request from the Parks, Recreation and Conservation Committee. The Parks, Recreation and Conservation Committee is having a Nature Walk on Saturday, October 29, 2016 and would like to do a dedication of the Ussler trail and recognize the Ussler family by presenting a framed painting of a large White Oak tree on the property to the family.

The Parks, Recreation and Conservation Committee would like to ask the Board of Supervisors to approve the cost of \$300.00 for the painting. Mr. Duffy made a motion to approve the \$300.00 for the painting of the White Oak tree to be presented to the Ussler family. Mr. Moyer seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Rodgers stated the Township made settlement for the purchase of the schoolhouse located at 850 Schoolhouse Road on Friday, October 7, 2016.

Mrs. Nocella made a motion to approve the reports from 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.

Mrs. Anne Sage, 212 Harley Road, Pottstown, PA invited the Board of Supervisors to come to the Nature Walk on Saturday, October 29, 2016. Mrs. Sage stated she placed some signs in the lobby and asked each Board of Supervisor to please take one and place it somewhere in the Township.

#### **4. Subdivision and Land Development**

##### **PECO Lock Substation**

Mr. Hosterman reviewed the letter received from Mr. John Halderman, Assistant General Counsel, PECO, An Exelon Company pertaining to the new Substation on Sanatoga Road. Mr. Hosterman reviewed the proposed motion with conditions that was presented to the Board of Supervisors.

Mr. Rinehart asked there will still be an area to turn around on Sanatoga Road where it meets the basin when plowing snow in the winter. Mr. Cliff Patten, representative for PECO, stated there will be an area to turn around. Mr. Kolb stated the Substation will be right over the railroad tracks.

Mr. Duffy asked how the Township will document the conditions of the road before or after the project starts and ends. Mr. Kolb stated the Township could video tape the road.

Mr. Rodgers asked what will be the total area of disturbance. Mr. Patton stated the area of disturbance will be 9 acres.

Mr. Duffy asked if the Township Engineer is going to be the Township's Representative. Mr. Kolb stated yes, the Township Engineer will be our Representative.

Mr. Duffy made a motion that East Coventry Township hereby waive formal land development review for the PECO Energy Lock Substation, Sanatoga Road provided PECO complies with the following conditions:

- Prior to construction, a representative from PECO Energy along with a representative from East Coventry Township shall document the existing condition of Sanatoga Road. Upon the completion of construction, a representative from PECO Energy and a representative from East Coventry Township shall review the condition of Sanatoga Road to determine the extent of damage, if any. PECO Energy shall be responsible for repair of any and all damage to Sanatoga Road to the satisfaction of the East Coventry Township Board of Supervisors.
- PECO Energy shall provide reasonable vegetative screening to the satisfaction of the Board of Supervisors in order to mitigate the impact upon nearby residential property owners.
- PECO Energy shall enter into a Stormwater Best Management Practices (BMPs) and Conveyances Operation and Maintenance Agreement substantially in compliance with the agreement reviewed by counsel for PECO Energy in accordance with the email from John Halderman, Esquire dated October 7, 2016.
- PECO Energy shall revise the Plans to the satisfaction of the Board of Supervisors to address the stormwater management comments in the Township Engineer's review comments dated October 10, 2016 to achieve compliance with the East Coventry Township Act 167 Plan.
- PECO Energy shall reimburse East Coventry Township for reasonable legal and engineering expenses incurred by East Coventry Township relative to the PECO Energy Lock Substation Project.

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

##### **5. Zoning Hearing Board Applications**

###### **Zoning Hearing Board Application 260 – 338 Ellis Woods Road**

Zoning Hearing Board application for variance submitted by Lori Yostin relating to the installation of an above ground swimming pool in the front yard of a corner lot.

Mr. Moyer asked if the Board of Supervisors believed there was any chance the Zoning Hearing Board would turn down the application. Mr. Hosterman stated they definitely have a hardship with the shape of the lot and the location of the house. Mr. Hosterman stated based on what he reviewed, he did not think the Zoning Hearing Board would deny the application. The Board of Supervisors decided to take no action on the application.

##### **6. Other Business**

###### **Resolution 2016-17 (Koury Minor Subdivision – Deed of Dedication – Ultimate Right-of-Way)**

Mr. Rodgers reviewed Resolution 2016-17 for accepting Deed of Dedication of the Ultimate Right-of-Way for the Koury Minor Subdivision.

Mr. Rinehart made a motion to approve Resolution 2016-17. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Resolution 2016-18 (MacKissics, Inc. Land Development – Deed of Dedication – Ultimate Right-of-Way)

Mr. Rodgers stated the details for Resolution 2016-18 were not provided in time for Resolution 2016-18 to be discussed tonight.

**7. Exonerations**

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

**8. Payment of Bills**

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

Fund Name	Amount to Pay
General Fund	248,427.31
Fire Hydrant Fund	-
Open Space	89,615.57
Sewer Operating Fund	16,631.52
Sewer Capital Fund	-
Traffic Impact Fee Fund	50,812.47
Capital Reserve	7,370.98
Highway State Aid Fund	10,137.63
TD Escrow	-
<b>Totals</b>	<b>\$ <u>422,995.48</u></b>

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

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

Mr. Duffy stated he will be going to the PECO State of the Plant dinner at Bellewood Country Club for an update on the Exelon Nuclear Generating Plant. The dinner is to be held on Thursday, October 13, 2016 at

Mr. Kolb asked Mrs. Nocella what type of picnic table the Parks, Recreation and Conservation Committee is looking to place on the Ussler trail. Mrs. Nocella suggested the table be the same as the table currently located at Ellis Woods Park Pavilion.

Mr. Rodgers stated he would like authorization from the Board of Supervisors to purchase the new Police cruiser this year. The total price, including the cost of transferring equipment is \$31,827.72. Mr. Rinehart made a motion to approve the purchase of the new Police cruiser this year at a cost of \$31,827.72, including the cost of transferring equipment. Mrs. Nocella seconded the motion. Mr. Kolb called for the vote and **the motion** carried with a 5-0-0 vote.

Mr. Rodgers stated the Township is looking to replace the camera's in all the police cars next year but would like to purchase the new camera for the new car now, at a cost of \$5,500.00. Mr. Rinehart made a motion to approve the purchase of a new camera for the new police cruiser this year, instead of waiting until next year. Mr. Duffy seconded the motion. Mr. Kolb called for the vote and **the**

**motion** carried with a 5-0-0 vote.

Mr. Rodgers asked Chief Mossman to explain the process of downloading the photo's from the current camera's used in the police cruisers versus the new camera's that will be placed in the police cruisers next year. Chief Mossman presented the Board with the differences between the two camera systems.

**10. Adjournment**

Mrs. Nocella moved to adjourn the monthly meeting at 8:18 p.m. Mr. Moyer 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