

MINUTES OF THE
EAST COVENTRY TOWNSHIP BOARD OF SUPERVISORS
MEETING HELD ON NOVEMBER 5, 2007
(Approved December 3, 2007)

The Board of Supervisors held a regular monthly meeting on Monday, October 1, 2007. Present for the meeting were supervisors W. Atlee Rinehart, John Doering, Jr., Robert F. Preston, Timothy Roland and Rosemarie C. Miller. Also in attendance were Bernard Rodgers, Township Manager, John A. Koury, Jr., Township Solicitor, and Brady Flaharty, Township Engineer.

Mr. Rinehart called the meeting to order at 7:20 p.m. and the pledge was recited.

The Township Manager stated an executive session was held at 6:00 pm to 7:15 pm with the professional consultant regarding benchmarking, salary study and personnel study and as a result of that no decisions were made.

Sewer Update

The Township Manager provided copies of Change Order No. 9 concerning the full width paving of the township roads and state road affected by the Phase 2 Sewer Project.

The Township Manager asked the Board to review the change order for full width paving of streets. At the last meeting there were three additional streets discussed and the Supervisors agreed to have the Township Manager contact the Township Engineer to get cost a for additional streets and there was also a discussion regarding the full cost of the change order to include Harley Road, Sawmill and Buckwalter and the state is going to require East Cedarville Road receive a full width paving. It was requested the contractor get a cost estimate and come back with a change order to include everything. The approval of this change order plus other change orders is close to the maximum contingency amount. The Board was looking at using liquid fuels to offset these costs and the PennDot representative said it can be done as long as contract requirements are met. Only \$100,000 will be available of liquid fuels and the money will not be received until late April and this work will be done this fall. The Township Manager noted that for 2008 \$110,000 is being put aside for construction work.

Mr. Preston noted the contractor's letter does not mention East Cedarville Road and how do we know \$50,000 is correct for the change order. A new letter supporting the Change Order from the contractor is required. The contractor is utilizing asphalt price index adjustment pursuant to PennDOT form 408 and pursuant to the contract. Thus the Asphalt adjustment will be based on the index at the time the work is preformed and will be separate change order.

Mr. Preston also noted the contractor did not sign the change order.

Mr. Preston moved to authorize up to a maximum of \$375,000 to repave all roads with the value being indexed at the time work is done including East Cedarville Road and the contractor is to prepare a new Change Order to including all these points. Mr. Doering seconded the motion. The motion carried with a 5-0-0 vote.

Ordinance Amending the Stormwater Ordinance

The Township Solicitor noted the proposed ordinance was advertised as required.

Mr. Preston noted that he had raised questions regarding the proposed ordinance amending the stormwater ordinance at the last meeting and noted he had e-mailed his questions to the Township Solicitor. The Township Solicitor suggested the Board follow through with the adoption of the ordinance to avoid fines with the potential for amendments.

Mr. Preston stated that there are not standards to identify what you are in violation of and noted concerns of enforcement difficulties.

Mr. Preston moved to adopt Ordinance No. 143 amending the stormwater ordinance with the condition that a letter is sent to the PADEP informing them of the inability to enforce the ordinance, request clarification of standards and include Mr. Preston's comments with the letter. Mr. Doering seconded the motion. The motion carried with a 5-0-0 vote.

1. MINUTES

Minutes of the September 17, 2007 Workshop Meeting

Mr. Doering moved to approve the September 17, 2007 workshop meeting minutes as revised by Mr. Preston. Mr. Preston seconded the motion. Mrs. Miller and Mr. Roland abstained due to their absence at the September 17, 2007 workshop meeting. The motion carried with a 3-0-2 vote.

Minutes of the October 15, 2007 Workshop Meeting

Mr. Roland moved to approve the October 15, 2007 workshop meeting minutes as revised by Mr. Preston and further amended. Mr. Preston seconded the motion. The motion carried with a 5-0-0 vote. Amendments are note that Brady Flaharty, Township Engineer, was present; under *Eagle Scout* state the vote was '3-1-0' not '4-1-0'; under *Additional Items Brought Before the Board* in the seventh paragraph delete 'The District Court ordered the removal of the "Trailer" in front of Mr. Gaugler's property. The "Trailer" is currently used for storage' and replace it with 'The District Justice fined the defendant \$1,000 plus costs'.

Minutes of the October 22, 2007 Zoning Taskforce Meeting

The Township Manager noted amending the October 22, 2007 zoning taskforce meeting minutes to add 'and the potential for litigation' at the end of the fourth paragraph.

Mr. Preston did not agree with adding such statement and noted that litigation was not the reason for such executive session. Mr. Preston also stated that 'litigation' is used too often as a reason for executive session.

Mr. Doering moved to approve the October 22, 2007 zoning taskforce meeting minutes as revised by Mr. Preston and further amended. Mr. Roland seconded the motion. Mr. Preston voted no. Mr. Doering voted yes. Mr. Roland voted yes. Mr. Rinehart voted

yes. Mrs. Miller voted yes. The motion carried with a 4-1-0 vote. Amendment is add 'and the potential for litigation' at the end of the fourth paragraph.

2. PUBLIC COMMENT

Maria Kardick of 70 Springhouse Lane inquired about the 3-way stop and Kulp and Ebelhare and felt it was dangerous and asked why it was not a 4-way stop. It was noted that in order to make changes to street signals/signage studies must be done and certain criteria must be met for justification for new signage. It was recommended Mrs. Kardick report any speeding or incidents to the property department at the township offices.

Dana Callery of 21 N. Savanna Drive inquired if any decisions have been made regarding the parking issue at Coventry Glen. Mr. Rinehart noted the item is still under review. The Township Manager noted that a letter was received from the developer stating that 140 additional parking spaces which were not required by the township ordinances were provided for the development. The Township Solicitor noted the possibility of looking at the plan to see if anything can be done to address the parking issue. The Township Manager suggested looking at the streets and Mr. Preston stated the streets would have to be 28' for street parking. There was discussion of authorizing the Township Engineer or Traffic Engineer to do a study to investigate potential street parking or other options with the caveat that the Fire Company concerns are addressed. Mr. Roland noted concerns of who would pay for the study. It was noted that maybe such item could be discussed with Heritage.

Mr. Preston moved to authorize the Township Manager to proceed with one-on-one negotiations with Heritage regarding the parking issue, potential solutions (to include discussion regarding funding of study) and authorize the Township Engineer or Traffic Engineer, whichever one deemed appropriate by the Township Manager, to investigation a potential solution to parking issues and perform a parking study. Mr. Doering seconded the motion. The motion carried with a 5-0-0 vote.

The Township Solicitor suggested that Ryan Homes and Heritage be placed on notice that the township is investigating a solution to the parking issue at Coventry Glen.

3. REPORTS

Reports from Various Departments and Committees

There was a review of the reports from the various departments and committees.

Mr. Doering moved to approve the reports from the various departments and committees excluding the Engineer's Report.

There were comments to the reports. Mr. Preston inquired about the hours missing for black top hauling for North Coventry on the Public Works report. It was noted the item was leftover from last month.

Mr. Preston seconded the motion. The motion carried with a 5-0-0 vote.

There was a review of the Engineer's Report. Mr. Preston inquired about dedication of PS#4 as noted in Items 1 and 9 and we requested the Engineer to start dedication to address the maintenance bond. The Township Manager noted that he had spoken to representative from Heritage Building Group and there was a discussion regarding easement issues.

Mr. Preston asked the Township Solicitor the status of the amended Woodcrest Estates financial agreement and the amended Creekview financial agreement. The amended financial agreements have not been completed. Mr. Preston noted there was no change order for the shoulder width change at the Walnut Springs Farm site and requested a change order be prepared.

Mr. Preston noted the cost estimate of Coventry Business Park and inquired if the plan was recorded and if it was not recorded then rescinding of the conditional approval may be considered.

Mr. Preston moved to approve the Township Engineer's report with the questions raised to be answered. Mr. Roland seconded the motion. The motion carried with a 5-0-0 vote.

The Township Manager read the account balances to total \$1,049,889.46.

There was a review of the budget overview reports. Mr. Preston inquired about the deficit showing in the General Fund the difference between the revenues and the expenses. The Township Manager noted the monies would have included carryover monies and transfers from the Capital Fund to the General Fund to offset expenses.

Mr. Preston inquired about potentially changing the sewer billing to paying in arrears instead of in advance. Mr. Preston noted some of the numbers in the Sewer Capital Fund need to be checked, citing the low amount of expense found for N'Abbonizio Contractors.

4. SUBDIVISION AND LAND DEVELOPMENT

Project: Plan Extension Waivers

Mr. Preston moved to authorize signature by the Chairman to plan waiver extensions for Bealer Subdivision and Wineberry Estates. Mr. Roland seconded the motion. The motion carried with a 5-0-0 vote.

Project: Bealer Subdivision

Mr. Preston moved to authorize signature by the Chairman and Secretary to the appropriate forms of the Component 1 of the Sewage Facilities Planning Module, Resolution, and transmittal for submission to the DEP. Mr. Doering seconded the motion. The motion carried with a 5-0-0 vote.

Project: Wineberry Estates

The applicant's counsel for the Wineberry Estates project requested the Township Solicitor be authorized to prepare the developer and financial agreements and the

Township Solicitor noted such request is premature due to the fact that final plan approval has not been granted and a cost estimate has not been prepared. No action was taken on this item.

Project: Blossom Meadows II

Mr. Doering moved to approve Escrow Release No. 10 for the amount of \$106,903.15. Mr. Roland seconded the motion. The motion carried with a 5-0-0 vote.

5. OTHER BUSINESS

Exonerations and Exemptions

Mrs. Miller read the exonerations and exemptions as presented by the Tax Collector.

Mr. Doering moved to approve the exonerations and exemption as presented by, Constance Megay, Tax Collector. Mr. Roland seconded the motion. The motion carried with a 5-0-0 vote.

National Penn Bank

There was a discussion regarding the on-line banking agreement with National Penn Bank to be utilized to transfer funds, access funds, etc. on-line.

The Township Manager noted the on-line banking would allow the staff to transfer monies on-line. Mr. Doering asked how the transfers would be controlled. The Township Manager noted the transfer would be reported the same way as currently being done now. Mr. Doering asked what the administrative process would be. Mr. Preston noted concerns of controlling transfers and who signs off on the transfers. Mr. Preston noted resolution by the Board of Supervisors is required for transfers from one Fund to another Fund pursuant to the Second Class Code. The Township Manager noted that inter-fund transfers and to be done not intra-fund. The Township Manager noted that intra-fund transfers would require Board action. The Township Manager noted that when the bills are approved the monies are then transferred to the checking account to cover the bills.

Mr. Doering inquired if the bank could limit the transfers.

Mr. Doering moved to approve the on-line contract with the bank given that intra-fund transfers will be prohibited and the actual computer ability does not begin until the bank agrees to the motion. Mr. Preston seconded the motion. The motion carried with a 5-0-0 vote.

The Township Manager noted the agreement of the Capital Reserve municipal flex account providing a 4% interest rate.

Mr. Preston moved to approve the Capital Reserve account at 4% for the period 9/19/07 and 9/30/08. Mr. Roland seconded the motion. The motion carried with a 5-0-0 vote.

6. DISCUSSION ITEMS

7. ADDITIONAL INFORMATION BROUGHT BEFORE THE BOARD

The Township Manager provided an overview of the Health Savings Account noting that 2% of the police officers' wages are placed in the Health Savings Account which is paid quarterly to be approximately \$8,000 per year.

Mr. Roland handed out the McMahon Associates presentation regarding Act 209 that was presented at the last Pottstown Metropolitan Regional Planning Committee.

Mr. Roland noted items that may be addressed at the next Zoning Taskforce meeting regarding compliance with the Pottstown Metropolitan Regional Comprehensive Plan.

Mr. Roland provided the recognition certification from the Green Futures Regional Planning for East Coventry's participation in the Pottstown Metropolitan Regional Planning Committee.

Mr. Preston noted that no updates have been received by the Township Engineer regarding the job meetings concerning the North Coventry Wastewater Treatment Plant expansion project in conjunction with the \$2MM loan.

The Township Manager noted he will e-mail the Board the draft budget this week. The Township Manager noted he would recommend a 1 mil increase. Mr. Doering proposed the budget include the 1 mil increase. The Township Manager noted the potential approval of an operations capital account where no more than 5% of revenues would be placed. Part of the rationale for the increase is to provide for carryover with overall better financial planning.

Mr. Rinehart moved to approve Resolution No. 2007-34 further determining and otherwise providing for the compensation to be paid Barbacane, Thornton & Company, a firm of certified public accountants previously appointed to replace the elected auditors of East Coventry Township and make an examination of all accounts of East Coventry Township for fiscal year ending December 31, 2006. Mr. Roland seconded the motion. The motion carried with a 5-0-0 vote.

There was a brief discussion regarding the resolution for the fee simple condemnation or negotiation of the temporary and permanent construction easement on the DePue property. Mr. Preston inquired if the resolution has an effect on completion time and cost of the job. The Township Manager noted he met with the Mr. Depue and his son at the site and noted things are progressing well.

Mr. Preston moved to approve Resolution No. 2007-33 for either condemnation or negotiations with DePue for the temporary construction and permanent easement as written and that a date is established by the Board at which condemnation must be filed in order not to delay the contractor. Mr. Doering seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Rinehart moved to authorize the Township Solicitor to move forward in correlation with the Township Manager for processing of the sanitary sewer easement standard letter to the Tisa Lane residents. Mr. Roland seconded the motion. Mr. Preston abstained. The motion carried with a 4-0-1 vote.

8. ADJOURNMENT

Mr. Roland moved to adjourn the monthly meeting at 10:15 p.m. Mr. Preston seconded the motion. The motion carried with a 5-0-0 vote. An executive session immediately followed to discuss the Gaugler case concerning litigation. No action was taken by the Board of Supervisors after the executive session.

Respectfully submitted,

John Doering, Jr.
Township Secretary