

**Minutes of the Board of Commissioners
Upper Pottsgrove Township**

February 18, 2014

A meeting of the Board of Commissioners was held on Tuesday, February 18, 2014, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners Miller, Noll, Schreiber, Spaide and Taylor present. Also present were Solicitor Charles D. Garner, Jr., Police Chief William A. Moffett, Public Works Director Frank Quinter and Township Secretary Cynthia Saylor. Commissioner Taylor called the meeting to order at 7:02 P.M. There were 20 people and a Mercury reporter present in the audience.

MOMENT OF SILENCE - Commissioner Taylor requested a moment of silence in honor of the men and women who have served and are currently serving our country in the armed forces.

PLEDGE OF ALLEGIANCE - Those assembled pledged allegiance to the flag.

PUBLIC COMMENT:

GREG CHURACH - 144 Snyder Road – Stated he wanted to give a big hats off to the Public Works employees for the great job they did plowing the roads during the recent snow storms. Mr. Churach noted that Upper Pottsgrove Township has the best roads in the area and they were plowed in a timely manner.

COMMISSIONER TAYLOR - Reiterated Mr. Churach’s comments and stated the Highway employees did a great job with the equipment they had to work with.

MICHELLE O’CONNOR - 1875 Orlando Road - Expressed her concern regarding the on-going problem with her neighbor’s dogs barking constantly and advised the situation is getting worse. Ms. O’Connor advised that she gets very little sleep due to dogs barking constantly. She further advised that there are three (3) dogs that are left outside all the time and they are hungry and cold. Ms. O’Connor stated that recently she was verbally abused by her neighbor.

CHIEF MOFFETT - Reported that there are an excessive number of dogs and noted that the owner has been cited and fined. He further reported that the Police Department is doing everything that the ordinance will allow.

ATTORNEY GARNER - Addressed Ms. O’Connor and stated that the last time this matter was brought before the Board’s attention the Code Enforcement Officer was made aware of the situation. Attorney Garner advised the Chief to cite the owner on a daily basis and noted that the fine is between \$600 to \$1,000.

ROGER LONG – 1898 Orlando Road - Advised that this is a horrible situation and stated this is abusive to everyone. Mr. Long encouraged the members of the Board to take a ride and look at the property.

When **COMMISSIONER SPAIDE** questioned Chief Moffett as to whether the SPCA felt that these dogs were being neglected; he stated “no.”

CHIEF MOFFETT - Reported that the police officers are citing on a daily basis. He further reported that the State Game Warden stated that until there are twenty six (26) dogs on the property a kennel license is not required.

BETTY LONG - 1898 Orlando Road - Stated that the main problem is that there are approximately twenty (20) dogs that are barking between 4:00 and 5:00 in the morning and it is impossible to sleep. Mrs. Long noted that most of the dogs are pit bulls and she is no longer allowed to walk past the property.

COMMISSIONER TAYLOR - Stated the Township is limited as to what we can do according to the ordinance and there are only certain things that are allowed according to state law. Mr. Taylor stated that the Township is looking into other avenues as to how to handle the situation.

COMMISSIONER MILLER - Suggested that The Mercury get involved and there should be publicity with regards to this situation.

KEITH KOCHERL - 1412 Farmington Avenue - Expressed concern with regards to the amount of waste that is being created by all the dogs and questioned whether the EPA could get involved. Commissioner Taylor stated that issue is probably addressed when you reach the kennel stage. He further stated a meeting with the Code Enforcement Officer and Police Department will be held in order to discuss other avenues that can be addressed regarding this matter.

CARL SPECHT - 150 Primrose Lane - Expressed his concern as to whether these dogs are vaccinated.

COMMISSIONER MILLER - Asked why they are raising so many dogs and questioned if it were possible they are involved in dog fighting.

FIRE COMPANY LIAISON – Commissioner Schreiber reported that the opti-cam for the Route100/State Street intersection is not in this year’s budget. He further reported that the Fire Company would like to thank the Township for the new windows in the firehouse. Commissioner Schreiber stated that the Fire Company is very nervous with regards to their budget for vehicle maintenance and noted that approximately 50% has been expended to date.

PLANNING & ZONING REPORT - Commissioner Taylor stated that the Planning Commission did not meet this month.

PUBLIC WORKS REPORT - Commissioner Spaide gave kudos to the Public Works employees for the great job they did during the recent snow storms. Ms. Spaide stated they have cleaned up the

PUBLIC WORKS REPORT CONT'D - equipment after each snow storm and have cleaned out storm drains. She further stated that our roads are the best in the area.

COMMISSIONER MILLER – Stated that the complaints are miniscule in comparison to the number of people that live in the Township. He further stated that the township receives complimentary notes regarding the snow plowing.

COMMISSIONER NOLL –_Expressed his appreciation to the Public Works Department for their hard work and efforts during the recent snow storms.

POLICE REPORT – Commissioner Miller referenced the missing persons as noted on the monthly Police Report and stated these are young people who have left their residence and have not told anyone as to where they are going. He further referenced one sex offense incident which took place on a school bus. Commissioner Miller stated that it is a shame in this day and age that our schools have to have police protection. Mr. Miller added that it is not only in Upper Pottsgrove Township but across the nation.

PUBLIC HEARING REGARDING THE ORDAINING AND VACATING OF MOCK ROAD

Attorney Garner stated that in October of last year; Mr. and Mrs. Sitko filed a Petition, Agreement, and Release with Upper Pottsgrove and requested that the Township consider vacating a portion of Mock Road, between Yarnall Road and Needhammer Road. Mr. Garner explained that this is a paper road and it has never been created or opened; but the entire layout of the road is internal to the property owned by the Sitko's. Attorney Garner reported that the request has been reviewed by the Police Department, Fire Company, Emergency Services and Public Works Department. He further stated the Township sees no reason why this road would ever be opened or created. Commissioner Spaide requested a clarification that this is the paper portion of Mock Road. There was no other public comment regarding the request submitted by Mr. and Mrs. Sitko. The hearing was closed.

PARK, RECREATION AND OPEN SPACE - Commissioner Miller reported that plans are being finalized for the construction of trails within the Township.

SPECIAL TOWNSHIP PROJECTS - Commissioner Noll reported he attended the Pennsylvania State Association of Township Commissioners Executive Session on February 2, 2014, in Harrisburg. Commissioner Noll stated that the 2014 Legislative Priorities were discussed.

TOWNSHIP ENGINEER'S REPORT - It was noted that a copy of the monthly Engineer's Report will be posted on the bulletin board.

TOWNSHIP SOLICITOR'S REPORT – Attorney Garner stated that prior to Mr. Layne's departure they had been negotiating with the Police Officers with regards to a new contract. He further stated that there is a tentative agreement with the police officers with respect to a new contract. The officers are presently executing the contract and circulating it for signature.

amount is \$19,100. Mr. Garner noted that if the total cost of the pavilion is more than that the Township would have to put it out on competitively bid and advertise and make sure we follow the requirements for purposes of bidding. Attorney Garner stated that the quote received from those providing the pavilion was less than the threshold for the bid. He further stated as long as they are willing to hold that price and the township obtains two (2) other quotes we would not have to competitively bid the pavilion as long as we spending less than \$19,100. Commissioner Miller noted that the township has three (3) quotes. After further discussion, a motion by Schreiber, seconded by Spaide, to authorize the expenditure of \$19,089 for the installation of the pavilion. All aye votes.

APPROVAL OF AMENDMENT TO THE LANGUAGE IN THE CIVIL SERVICE

COMMISSION POLICE APPLICATION - Commissioner Taylor reported that the Civil Service Commission has recommended some changes in the language to the Police application. A motion by Schreiber, seconded by Miller, to approve the changes to the Civil Service Police application. All aye votes. Attorney Garner explained that Eligibility List is certified for one (1) year and it can be extended by the Civil Service Commission for a period of twelve (12) months if deemed appropriate. In response to a question from Commissioner Miller as to whether a Police Officer is employed after Resolution 2014-1 must they be selected from the legally approved Eligibility List; Attorney Garner stated yes, and added that the law allows you to pick from the top three (3) candidates unless there is a veteran then you are required to pick the vet.

OLD BUSINESS:

CONSIDER ACTION REGARDING AN ORDINANCE ESTABLISHING RESPONSIBILITY FOR THE INSTALLATION AND MAINTENANCE OF CURBING AND SIDEWALKS

– Attorney Garner prepared a draft ordinance with regards to establishing responsibility for the installation and maintenance of curbing and sidewalks. Mr. Garner noted that presently the Township does not have an ordinance addressing this issue. Commissioner Schreiber suggested that language be added to address snow removal around a fire hydrant. Attorney Garner stated he would incorporate language with regards to snow removal into the final draft of the ordinance.

CONSIDER APPROVAL FOR VACATING AND ORDAINING MOCK ROAD-

ORDINANCE #469 - An Ordinance Ordaining a Portion of Mock Road (paper portion) between Yarnall Road and Needhammer Road, all of which is located in Upper Pottsgrove Township. A motion by Spaide, seconded by Miller, to adopt Ordinance #469. All aye votes.

KEITH KEHL - 1941 Gilbertsville Road – Questioned whether the road has to be brought up to specs. Attorney Garner stated the Township is not improving the road at all. He further stated that this is based on a Petition, Agreement, and Release that the owner that has property on both sides, is relieving us from any responsibility to do that.

ORDINANCE #470 - An Ordinance Vacating and Closing to Public Use a Portion of Mock Road between Yarnall Road and Needhammer Road, all of which is located in Upper Pottsgrove

amount of \$4,638.69 and Escrow Fund in the amount of \$5,380.19. Total Disbursements ~ \$150,628.12. All aye votes.

APPROVAL OF MINUTES - January 23, 2014 - A motion by Spaide, seconded by Schreiber, to approve the minutes of the January 23, 2014, meeting as presented. All aye votes.

APPROVAL OF MINUTES - February 5, 2014 - A motion by Schreiber, seconded by Noll, to approve the minutes of February 5, 2014, meeting as presented. All aye votes.

EXECUTIVE SESSION - At 8:22 PM Commissioner Taylor reported that the Board would be meeting in Executive Session to discuss matters of real estate, litigation and personnel issues. The meeting reconvened at 9:50 P.M. A motion by Miller, seconded by Spaide, to approve and authorize the execution of a Settlement Agreement with IFIC accepting the total sum of \$573,972.00 as financial security for Phase 2 improvements for Coddington View Subdivision, the final form of such Agreement to be acceptable to the Township Solicitor and Township special counsel. All aye votes.

ADJOURNMENT - There being no further business, a motion by Spaide, seconded by Noll, to adjourn the meeting.

Respectfully submitted,

Cynthia H. Saylor,
Township Secretary