

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

June 16, 2014

The meeting of the Board of Commissioners was held on Monday, June 16, 2014, at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Commissioners Elwood Taylor, Herbert C. Miller Jr., Russell Noll, Martin Schreiber and Renee Spaide present. Also present were Township Solicitor Charles D. Garner, Jr., Police Chief William Moffett, Township Engineer Pete Eisenbrown, Township Manager Carol R. Lewis and Public Works Director Frank Quinter. The meeting was called to order at 7:00 P.M.

MOMENT OF SILENCE - Mr. 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 as well as for Cindy Saylor who is in the hospital.

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

WELCOME NEW TOWNSHIP MANAGER – The Board introduced and welcomed Carol R. Lewis as the new Manger.

PUBLIC COMMENTS:

ROBERT SLOSS, 2097 Needhammer Road, expressed concern regarding the trash contract and provided the Commissioners with a copy of the Freedom of Choice Act that he printed off the internet. Mr. Sloss suggested the Commissioners review this Act before any decisions are made regarding the trash contract and also requested a copy be put on file at the Township office.

KEITH KEHL, 1941 Gilbertsville Road, expressed concern regarding the wash outs on Grandy Road that happen every time it rains and continue to happen ever since a pipe was installed. Mr. Taylor noted that there have been no improvements done on Grandy Road in decades; however, the public works department is diligent in making repairs after a wash out. Mr. Kehl expressed concern that Grandy Road is now going to be used as a road for the Althouse Arboretum property.

REPORTS:

FIRE COMPANY LIAISON – Commissioner Schreiber read the monthly Fire Company Report. He reminded everyone one that the designated spots in the Township parking lot are for firefighters only and others should not be parked there. He noted that the new ambulance service by Gilbertsville took effect his month. He further noted that Gilbertsville Ambulance has applied for grants to equip another ambulance so that they do not have to rely on Goodwill Ambulance, and Gilbertsville is not taking on Amity.

POLICE DEPARTMENT LIAISON – Commissioner Miller reported the Upper Pottsgrove Police Department had 207 total crimes, offences and services. There were three (3) burglaries reported. The Police Department continues to request that residents keep both their car doors and their homes locked. The developments affected were Cherrytree Farms and Coddington View. Commissioner Miller reported that the animal situation is still apparent and not only at the one location.

PARKS, RECREATION AND OPEN SPACE LIAISON - Commissioner Miller advised that the Borough has selected a candidate to professionally coordinate recreation programs. He noted that Greg Churach has entered Sunset Park into the “What’s Your Favorite Park” contest sponsored by the Pottstown Area Health and Wellness Foundation. Commissioner Miller advised that the Public Works department is overwhelmed, and suggested the Township look in to hiring a part-time public works staff member to take over maintenance of the parks.

PLANNING AND ZONING & ADMINISTRATION LIAISON – Commissioner Taylor wanted to thank the office staff and public works department for all their assistance over the past several months during the transition to a new township manager.

PUBLIC WORKS REPORT – Commissioner Spaide advised that the public works department is doing their best to try to keep up with all the grass that is so high and continues to grow due to all the rain. She noted that the sewer line at 99 North Hanover Drive has been televised, and there are no breaks and/or leaks. She further advised the report will be available for review in the Township office. Commissioner Schreiber questioned whether we could advertise for a part-time person to handle maintenance of the parks. Chairman Taylor advised that this matter could be voted on at the special meeting at the end of the month. **Robert Sloss, 2097 Needhammer Road**, advised that he missed the discussion on this matter. Mr. Miller stated that he recommended hiring a part-time public works person to handle maintenance of the parks. Mr. Sloss suggested contacting the Montgomery County Prison and inquire as to whether they would provide volunteers to do this work for free.

SPECIAL TOWNSHIP PROJECTS – Commissioner Noll reported that he attended the annual PSATC conference and some of the topics discussed were energy renewals and savings, township liability in storm water management and pension reform. He encouraged the commissioners as well as residents to visit the website called fixthenumbers.com that was launched as a media campaign since it contains a lot of information as well as a form letter that you can fill out and send in. Commissioner Noll also encouraged other Board members to attend the conference and get more involved to help stop unfunded mandates. He noted that he has updated U-comp and other associations of the new manager and new commissioner. He advised that being a member of U-comp is beneficial as it one of the few that pays back annually. Commissioner Noll further advised that he did receive a 12-year service award which is available in the lobby for residents to see. Chairman Taylor thanked Commissioner Noll for his efforts.

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

TOWNSHIP SOLICITOR’S REPORT - Attorney Garner noted that the Board approved an ordinance for a loan borrowing of up to 500K for road work for which we have now received approval from DCED; therefore, we will be ready to move forward once the bids are received. He advised that we received an interest in the cell tower at Heather Place and will look over the proposal and then present it to the Board for approval. Mr. Garner explained that we have an agreement to purchase a property on Maugers Mill Road for open space, but the agreement kept being put on hold as the owner could not get clear title to the property. He further explained that he has prepared an addendum to the agreement of sale to allow for an extension of the right to

TOWNSHIP SOLICITOR'S REPORT (cont'd.) – purchase. Chairman Taylor explained this is a 3-acre parcel. In response to question from Commissioner Schreiber, Commissioner Spaide advised that the property is located near Fox Run. In response to other questions from Commissioner Schreiber, Mr. Garner advised the matter has been ongoing since 2009 and the purchase price right now is \$110.00. A motion by Miller, seconded by Noll, to approve the addendum to the sale agreement to extend the purchase of the property. All aye votes.

TOWNSHIP MANAGER – Carol R. Lewis reported that she has been filling in for Cindy Saylor who has been out ill in regards to financial matters.

MONTHLY FINANCIAL REPORT - Copies of the monthly Financial Reports were included in the Board's meeting packets.

OLD BUSINESS:

TRASH HAULER CONTRACT – DISCUSS PREPARATION OF BID DOCUMENTS – Chairman Taylor explained that the township is mandated to provide for recycling and yard waste. He outlined the history of the trash hauler contract implemented five (5) years ago, and noted that the contract can be extended for one (1) year at a time starting this October. However, he believes the township should rebid the contract to see where the prices will come in. The Commissioners reviewed a spreadsheet of bidding options which include options for weekly versus monthly pick-up, all customers versus some of the community and billing options. Commissioner Noll recommended putting the contract out to bid to get the numbers. Commissioner Schreiber recommended the bid include a bi-weekly yard waste pick-up as well. **Carl Specht, 150 Primrose Lane**, expressed concern that the township should not only be looking at price but at whether we are getting good service. He expressed concern that there is always medical waste lying in the street in front of a group home located on Primrose Lane. He noted that he has a photo to prove it and expressed concern that his neighbor used to go out and sweep up the trash left behind. He noted there was a couch and chair at a residence on Heather Place that sat for three (3) months and expressed concern that the township is not enforcing the ordinance. He stated that each truck should have a shovel and broom to clean up trash off the street. He recommended the Commissioners pick up and move on to a different trash hauler. **Robert Sloss, 2097 Needhammer Road**, suggested that if there is nothing wrong with the policy the township has in place, then why change it. Chairman Taylor explained that some one of the goals the Commissioners were trying to accomplish in having one trash hauler were to help better enforce the problems, to help alleviate the wear and tear on our roads, and help alleviate additional noise; however, it was thought that most residents would opt into the contract. Commissioner Spaide advised that she believes competition improves price and service. Chairman Taylor advised that the Commissioners cannot make any decisions until we get numbers. In response to a request from **Robert Sloss, 2097 Needhammer Road**, the Board members were polled on their feelings regarding this matter. Commissioner Schreiber – agree but need opt out; Commissioner Miller – opt out; Commissioner Noll – not satisfied with current service but agreed to do something to evaluate what is best for the township; Chairman Taylor – am vet and already outlined his views; and Commissioner Spaide – do believe opt out was not entirely satisfied but understand what we are trying to do. **Robert Sloss, 2097 Needhammer Road**, expressed concern that the Commissioners are taking away freedom, and we should

TRASH HAULER CONTRACT – DISCUSS PREPARATION OF BID DOCUMENTS

(cont'd.) - stay with what we have as he does not need government telling him what to do. **Jack Schaeffer, 1520 Farmington Avenue**, stated that the opt-out was done deceptively as the flyer looked like junk mail. He expressed concern that the increases were astronomical and not near what they were charging. He advised that the residents should be able to opt out and choose their own hauler. Chairman Taylor advised that they don't want to lose the contracted "anchor" rate that other haulers have used as the price to beat. It has resulted in reduced rates for all trash customers. In response to a question from **France Krazalkovich, 92 Stone Hill Drive**, Chairman Taylor advised that approximately 35 percent of residents did not opt out. Mr. Krazalkovich noted that the agreement requires Mascaro to report any calls and questioned whether the township has a list of those calls. **John Ungerman, 1428 Meadowview Drive**, advised that he is in favor of one (1) trash hauler in the township, noted that most of the haulers come at 6:00 am and further noted trash from other haulers is always in front of his house. **James Capinski, 1958 Yarnall Road**, suggested that the contract be extended for one (1) year until the electors have a chance to ask each Commissioner where they stand on this issue. In response to a comment from Mr. Capinski regarding oil haulers, Chairman Taylor advised that regulating heating oil is not a responsibility of the Board of Commissioners but the First Class Township Code permits the regulating of trash collection services to help ensure the health and welfare of the residents is. **Jack Schaeffer, 1520 Farmington Avenue**, advised that noise should not be a factor when there are tractor trailers full of sludge on Route 100 every hour. Chairman Taylor questioned whether the Solicitor or Chief of Police can provide any recommendations. A motion by Noll, seconded by Miller, to bid the options as presented tonight and collect the necessary data in order to make a decision. All aye votes. Solicitor Garner noted that the length of contract is not in the proposal. Commissioner Noll advised he would like to include the options as presented with a 3-5 year contract with extension option as we have now and bi-weekly yard waste pick-up. Commissioner Miller wants to include investigating into requests that were made, time of pick-up and complaints. Commissioner Noll noted that those items are more specific to the contract and not amount of contract. He further noted that this cannot affect percentage and would like to gather data and address those concerns at contract level. Commissioner Miller pointed out that we do not have much time to address these concerns. Commissioner Spaide advised that time is addressed in the ordinance. Commissioner Noll noted that it gives us time to renew if we choose to do so and Commissioner Spaide agreed. **Barbara Miller, 2072 Yarnall Road**, expressed concern that Mascaro leaves trash around which they should be responsible for cleaning up. **Carl Specht, 150 Primrose Lane**, encourage the Commissioners to read the ordinance as it does allow for pick-up after 6:00 am and requires containers to be taken in before the end of the night. **France Krazalkovich, 92 Stone Hill Drive**, noted that there could set dates as well as times for pick-up in the ordinance, and the township could regulate time but still allow for choice of hauler. Mr. Krazalkovich suggested the township consider restricting the number of licenses given out and stated this could be done through the public bid process. Solicitor Garner advised that the township cannot restrict licensing. Chairman Taylor explained that there were concerns regarding wear and tear on roads, with multiple trash haulers operating over the same routes. In addition, the Township was mandated to provide trash service, and he believes the Commissioners did so in the most cost effective manner. He noted that the Commissioners initiate discussions and vote on matters of such importance, and the Township was blessed with

TRASH HAULER CONTRACT – DISCUSS PREPARATION OF BID DOCUMENTS

(cont'd.) - cut rate prices that saved tens of thousands of dollars thanks to our contracted “anchor” rate. In addition, these are considerations that we must make and have. **France Krazalkovich, 92 Stone Hill Drive**, expressed concern that 65 percent of residents opted out and this is a majority so the Commissioners should consider that in making future decisions regarding trash service. Chairman Taylor noted that the Commissioners will consider this once they receive the appropriate data in order to make a decision. Solicitor Garner advised that the Township preserves the right to reject all bids. The Board unanimously agreed to get the information so they can make an informed decision as to what to do next. Commissioner Miller referenced Mr. Schaeffer’s comment regarding complaints about haulers in the past, and noted we had weight signs on Gilbertsville Road which were taken down and never put back up. **Jack Schaeffer, 1520 Farmington Avenue**, suggested the Township require hauler traffic to come down Farmington Avenue and stay on Route 100 instead of coming down our residential roads.

NEW BUSINESS:**PRESENTATION OF CERTIFICATEON OF APPRECIATION - Mr. Reggie Leister –**

Mr. Taylor advised that this matter would be tabled as Mr. Leister was unable to make it to tonight’s meeting.

OPEN SPACE ACCESS DRIVES – Consider awarding contract to PAVE –

Mr. Taylor advised that there is an estimate to pave the access drive from Maugers Mill Road into Fox Hill Run in the amount of \$2,700.00, and the required permit is in place. In addition, there is an estimate for the access drive for Prout Farm Park in the amount of \$4,600.00; however, this is waiting review by Open Space and Recreation Board. Commissioner Miller requested approval to wait to hear from Open Space and Recreation Board and then have both access drives completed at the same time. Commissioner Noll agreed to table so that Open Space and Recreation Board can address the access drive for the Prout Farm Park. Greg Churach advised that the access drive off Maugers Mill into Fox Run Hill is required as it is a State road. A motion by Schreiber, seconded by Miller, to table this matter until the Open Space and Recreation Board have a chance to address the access drive for Prout Farm Park. All aye votes.

FIRE POLICE ACTIVITIES – Consider Approval –

Mr. Taylor explained that the Fire Police are requesting approval for the 2014 Ambler Music Festival, which already happened, the Norco Fair from June 30 to July 5, 2014 and the Gilbertsville Bike Night on August 16, 2014. A motion by Schreiber, seconded by Miller, to approve the fire police activities. All aye votes. In response to a question from **Fire Police Chief Keith Kachel, 1412 Farmington Avenue**, Solicitor Garner noted the Board must approve the activities so that they are authorized for insurance purposes.

CONSIDER RENEWAL OF CONTRACT WITH SIGNAL SERVICES FOR TRAFFIC CONTROL MAINTENANCE –

The Board considered renewal of the contract for two years at a cost of \$1,800.00 per year. A motion by Miller, seconded by Noll, to approve the two year contract renewal with Signal Service for traffic control maintenance. All aye votes. Commissioner Schreiber noted that the contract should read “Pottsgrove Middle School” not “Pottsgrove Elementary School”.

CONSIDER PURCHASE OF FIRE MARSHAL GEAR – The Board considered a proposal to provide a pager and gear to Township Fire Marshall Stanley Hildenbrand at a cost of \$731.00 plus shipping. A motion by Noll, seconded by Taylor, to approve a pager and gear for the Township Fire Marshall. Commissioner Schreiber expressed concern regarding who programs the pager and where the funds were coming from to pay for the gear and pager. Chairman Taylor advised there are unexpended funds in the general ledger that can be used to cover the costs. Commissioner Schreiber made a motion to table the matter until we receive additional prices since there are other places to purchase the gear. Commissioner Noll stated he believes providing the adequate gear is more important than the price, and noted that the Fire Company already uses the company that provided the quote. Chairman Taylor noted that the Fire Marshall is providing his own pants, boots, etc. **Keith Kachel, 1412 Farmington Avenue**, stated that the Township should provide the gear as it is mandated in the SOP that he must be outfitted, and expressed concern that the Fire Marshall showed to a scene in shorts and flip flops. Commissioner Spaide agreed that the Fire Marshall should be outfitted if he is going to respond to calls. **David Ingram, 467 Evans Road**, expressed concern that the Fire Marshall is routinely going to calls without gear. Aye votes: Noll, Taylor, Miller and Spaide. Nay votes: Schreiber. Motion carries.

CONSIDER FIRE COMPANY BY-LAW CHANGES AS RECOMMENDED BY FIRE COMMITTEE – The Board reviewed the proposed changes to the Fire Company by-laws which have been recommend by the Fire Company and Fire Committee. A motion by Schreiber, seconded by Miller, to approve the proposed by-law changes as presented. Chairman Taylor recommended the Board consider amending Article 11, Section 13 to less than eight (8) years. Solicitor Garner noted that it is a due process issue. Commissioner Schreiber noted that eight (8) years is a time that was presented. Commissioner Schreiber agreed to amend his motion. A motion by Schreiber, seconded by Miller, to approve the proposed by-laws for Article 12, Section 3, Article 5, Section 2 and Article 12, Sections 6 and 7. All aye votes. A motion by Schreiber to approve the change to Article 11, Section 13 as stated but starting in October, 2014 for prospective applicants. Commissioner Noll recommended they keep the change at eight (8) years. Commissioner Miller noted he cannot second the motion as it has been changed from the original motion. A motion by Noll, seconded by Spaide, to table action on this change until it is further reviewed by the Fire Committee. Aye votes: Noll, Spaide, Miller and Taylor. Nay votes: Schreiber. Motion carries.

VERIZON CABLE SERVICE – Consider Requesting the Broadcast of PCTV – The Board discussed requesting that Verizon broadcast PCTV which must be done through an educational channel. Solicitor Garner advised that both Comcast and Verizon must supply one (1) station for educational use and one (1) station for governmental use. Commissioner Noll advised that Comcast supplies PCTV for their customers. It was noted that a resident requested the Township send a letter requesting the broadcast of PCTV. A motion by Schreiber, seconded by Noll, to forward a request to Verizon that they provide both channels. All aye votes.

CONSIDER SPECIAL MEETING TO DISCUSS CIVIL SERVICE MATTERS – A motion by Spaide, seconded by Taylor, to advertise for a special meeting on June 30, 2014 to consider road project bids and discuss civil service matters. All aye votes. It was also agreed to invite the

CONSIDER SPECIAL MEETING TO DISCUSS CIVIL SERVICE MATTERS (cont'd)

Civil Service Commission members to discuss a new eligibility list. In response to a question from **Keith Kachel, 1412 Farmington Avenue**, it was noted that there are two (2) vacancies on the Civil Service Commission.

OLD BUSINESS:**CONSIDER DRAFT REGULATIONS FOR OUTDOOR WOOD BOILERS**

– The Board reviewed and discussed the proposed ordinance which would regulate these types of devices and would require a permanent stack to be in place and restrict usage to a certain time of year. In response to a question from Commissioner Spaide, Chairman Taylor advised that we are aware of two (2) of these devices in the Township, one of which is creating an issue. Commissioner Schreiber suggested making the ordinance stronger by adding language that if it is a nuisance, it must be relocated or if nuisance continues, it must be removed. Solicitor Garner advised that the word “nuisance” can be subjectively interpreted regarding enforcement. **Paul Gerhart, 2151 Yarnall Road**, advised that, going forward, the State regulations will probably not allow the boilers located near his property. **Dave Myers, 2139 Yarnall Road**, expressed concern that the ordinance does not address if it is still a nuisance in the winter. He further expressed concern that his neighbor does not know how to fire up the boiler, and as a result, smoke comes in his windows. Solicitor Garner advised that the proposed ordinance could be ready for next month and in affect by July. He further advised it could be amended in the future. Mr. Myers expressed concern that his neighbor can put up all kinds of infrastructure and does not need a permit yet he needed a permit for a fence for his dog when he moved here eight (8) years ago. In response to a question from **France Krazalkovich, 92 Stone Hill Drive**, Solicitor Garner advised that both the police department and the code enforcement officer would enforce the proposed ordinance. In response to a question from **John Ungerman, 1428 Meadowview Drive**, Solicitor Garner advised that the proposed ordinance does not have to be reviewed by the Planning Commission as it not a zoning ordinance amendment. A motion by Spaide, seconded by Noll, to advertise the proposed draft ordinance as presented. All aye votes.

CONSIDER AGREEMENT TO BULID EMERGENCY ACCESS FOR MIDDLE SCHOOL

– This is an agreement for the emergency access between the Coddington View development and the Pottsgrove Middle School and allows for the cost sharing and maintenance of the proposed emergency access. In response to a concern expressed by Commissioner Spaide, Chairman Taylor advised that the arrangement was the emergency access would be constructed when there was a viable access which is happening now as the Coddington View development is being completed. A motion by Miller, seconded by Spaide, to approve the agreement for emergency access to the Pottsgrove Middle School subject to approval by the Pottsgrove School District, Arcadia and Coddington View. All aye votes. In response to a question from **William Marsden, 1207 Springhill Lane**, Mr. Taylor advised the agreement does not include fire lanes. Commissioner Miller noted that the Planning Commission knew there needed to be an emergency access. Commissioner Spaide stated she agreed with the emergency access but wanted to know about fire lanes at the middle school. Commissioner Schreiber expressed concern that even though there will be an emergency access, the Fire Company will not be able to get vehicles to the school due to parked cars.

CONSIDER PRELIMINARY PLAN APPROVAL FOR SPROGEL'S RUN DEVELOPMENT

– The Board reviewed the proposed subdivision for 58 lots on 30 acres

CONSIDER PRELIMINARY PLAN APPROVAL FOR SPROGEL'S RUN DEVELOPMENT (cont'd.) - located on West Moyer Road. It was noted that this development

is part of the Curative Amendment Settlement Agreement. The plan has been reviewed by the Township Engineer, and the Planning Commission has recommended approval. It was further noted, from a zoning perspective, the plan complies with the settlement agreement. Chairman Taylor noted the developer has agreed to drop a manhole and run lines to allow for future connections along Moyer Road, and there is a new trail location along the woods. The subdivision will be developed in two phases with two access points and two basins, and the first phase is for 29 homes. Solicitor Garner advised there is a resolution for preliminary plan approval with conditions, which are limited, and noted it contains the waivers. In response to a comment from Solicitor Garner concerning the waivers outlined in the resolution, Mr. Eisenbrown noted that the waiver from Section 301-16.F which requires all storm sewer be rubber-gasket joint reinforced concrete pipe meeting the 100-year life expectancy needs to be included. Chairman Taylor noted that, since the Planning Commission's recommendation, the required street trees have been provided and spaced within the development so that waiver is not necessary. Commissioner Schreiber advised that he is not comfortable voting on this matter tonight as he is not familiar with or aware of the settlement agreement, and we are not requiring sidewalks on both sides even though the Township just passed a sidewalk ordinance. Chairman Taylor explained the theory is that as long as residents can get around in the community, it is acceptable to have sidewalks on only one side. Fire Chief Jeff Levengood recommended restricting parking on the inside loop where you come in to West Moyer Road on the internal road leading to proposed Road A to allow for accessibility for fire and police. A motion by Spaide, seconded by Noll, to approve the preliminary plan resolution with the following revisions: (1) add a condition that the plan must comply with any and all comments of the Township Police Chief and Fire Chief and (2) replace waiver N concerning street trees with the waiver from Section 301-16.F. All aye votes.

CONSIDER APPROVAL OF ALTHOUSE ABORETUM USE AGREEMENT – The Board reviewed and discussed two agreements – one which allows the Township to cross the Hilsee property for recreational purposes and an operational agreement regarding S.A.V.E. A motion by Schreiber, seconded by Noll, to approve and authorize execution of the easement agreement and the operations agreement. All aye votes.

COMMISSIONERS COMMENTS – There were no comments from the Commissioners.

PAYMENT OF BILLS - Bill List dated June 16, 2014 – In response to a question from Commissioner Schreiber, Commissioner Noll advised that the increase in the Comcast bill is due to the Township's request for an increase to 50 MPS internet service. Commissioner Schreiber expressed concern that he did not recall voting on this matter. Commissioner Noll advised that the Township did see a savings of \$150.00 as he requested the Ridge Support bill the Township hourly rather than a flat rate for installation of a new router which was necessary for the increase in the speed of our internet service. A motion by Spaide, seconded by Noll, to approve the June 16, 2014, Bill List for General Fund in the amount of \$74,397.84; Fire Fund in the amount of \$4,078.60; Sewer Fund in the amount of \$41,471.86; Open Space Fund in the amount of \$9,917.85; State Fund in the amount of \$95.74; and Escrow Fund in the amount of \$3,476.23. Total Disbursements ~ \$133,438.12.

APPROVAL OF MINUTES – The May 19, 2014 will be available for approval at the next meeting as they are not complete.

EXECUTIVE SESSION - There was no executive session.

ADJOURNMENT – At 10:00 P.M. a motion by Miller, seconded by Noll, to adjourn the meeting. All aye votes.

Respectfully Submitted,

Carol R. Lewis, Assistant Secretary