

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

August 17, 2015

The regular meeting of the Board of Commissioners was held on Monday, August 17, 2015, at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Commissioners Elwood Taylor, Russell Noll, Herbert Miller, Jr., Martin Schreiber and Renee Spaide present. Also present were Township Solicitor Charles D. Garner, Jr., Public Works Director Frank Quinter, Township Manager Carol R. Lewis and Planning & Zoning Administrator Michelle Reddick. The meeting was called to order at 7:03 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.

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

RESIGNATION OF COMMISSIONER NOLL – Commissioner Noll read and officially submitted his letter of resignation due to personal reasons including a change of address. Motion by R. Spaide, seconded by H. Miller and unanimously carried to accept R. Noll’s resignation effective immediately. E. Taylor presented R. Noll with a distinguished service award. R. Noll expressed gratitude for being able to serve in a great township and noted he cares deeply for the township. R. Noll advised he will miss being a commissioner here but wishes everyone well.

APPOINTMENT TO FILL VACANCY – E. Taylor noted that the Board has the duty and responsibility to fill the vacancy created by the resignation of R. Noll. He advised that there is an election coming up in November, but until then, the Board will have to fill the seat. He noted that in the past they have solicited interest, accepted resumes and conducted interviews, and he is recommending the Board fill this position with France Krazalkovich as he has already been accepted by the voters in the township. Motion by H. Miller seconded by M. Schreiber and unanimously carried to adopt Resolution 662 to appoint F. Krazalkovich to fill the vacancy until January 4, 2016. Notary Michelle Reddick administered the oath of office to newly appointed Commissioner France Krazalkovich.

PUBLIC COMMENT:

DARRYLLE TILLMAN – 151 Rose Valley Road – Thanked M. Schreiber for his leadership in the On Your Park Get Set Go contest. He also thanked H. Miller for his one selfie at Hollenbach Park.

MICHELLE O’CONNOR -1875 Orlando Road – Advised that after the criminal and civil hearing on August 6th at Judge Gadzikci’s office, she came home only to receive verbal threats from her neighbor. She noted that the neighbor did not follow through with the court order as the neighbor did not allow a home inspection. She further noted that she does not believe the neighbor will follow through with getting rid of the dogs or structures either. She questioned what is being done in reference to the court hearing. C. Garner advised that if she is being threatened, then she should be reporting that matter to the police. He advised that there was an agreement in open court to allow an inspection of the property. However, access for an inspection inside the house was denied so an inspection only took place outside the house. He further advised that the owners have

thirty (30) days to get rid of the dogs, and we are within those thirty (30) days; however, there will be a re-inspection in early September. He further noted there were 48 citations of which the defendants each pleaded guilty to five of them; the other 38 were held in abeyance and can be heard at the next hearing. The township also presented the case with respect to the zoning violations which included 22 civil actions, and we are awaiting a response form the judge in reference to those. Mr. Garner noted that's the status of the matter, and the judge will handle once the matter is relisted for court. Mr. Taylor noted the township has passed it on to the law and the police which is all they can do. M. O'Connor advised that the neighbor did not allow the police access into the house, because they have puppies inside. She noted the puppies barked for over a half hour, and the neighbors should have been cited. C. Garner advised that whatever is happening or has happened, the judge will address at the next hearing which should be within 45 days.

JANET BRANDEL – 1757 Yarnall Road – Expressed concern that her neighbor has been piling leaves up along her fence for over the past three (3) years, and the leaves are now stuck within the chain link fence. She noted that she filed a complaint last year, but nothing was done. She invited the Board to come out see what is happening, and noted that the neighbor is also piling up the snow along her driveway in the winter time. C. Garner advised that if ordinances are being violated, the Township can take action; otherwise, the township cannot get involved. E. Taylor advised that she should contact Township Manager C. Lewis to see what, if anything, can be done about the situation.

MICHAEL MCNAMARA – 1781 Orlando Road – Advised that the dog situation has been going on for six (6) years and one (1) month, and noted that the township needs to figure out a resolution to this matter as it is taking way too long. E. Taylor advised that the township's hands are tied. He further advised that he understands their frustrations, but the township has done everything within its power to mediate the situation.

BETTY LONG – 1898 Orlando Road – Advised that she wants it on record that Mr. Kendrick has threatened us. She further advised that they taped Mr. Kendrick threatening them, but was told by the police that they could not use the recording. She questioned why Officer Sigoda did not obtain backup and insist on entrance to the house. She noted that her husband is on high alert and that something needs to be done before someone gets hurt. E. Taylor advised that threatening the Board is not the way to go. B. Long advised that she is not threatening anyone but that there are puppies in the house and something needs to be done.

MICHELLE O'CONNOR – 1875 Orlando Road – Advised that she had to speak with her daughter when the threats were all over as the things that came out of Mr. Kendrick's mouth were awful. She also advised that she has contacted child welfare services to investigate since there are children living in the home, but was told there is nothing that can be done.

VIRGINIA MCNAMARA – 1781 Orlando Road – Advised that she is confused with the thirty (30) day compliance agreement. She thought the agreement had to do with the dogs outside, not with the inspection, and that the inspection was supposed to occur the day of the hearing. C. Garner

advised that it is not a fluid court system, and all we can do is wait until the court reconvenes.

KEITH KEHL – 1941 Gilbertsville Road – Advised that the telephone pole is still lying on both sides of the road near the Althouse Arboretum. C. Lewis advised that she did report this 2-3 times. K. Kehl referenced the township newsletter in reference to the information that the township will not do anything with anonymous complaints, and noted that he does not think this is right. He also expressed concern that the State sprayed the weeds along the road which killed his flowers in his garden and he is concerned what it will do to his well. He asked for a telephone number for PennDOT and was advised to contact C. Lewis to obtain a contact name and telephone number for a representative from PennDOT.

REPORTS:

FIRE COMPANY LIAISON – M. Schreiber presented the fire report and noted there were 16 EMS calls and 7 fire calls. He advised that since DCNR denied the grant for a trail vehicle, they have applied for a PEMA grant for the trail vehicle which costs approximately \$15,000. He advised that the Fire Committee did hold a meeting and one of the items discussed was how there has been several false alarm fire calls in the early hours of the morning. Therefore, the Fire Committee is recommending an alarm permit ordinance with yearly updates. It was also recommended the ordinance require nox boxes for businesses. Even though the township already has false alarm fees, an ordinance is still needed. C. Lewis agreed to provide some sample ordinances for review by the Fire Committee.

POLICE DEPARTMENT LIAISON – H. Miller presented the Police Report. He noted that there has been more larceny than ever. He also noted that there are still issues with thefts from unlocked cars including one car theft where keys were left in the ignition. He reiterated the importance of keeping cars locked. He advised that animal complaints are another serious issue and discussed barking dogs. He suggested that a tougher ordinance be considered pertaining to animals. M. Schreiber expressed concern that the police report shows 19 call for medical, but yet there were only 16 ambulance calls. R. Spaide noted that an ambulance is not always needed.

PARKS, RECREATION AND OPEN SPACE - H. Miller reported that the Prout Farm trail out to Gilbertsville Road has been completed. He further reported that the Snyder Road trail is also completed but has to be rolled due to significant washout. He also reported that there was a meeting with representatives from other townships regarding trails and bike connections. He noted that Hollenbach Park won first place in the On Your Park Get Set Go contest so the Park, Recreation and Open Space Board will make recommendations on how to spend the money from the contest. He advised that there will be a 5K Fun Run and Walk on September 26, 2015 at 8:00 am and then a ribbon cutting ceremony for the Althouse Arboretum will follow. C. Lewis advised that there will be a Community yard sale on Saturday, August 26, 2015 from 8:00 am to 12 noon and spots are still available to be sure to tell your friends and neighbors.

POTTSTOWN REGIONAL LIBRARY – Sue Davis made a presentation on what has been happening at the library including programs that were held, and noted that 2014 was a busy year.

She advised that the library has free passes for the Elmwood Park Zoo and the Morris Arboretum and will soon have free passes for the Reading Public Museum and the Boyertown Museum of Historic Vehicles. She reported that they did a lot of planning and completed \$84,000 in renovations in 2014. She further reported that the library received a matching grant for \$300,000 for building repairs and the bid specifications were approved so they will be moving the wheelchair ramp to the front of the building and converting the employee parking to handicapped parking. She discussed the per capita giving, and noted that she is pleased with what a great job the township has done in keeping with the times even though library funding is always in question.

MONTGOMERY COUNTY COMPREHENSIVE PLAN – John Cover who has been with the Montgomery County Planning Commission for over 30 years and new member Donna Fabry presented an overview on the county comprehensive plan entitled “Montco 2040 – A Shared Vision”. J. Cover noted that the MCPC can assist the township with writing planning grants. H. Miller noted that the township initially started our goals for open space with the Grim Farm, and the seeds were laid thanks to the MCPC. He thanked the MCPC for what they have done for our township. E. Taylor advised that the township accomplished our goals through and with the assistance of the MCPC at reduced costs rather than hiring an outside agency.

PLANNING & ZONING REPORT – E. Taylor reported that there was no meeting this month, but that there will be a meeting in September.

PUBLIC WORKS REPORT – F. Quinter reported that the 2015 road projects are completed, and the public works department continues to patch potholes and work on trails. He further reported that the township received 100 tons of free salt from Bachman’s. C. Lewis as well as the entire Board thanked F. Quinter for his efforts in obtaining the free salt.

SPECIAL TOWNSHIP PROJECTS – There was no report.

TOWNSHIP ENGINEER – The report was available as part of the packet. In response to a question from M. Schreiber, C. Lewis advised that the township is not paying for additional inspections that have been ongoing at Coddington View.

TOWNSHIP SOLICITOR – C. Garner advised that already provided an update on the status of the dog situation earlier in the meeting.

TOWNSHIP MANAGER – C. Lewis reported that she has been working with Michael Wolfe to submit the required SEC filings to EMMA. She further reported that she met with the Civil Service Commission on July 23, 2015, and they are gearing up the testing on August 22, 2015. She noted they should have an official list either late fall or early winter. She advised that she is looking for used lateral filing cabinets and asked anyone to let her know if they become aware of any for sale. She reported that her and C. Garner met with the police bargaining unit and will discuss this matter **TOWNSHIP MANAGER (cont’d.)** - further in executive session. She reported that she has been working on the 2016 budget and would like to set up a special meeting as there are a lot of items to

be discussed. She advised that she has set up a meeting with Tri County Inspections for September 2, 2015 for them to access the building at 1420 Heather Place. She further advised the assessment will include the building's structural components and all major systems, and a report will be available within 48 hours after the inspection. She noted this will be a major item for discussion as part of the budget. The Board agreed to schedule a meeting for Tuesday, September 15, 2015 at 7:00 pm., and C. Lewis agreed to advertise the meeting. She reported the new website has been completed, and they met their deadline. However, we are currently with West Host, and their server cannot handle the new website. C. Lewis recommends that we change our host to One to One as they are can handle the new website, are cheaper, more secure and up to speed with all technology. We would have to change our website from www.upperpottsgrovetownship.org to www.uptownship.org which we currently own both domains. The Board agreed to change the website to www.uptownship.org. C. Lewis noted she will notify the Board when the new website is up and running. She reported that Hollenbach Park did win the park contest. She gave kudos to Chuck Note and M. Schreiber for encouraging everybody to go out and vote. She personally thanked Holly Gauger, who was present in the audience, as she and her daughters were there almost every day and/or night, and she also thanked everyone else who voted. She reported that the Open Space and Recreation Board received the pond study, and the ponds are very healthy. There is no drudging needed, but algae remediation is recommended. She noted that Solitude Lake Management, the company that performed the pond study, indicated they do volunteer work. In the future if we have any projects such as plantings, they have a crew that would volunteer to help. She reported the tabletop exercise is scheduled for tomorrow night in preparation for the Limerick Drill in November.

MONTHLY FINANCIAL REPORT – C. Lewis reported that miscellaneous revenues are up, because insurance reimbursements we had been waiting on were received. She also noted there was a transfer from the General Fund to the State Fund as a result of a finding on the liquid fuels audit. C. Lewis advised that the Fire Committee asked whether the \$50,000 that was budgeted could be transferred to the fire fund. Motion by F. Krazalkovich, seconded by H. Miller and unanimously carried, to transfer \$50,000 from General Fund to Fire Fund.

NEW BUSINESS:

CONSIDER APPLICATION FROM OFFICER SIGODA TO PARTICIPATE IN THE DROP PROGRAM – C. Garner explained that under the existing police contract, an officer has to ability to participate in the deferred retirement option program, and currently, the township provides for a three year drop. He further explained that if an officer wishes to participate, notice is given, and the township is guaranteed that within 3 years of October 15, 2015, Officer Sigoda will retire from the department. The drop program is a tool that allows the township to plan to recruit future officers and is intended to be revenue neutral. He further explained that Officer Sigoda believes that a contribution towards his private retirement fund by the drop date would be in his best interest. C. Garner advised that, under the current contact, the Board is required to approve Officer Sigoda's participation in the drop program so long as all the information is provided and everything is in **CONSIDER APPLICATION FROM OFFICER SIGODA TO PARTICIPATE IN THE DROP PROGRAM** (cont'd.) - order. In response to a question from F. Krazalkovich, E. Taylor

explained that this would be an additional officer to the one that we were made aware of during the hiring process. In response to a question from M. Schreiber, C. Garner explained that Officer Sigoda is not required to participate in this program and could retire before the drop dead date. Motion by M. Schreiber, seconded by R. Spaide and unanimously carried, to approve Officer Sigoda's participation in the drop program.

EMERALD ASH BORER MITIGATION PROGRAM – C. Lewis reported that she has been meeting with the Bureau of Forestry through DCNR who will assist the township with identifying the ash trees. She provided a brief overview of the options as discussed at the last meeting and is recommending that the township go with the forestry option. She advised that the Bureau of Forestry would go in areas where there would be a public safety hazard and mark the trees and then we would contract with a logger who would look at what we marked and let us know their interest. She noted that the Bureau of Forestry along with our Regional Recreation Coordinator Justin Keller would assist in negotiating the contact with the logging company to make sure everything is done properly. She further noted that the logging company would be required to restore anything that is damaged. The logging company would then pay us for the wood which would mitigate our costs for restoration, and the costs would depend upon the level of restoration. She reported that the second component in dealing with the ash trees would be a public education component. She advised that she sent out a sample notice for the Board's review which gives the residents information and notifies them of what the township is doing. She reported the final component is reforestation, and noted there is a tree vitalization grant. She further noted that we already have volunteers who are willing to be tree tenders. E. Taylor advised that he would like to offer the public a chance, if possible, to piggyback on what the township is doing by connecting them with a logger if that is the route the Board decides to pursue. He noted that the Board needs to provide C. Lewis with direction on which option we would like to pursue and how quickly. The Board agreed to move forward with the forestry option. C. Lewis requested the Board forward any comments and/or suggestions on the letter prior to this Wednesday as she would like to send out letter by the end of the week.

OLD BUSINESS:

FIRE POLICE ACTIVITIES – Motion by M. Schreiber, seconded by H. Miller and unanimously carried, to ratify the Fire Police activities.

2016 BUDGET – No update.

COMMISSIONER COMMENTS – F. Krazalkovich noted that in accordance with Section 2.1 of the rules and regulations for Civil Service Commission, he must tender his resignation as an alternate to the Civil Service Commission due to his appoint as Township Commissioner. Motion by H. Miller, seconded by M. Schreiber and unanimously carried, to accept the resignation of F. Krazalkovich as an alternate member of the Civil Service Commission.

COMMISSIONER COMMENTS (cont'd.) – M. Schreiber thanked Chuck Note for his support in getting the community involved with supporting the park contest, C. Lewis for her support and for

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organizing the community kickball game which pulled in many votes and everyone who supported the park contest. He noted that it was truly amazing to see the community come together to support the contest. E. Taylor noted that he was impressed to see how M. Schreiber and C. Note got the community involved with the park contest, and he is thankful for the community caring and involvement.

APPROVAL OF MINUTES - Motion by R. Spaide and seconded by H. Miller to approve the minutes of the July 20, 2015, meeting as presented. Aye votes: Spaide, Miller, Taylor and Krazalkovich. Abstain: Schreiber. Motion carries.

PAYMENT OF BILLS – E. Taylor noted that the Bill List has been amended. C. Lewis explained that the changes were highlighted and explained the amendments include a payment to Richard Brown for removal of a tree on Yarnall Road and payments to both the uniform and non-uniform pension plans for a deficiency noted during our 2014 audit. A motion by H. Miller, seconded by F. Krazalkovich and unanimously carried, to approve the Bill List.

EXECUTIVE SESSION – An Executive Session will be held to discuss personnel and collective bargaining with possible action to be taken. The Board adjourned to Executive Session at 8:30 pm.

The Board reconvened at 9:25 pm. Motion by F. Krazalkovich, seconded by H. Miller and unanimously carried, to authorize the Township Manager to advertise for a new Police Chief.

ADJOURNMENT – Motion by F. Krazalkovich, seconded by H. Miller and unanimously carried, to adjourn at 9:27 pm.

Respectfully Submitted,

Carol R. Lewis, Assistant Secretary