

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

**November 16, 2015**

The regular meeting of the Board of Commissioners was held on Monday, November 16, 2015, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners Elwood Taylor, Herbert Miller, Jr., Martin Schreiber and France Krazalkovich present. Also present were Township Solicitor Charles D. Garner, Jr., Public Works Director Frank Quinter and Township Manager Carol R. Lewis. 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.

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

Mr. Taylor advised that the Board of Commissioners held executive sessions on Wednesday, October 21st at 4:00 pm, Monday, October 26<sup>th</sup> at 4:30 pm and Monday, November 9<sup>th</sup> at 6:00 pm for the purpose of personnel.

**PUBLIC COMMENT:**

**ROBERT SLOSS – 2097 Needhammer Road** – Expressed concern that he, along with a lot of his neighbors, received letters from LTL Consultants about trees overhanging the road, and for some residents, it wasn't even an issue. He also questioned who filed the complaint. C. Lewis explained it is against the Township's policy to provide the name of the person who complained. E. Taylor explained there were issues with trees overhanging the road on some properties along Orlando and Needhammer Roads, and this poses a safety concern. However, instead of letters being sent to particular property owners, it was broadcast to all residents along those streets and letters were sent to all property owners. E. Taylor advised that he agrees the letter was not in proper format for many reasons, one of which was that it referred to property maintenance issues. However, he agreed they will not handle a matter like this in the same manner going forward. Mr. Sloss questioned if he called the office tomorrow and complained that everyone in the Township had trees falling down whether notices be sent to everyone. E. Taylor advised that would not be the case. Mr. Sloss questioned why letters were sent to everyone then when some residents did not even have trees along the road on their property. E. Taylor reiterated that he agrees it was not the proper way of handling the complaint and was disappointed to see how the matter went down. He noted he received many complaints about the letters and did research the matter. He further reiterated that, going forward, if there is a particular issue with a particular property, it will be handled particularly and not broadcast to all residents along a particular street. Mr. Sloss questioned when the speed limit along Orlando Road is going to be posted since the Township is so concerned with safety issues and noted that two people have already died along this road. E. Taylor advised he was not aware of this concern, but assured the matter would be investigated. Mr. Sloss also expressed concern that he tried contacting Paul Labe of LTL twice about the letter but never received a return call. C. Lewis advised she did speak with Paul and told him she had spoken with Mr. Sloss so that may be why Mr. Sloss did not receive a return call.

**KEITH KACHEL – 1412 Farmington Avenue** – Expressed concern regarding safety and speed limits in the Township and noted there needs to be more monitoring by the police department. He noted it is especially a problem along Farmington Avenue when they are trying to back the fire

trucks into the garage. C. Lewis advised she has addressed this issue with the police department, and there will be more presence and monitoring.

**REPORTS:**

**FIRE COMPANY LIAISON** – M. Schreiber presented the monthly fire report. He noted there were 20 EMS calls for the month – 11 from Goodwill Ambulance and 9 from Gilbertsville Ambulance. He advised that Fire Chief Jeff Levengood wanted to personally thank the Board for transferring the \$50,000 that was budgeted to the Fire Fund. He noted the Fire Committee recommends separating Route 100 into its own category and splitting it up into two (2) boxes. Motion by M. Schreiber, seconded by F. Krazalkovich and unanimously carried to move ahead with splitting Route 100 into two (2) boxes. In response to a question from K. Kachel, M. Schreiber advised the ambulance coverage areas would stay the same. E. Taylor explained there are separate maps for ambulance coverage and fire coverage. M. Schreiber reported there were 172 call to date and 17 calls for the month including one (1) structure fire and three (3) accidents. He advised that Rebecca Zentmyer graduated from the fire academy for Fire I training. In response to a question from R. Sloss, M. Schreiber advised the increase in calls over the last two (2) years is due to accidents and additional mutual aid.

**POLICE DEPARTMENT LIAISON** – H. Miller presented the Police Report. Mr. Miller noted it was a relatively quiet month and animal complaints were cut in half. He advised that he was speaking to his connection with the FBI, and it is recommended that citizens be vigilant in reporting unattended bags and packages.

**PARKS, RECREATION AND OPEN SPACE** - H. Miller presented the Parks and Recreation Report. He reported that one Eagle Scout just completed a project, and two others are working on a project at the Prout Farm trail and a bridge at Hollenbach Park to assist the middle school with having competitive cross country. He further reported the Green Allies planted 80 trees and donated 15 trees which were planted at Sussell Park with the assistance of Matt Dallas, his son and four volunteers from Pope John Paul high school who were recruited by Matt's son. He also reported that we have applied for a mini grant through Pottstown Health and Wellness Foundation for an improved play area at Chestnut Grove Park which will be completed sometime next spring. He advised the Open Space and Rec Board decided not to have a meeting in December but to continue the meetings for 2016 on the same night. Also, they will be having a fishing rodeo in the spring along with family fishing programs in conjunction with the Fish and Boat Commission to teach children how to cast a rod and fish. As a representative for the Pottsgrove joint recreation board, H. Miller advised they will be holding holiday concerts on November 9<sup>th</sup> at Keystone Retirement Home, December 7<sup>th</sup> at Walnut Woods, Dec. 14<sup>th</sup> at Sanatoga Ridge Berean Bible Church and December 21<sup>st</sup> at Chestnut Knoll. He further advised that they are having fall swim classes which are going well.

**PLANNING & ZONING REPORT** – E. Taylor reported the Planning Commission had one item for discussion regarding storm water and grading which will be handled later in the meeting.

**PUBLIC WORKS REPORT** – E. Taylor advised that R. Spaide could not be in attendance at

tonight's meeting due to a family health emergency and apologized for not making that announcement at the beginning of the meeting. H. Miller thanked F. Quinter and his crew for all the work they perform in open space areas. In response to a question from R. Sloss, F. Quinter advised that Needhammer Road is on the list of road projects for 2016. E. Taylor advised there has been discussion regarding road projects for 2016 as part of the budget process.

**SPECIAL TOWNSHIP PROJECTS** – E. Taylor stated there is nothing to report at this time.

**TOWNSHIP SOLICITOR** – C. Garner advised that, in light of the recent decision to do away with a single trash hauler, we will need to make amendments to our existing ordinance to eliminate the reference to a designated trash hauler. He suggested that if the Board has any comments or recommendations, they should send them to C. Lewis. That way, he can review and put something together over the next month. He reported H. Miller had previously asked if there were any changes or enhancements we could make to our animal ordinance. As a result, H. Miller met with him and they are reviewing other ordinances to determine if there are any benefits to consider changing our existing animal ordinance on how it regulates the control of animals. He advised that information will be forthcoming if they think anything is required. F. Krazalkovich noted he has provided notes along with a copy of the trash ordinance from West Norriton and suggested the Board look at their ordinance since they also do not have a single trash hauler. E. Taylor noted the Township had experimented with a single trash hauler over the last 6 years but decided at a recent meeting to abandon this option. He explained that residents will now have approximately 5-6 trash haulers to choose from who are soliciting for business in the township and are offering very competitive prices. He advised the prices look good and are coming in at approximately \$65.00 a quarter. He noted that information regarding the different trash haulers and their prices will be included in the next township newsletter which residents should be receiving in the mail in the near future.

**TOWNSHIP MANAGER** – The full manager's report was included in the Board packet but certain items were highlighted by C. Lewis. She reported that she met with Suzanne Ryan from PECO Energy who advised they are starting a program of reinvesting initiatives which puts money back into their facilities. She noted PECO Energy donated \$500.00 for Community Days. She reported that the 2015 audit has been finalized, and there was only one finding which has been corrected and will not happen in the future. She further reported that she coordinated an inspection of the administration building, coordinated Naloxone training for the police department and got a replacement of expired Naloxone from the Department of Public Safety, attended emergency management coordinator training in preparation for the Limerick Drill to be held tomorrow night, assisted with finalizing the police contract, submitted a Pottstown Health and Wellness mini grant for the Chestnut Grove Park, attended a sewer and water committee meeting at Pottstown Borough and is continuing work on an amended agreement with Pottstown Borough. She further reported that she will be attending a health benefits seminar which is sponsored by Benecon. She advised the township is self-insured, and increases for annual renewal rates were between 7.4 to 18.9 percent. However, increases for municipalities who are not self-insured were around 35 percent, and she did confirm with Pottstown Borough that their renewal rates came in at 35 percent. She commended the Board for their decision to become self-insured. She also reported the turnback audit has been completed, and the only finding was not closing out the account at the end of the

project. In response to a question from H. Miller, C. Lewis advised that she is not certain whether Advanced Disposal obtained a solicitation permit, but she would look into it. In response to a question H. Miller proposed to other Board members, M. Schreiber advised the notice was in a plastic bag with stones thrown on the ground at the end of his driveway. C. Lewis noted they were advised not to put the solicitation material on the ground so she will contact them regarding this matter.

**FINANCIAL REPORT** – In response to a question from M. Schreiber, C. Lewis advised that the \$5,000 transfer from General Fund to Open Space Fund was to cover the loan payment that is coming due. She further indicated we will continue to receive earned income tax revenues through the end of the year so these funds will be returned to the General Fund.

**NEW BUSINESS:**

**CONSIDER A POSSIBLE APPOINTMENT FOR THE POSITION OF POLICE CHIEF** –

Motion by F. Krazalkovich, seconded by H. Miller and unanimously carried, to extend a conditional offer of employment to Francis X. Wheatley for the position of Chief of Police of Upper Pottsgrove Township subject to the execution of an employment agreement acceptable to the township, subject to the applicant passing a non-competitive civil service exam and subject to the applicant successfully passing a physical exam, psychological exam and a background check the form of which would be acceptable to the township. H. Miller noted that there were 43 applications, and it was narrowed down to three (3) applicants. He further noted that the three (3) final candidates were put through their paces during the interview process, and he believes the residents should be pleased that we got someone of great intelligence and great background. E. Taylor advised that all the applicants, including the three (3) final candidates, had high qualifications. He further advised C. Lewis has been speaking with others about Mr. Wheatley and has heard nothing but good things about him. He noted that Mr. Wheatley is currently serving as Lieutenant of Whitemarsh Township, and the township will benefit from his 32 years of experience. He further noted that, even though Mr. Wheatley is retiring from his current position, he is very energetic, and we are excited to bring him on. H. Miller reiterated what E. Taylor said, and noted that Mr. Wheatley is the type of person who will be out and about in the community rather than sitting behind a desk.

**CONSIDER ORDINANCE 481 AUTHORIZING BORROWING FROM MONTGOMERY COUNTY FOR THE PURCHASE OF RADIOS FOR EMERGENCY SERVICES** –

E. Taylor advised that the County has been working for a number of years with municipalities in an effort to upgrade communications for emergency services and has finally come up with a solution. He explained that there is a cost for the new radios, and the Board would need to authorize a borrowing for the purchase of the new radios. C. Lewis explained that the borrowing would be a 5-year loan through the County with zero percent interest. C. Garner explained that it is a 5-year financing through the County of Montgomery, and the Township would be repaying \$41,645.34 annually beginning on January 25, 2016. He further explained the ordinance authorizes execution of the promissory note for the County of Montgomery who is providing the financing for the radios. In response to a question from H. Miller, C. Lewis explained that the radios are for the entire Township including Public Works. A motion by H. Miller, seconded by M. Schreiber and unanimously carried, to adopt Ordinance 481 which approves certain capital projects, authorizes a borrowing

from the County of Montgomery and the issuance of a promissory note, 2015 series, in the maximum principal amount of \$208,226.68. F. Krazalkovich noted this is an unfunded mandate. M. Schreiber further noted that we do not have a choice regarding this matter, and we must purchase the new radios in order to be able to communicate. In response to a question from R. Sloss, E. Taylor explained that there is nothing wrong with the current radios except for they will not work with the new County radio system. In response to other questions from R. Sloss, K. Kachel explained the resale for the current radios is pennies on the thousands of dollars that was spent, and the new radios have a shelf life of about ten (10) years. K. Kachel explained it is Motorola who provides the radios that requires the upgrades. He further explained the radios are made to only have a certain shelf life, and after that time, the company will no longer support, supply or manufacture the current products so upgrades are eventually required. R. Sloss expressed concern that it seems like a monopoly which is against the law. F. Krazalkovich noted this is a request for proposal done by the Montgomery County Commissioners. In response to a question from F. Krazalkovich, K. Kachel explained the new system is similar but not the same as the one used in Berks and Bucks counties. He further noted the new system is required in order for Upper Pottsgrove to communicate effectively with the other municipalities in Montgomery County. F. Krazalkovich reiterated that this is an unfunded mandate which he will reluctantly support as he wouldn't want to have an emergency situation where we could not communicate with emergency workers in other municipalities such as if there were an emergency at the Limerick Generating Station. E. Taylor commended Montgomery County for working through this difficult process.

**CONSIDER STORMWATER & GRADING ORDNNANCE** – E. Taylor explained that over the years there have been questions from our engineer in applying and enforcing our existing storm water and grading ordinances. In addition, a lot of the regulations were scattered in different parts so the engineer has worked over the last several months to consolidate the regulations and put them together in one place. He further explained the key component was to make sure that the small lot developer would have a different level of scrutiny and expenses than a large scale developer. C. Lewis advised that the engineer summary provides a great overview of the changes and regulations contained in the proposed ordinance. C. Garner explained the requirements and regulations are getting more and more technical and harder and will only continue to get worse. He further explained the intent was to not overburden the small developer while regulating storm water and grading. He advised the Board should review the information presented and make sure they are comfortable with the requirements and regulations and forward any questions or concerns to either C. Lewis or P. Eisenbrown. **Denise Bruno, 452 Mock Road**, questioned whether the proposed ordinance would give us a chance to see who has affected the water as she has a contaminated well. C. Garner explained the proposed ordinance is a prospective document and if someone is developing, they would be required to meet all the ordinance regulations. However, he noted that it would not tell us what happened or who is responsible for issues created in the past. In response to a question from R. Sloss, E. Taylor advised the source of the contamination of several wells along Farmington Avenue and the surrounding areas was never determined. E. Taylor reiterated that the proposed ordinance takes all of the different requirements and places them into one area. He suggested the Board review the information carefully and forward any questions, comments, or suggestions for further review.

**CODDINGTON VIEW PHASE III ESCROW RELEASE NO. 1** – E. Taylor explained the developer for Coddington View has requested a release of funds for the public improvements that have been completed within the development, and the engineer has reviewed the request and recommends approval. Motion by F. Krazalkovich, seconded by H. Miller, and unanimously carried to approve the escrow release for Phase III of Coddington View in the amount of \$93,525.00. In response to a question from R. Sloss, C. Lewis advised the money that has been requested for release is money for the improvements which have been installed and inspected within the development. C. Garner explained the Township pays its consultant to inspect and approve those improvements which have been installed. He further explained that once all the improvements are completed, there is a requirement for the developer to post a maintenance bond to guarantee improvements for an 18-month period of time. In addition, there is a provision in the law to withhold 15 percent of the escrow for any additional improvements that may be required. However, we have to rely on the recommendation and expertise of our Township engineer. In response to additional questions from R. Sloss, C. Garner explained the total money in escrow for Phase III of Coddington View is \$325,000, approximately 30 percent is being released, and State law only allows us to withhold 15 percent of the total escrow. E. Taylor noted this is a good new story as the development is finally being completed after residents have suffered for a number of years without their roads completed and without the remaining homes being completed. F. Krazalkovich advised that he has lived there for nine years, and is glad to see that things are moving forward even if his property value is only up to about 70 percent.

**OLD BUSINESS:**

**CONSIDER ORDINANCE FOR FIRE ALARMS & KNOX BOXES** – E. Taylor advised this matter will be tabled in order for the new police chief to review. In response to a question from F. Krazalkovich, E. Taylor advised the proposed ordinance has not yet been advertised.

**2016 BUDGET** – E. Taylor advised the Board and staff has been working on the budget over the last couple months, and it is almost in its final form. He noted the Township has gone six (6) years managing the budget with the revenues that were coming in; however, the proposed budget will need additional revenue to balance. He explained there are necessary initiatives to be advanced which include radio purchases, road repairs and a new public works building. He credited staff with being careful over the years in managing the budget. M. Schreiber explained that an increase in the fire tax is necessary in order to purchase the new radios and also to set aside money for a truck fund so the fire company will be able to apply for a FEMA grant. He noted that the fire company has already received a grant for an ATV. In response to a question from F. Krazalkovich, C. Garner explained the budget must be advertised and made available for public inspection prior to adoption. He further explained the tax ordinance which funds the budget will also have to be advertised, and noted it would be one ordinance with separate sections for each tax. E. Taylor explained the proposed tax increase would cost approximately \$70.00 per home owner. C. Garner explained the Board needs to vote to advertise the proposed budget and make it available for public inspection; however, it could be amended at the time of adoption. H. Miller advised that although he is not in favor of raising taxes, he understands that we need a new public works building. F. Krazalkovich advised he is inclined not to support the budget when it comes up for a final vote, but noted he would support advertisement of the tentative budget. Motion by H. Miller, seconded by E. Taylor

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and unanimously carried, to advertise the 2016 tentative budget and make it available for public inspection. R. Sloss questioned whether the fire tax increase would go away in five years after the loan for the radios is paid off since that is the reason being given for the increase in the fire tax. E. Taylor clarified the increase in fire tax also includes equipment needs and future needs. He noted it will depend upon the needs of the fire company in five years as to what the fire tax would be at that time. E. Taylor noted it is a shame that public officials are judged solely on if they raise taxes or not and people don't recognize the management or spending controls of those elected officials but rather the amount by which they raised the taxes. He commended the Board for a job well done on being conservative over the last several years in not having to raise taxes. Fire Chief Jeff Levengood advised that there are a lot of needs with the fire company. C. Garner advised the Board that they would also need to make a motion to advertise the ordinance for the tax rates. He suggested that, if the Board is unsure of the rates, then they could motion to advertise the ordinance with a tax rate not to exceed a certain amount. In response to a question from F. Krazalkovich, C. Garner advised the ordinance would only need to be re-advertised if the tax rate would be higher than the amount noted in the motion. Motion by H. Miller, seconded by E. Taylor to advertise the real estate tax ordinance at a rate not to exceed 5.2 mills. Aye votes: Miller, Taylor and Schreiber. Nay vote: Krazalkovich. Motion carried.

**FIRE POLICE ACTIVITIES** – A motion by M. Schreiber, seconded by F. Krazalkovich and unanimously carried, to authorize the Fire Police activities for the month.

**OTHER PUBLIC COMMENTS:** - None.

**COMMISSIONER COMMENTS:** M. Schreiber advised the residents that they should be diligent about choosing the trash hauler that is best for them. F. Krazalkovich advised that he would have supported Resolutions 664 and 665 passed at the last meeting if he had been in attendance. He advised that Resolution 664 was to support municipal pension reform and urge the General Assembly to enact and the Governor to sign legislation to address municipal pension reform, and Resolution 665 was to urge the Governor and the General Assembly to timely end the budget impasse. He noted that as a municipality, we rely on a certain portion of our revenues to come from the State. H. Miller noted it was nice to see R. Sloss in the audience.

**APPROVAL OF MINUTES – October 19, 2015** – Approval of the minutes was tabled as there are amendments that were made to be reviewed.

**PAYMENT OF BILLS** – A motion by H. Miller, seconded by M. Schreiber and unanimously carried, to approve the Bill List dated November 16, 2015, in the amount of \$225,460.60.

**EXECUTIVE SESSION** – The Board adjourned to Executive Session at 8:27 PM to discuss matters of litigation and real estate. The meeting reconvened at 9:29 PM. A motion by H. Miller, seconded by E. Taylor, to approve the amendment to the agreement of sale to purchase a property on Mangers Mill Road for open space. Aye votes: Miller, Taylor and Krazalkovich. Opposed: Schreiber. Motion carried.

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**ADJOURNMENT** – Motion by M. Schreiber, seconded by H. Miller and unanimously carried, to adjourn the meeting at 9:30 PM.

Respectfully Submitted,

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Carol R. Lewis, Assistant Secretary