

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

February 16, 2016

The meeting of the Board of Commissioners was held on Tuesday, February 16, 2016, at the Upper Pottsgrove Township Administrative Offices, 1409 Farmington Avenue, with Commissioners Elwood Taylor, Herbert Miller, Jr., Martin Schreiber, France Krazalkovich and John Bealer present. Also present were Township Solicitor Charles D. Garner, Jr. 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.

PUBLIC COMMENT – None.

REPORTS:

EMERGENCY SERVICES LIAISON - M. Schreiber presented the monthly Fire Company report and noted that several of those calls were due to the blizzard. M. Schreiber expressed his thanks and appreciation to Ernest Updegrove for plowing and cleaning the apron of the Fire Company during the snowstorm. M. Schreiber presented him a picture signed by the members of the Fire Company in appreciation. M. Schreiber reported that Chief Wheatley has been working along with members of the Civil Service Board with regards to background investigations. He further reported that the Police Department will be selling two (2) of their vehicles through Municibid as well as the Grand Marquis. A motion by M. Schreiber seconded by H. Miller and unanimously carried to include the selling of the Grand Marquis on Municibid. M. Schreiber reported that a 2007 Dodge Charger was added to the fleet recently and explained that Lower Frederick donated a used car that they were getting rid of. E. Taylor commented that Chief Wheatley has a lot of good contacts throughout the county. H. Miller noted that years ago there were grants for cars; however, today there aren't any available. Chief Wheatley stated the car is being inspected but he will need approval from the Board to outfit the car. A motion by F. Krazalkovich, seconded by H. Miller and unanimously carried to authorize the outfitting of the car not to exceed \$2,000.

PARK, REC AND OPEN SPACE - H. Miller stated that there is no Park, Rec and Open Space report due to the fact that there hasn't been a meeting for the last two months. H. Miller reported that on Saturday one of our Eagle Scouts will receive his award from the Township and the State of Pennsylvania. Mr. Miller advised that he has a copy of the Resolution from Green Allies with regards to the ash tree removal within the Althouse Arboretum. E. Taylor explained that Green Allies is the Township's partner in managing the Althouse Arboretum and we are in the process of taking care of the ash tree issue throughout the township. Green Allies has expressed concern that the current logging plan would have a significant negative impact on the purpose and use of the Althouse Arboretum. A motion by H. Miller seconded by F. Krazalkovich and unanimously carried, to amend the agreement with the loggers to remove the Althouse Arboretum ash trees from the contract. A motion by H. Miller, seconded by F. Krazalkovich and unanimously carried, to prepare a proposed agreement with Green Allies to effectuate the purpose of their resolution with respect to the ash trees.

PLANNING AND SEWER LIAISON - J. Bealer reported that the Planning Commission met on February 8, 2016. They are continuing work to produce a township planning map which would identify the township's infrastructures, etc. A traffic study was done on Upland Square Drive by a possible developer that is going to take place on Upland Square Drive. It does not impact any property owned in Upper Pottsgrove, however; we want to have the study analyzed to make sure we are being represented. J. Bealer reported that the Planning Commission recommends to the Board of Commissioners that they authorize the Engineer to take a look at the traffic study. J. Bealer reported that a sketch plan was submitted by Richard Mingey on a property located at the intersection of Route 100 and West Moyer Road. The plan was reviewed by the Planning Commission and they expressed some concerns. The property is zoned R-80 which would require a change in zoning. The sketch plan is for two commercial buildings and an age-targeted apartment complex. Some of the concerns of the Planning Commission are the distance from Route 100 to the access for the proposed development, the additional traffic being generated at this intersection and the distance of the proposed buildings to the pond located on the Stewartz property. The Planning Commission recommends the developer consider a community center rather than just a community room for the residents in the community. J. Bealer noted that the height of the buildings have been reduced from three (3) to two (2) stories. A clarification is needed for the difference between age-restricted versus age-targeted as Mr. Mingey referenced the age-restricted ordinance that was passed for the former senior housing project proposed on the Kummerer Tract. The Township was very restrictive when the age-restricted ordinance was created and not sure this project fits into that ordinance. Developer, Richard Mingey, who was in attendance at the meeting, presented the proposed project to the Board of Commissioners. Mr. Mingey presented an age-targeted ordinance from East Norriton that could be considered. H. Miller noted that, years ago, the Township changed to R-80 to protect Sprogel's Run and all the wetlands that relate to it. H. Miller provided a brief history of some of the past developments proposed by Mr. Mingey that have yet to be completed. Mr. Mingey stated he has been dealing with economic downturn. He further stated that he has worked diligently with the Township with regards to open space and the construction of trails at no cost to the Township. E. Taylor noted that this is a market driven development and the developer is trying to see what would work best in this area. We have gone six (6) or seven (7) years without any significant development in the Township. Mr. Taylor stated that we have approximately 1200 residents who have to support the sewer system throughout the township and it is very expensive for them. This proposed development would help the sewer rate customers. F. Krazalkovich stated because this is a market driven development could we make it more commercial and less residential. R. Mingey stated that this project is suited for a small pad site and most retailers want direct access to the highway. The topography does not allow for direct access. When C. Garner asked if it is your inclination to consider some type of zoning change for the site; F. Krazalkovich said he would support a change in the zoning and noted that he would like to see more commercial at this site. H. Miller stated he was more inclined for residential but he thinks this site is a poor location for commercial. J. Bealer stated that he was amenable to some change in zoning. H. Miller stated he was not in favor of changing the zoning. M. Schreiber stated he has some health and safety concerns. He questioned whether the fire hydrants would be on private property and whether Aqua could support enough water. R. Mingey stated the units would be on a sprinkler system. M. Schreiber expressed concern regarding additional police and EMS calls at

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apartment complexes. It was agreed that R. Mingey would address the Board's concerns and return to the Planning Commission for further plan discussion.

PUBLIC HEARING – FLOOD PLAIN ORDINANCE – C. Garner opened the public hearing at 7:52 PM. He stated that during the past four (4) years, based on requirements from FEMA the Township's flood plain maps have been amended. All municipalities are required to update their flood plain management regulations. If the required regulations are not passed by March 2, 2016, FEMA will suspend flood insurance. The ordinance has been reviewed by the County and will be reviewed by DCED and FEMA. **Richard Mingey, Moyer Road**, asked if the maps have been changed or just the ordinance. C. Garner stated both; the ordinance has the new regulations and the maps have been updated. R. Mingey questioned whether anyone checked the maps for accuracy. C. Garner stated the Engineer has looked at them and anyone who was impacted by the changes was notified. The public hearing was closed at 7:57 PM. A motion by M. Schreiber seconded by F. Krazalkovich and unanimously carried to adopt the Flood Plain Ordinance.

PUBLIC WORKS - H. Miller presented the Public Works Report. H. Miller stated on January 22nd and 23rd the region was hit with a Nor'easter whereby we received approximately 30 inches of snow. The Public Works Department was called in by the Police and began salting and plowing the evening of January 22 and January 23, 2016. They continued plowing and working with the Police Department answering emergency calls. The trucks traveled together as they were continuously getting stuck and had to pull each other out of snow. H. Miller noted that the township is in need of a new truck. H. Miller stated that the highway employees did an outstanding job with regards to the snow removal. The men cleared storm inlets after the heavy snow in order to prevent flooding; they patched and compacted potholes on Farmington Avenue, Mervine Street, Gross Road, Pineford Road and Evans Road, they installed new cutting edges on all plows prior to the storm, equipment had to be repaired, rain gutters at administrative building had to be secured and the break area at the administrative office was spackled. H. Miller reported that the roof on the municipal building leaks and ceiling tiles were replaced as a temporary fix. Perc tests were done at the site of the proposed municipal building. M. Schreiber noted that the Fire Company walked through the public works building and suggested that a committee be formed to discuss what employees will go where. When E. Taylor asked who should be on the committee; M. Schreiber stated the Police Chief, the Fire Chief or the Fire Company President, the Township Manager and possibly a few residents. H. Miller noted that there is a committee to discuss the new building.

SEWER AND WATER REPORT – J. Bealer reported he attended the joint sewer meeting, with the Borough of Pottstown and the three Pottsgroves and they discussed the final borough reconciliation of the actual expenditures versus the budget. The Township portion is \$7,000. J. Bealer explained the additional costs were due to a breakdown with the sludge dryer and disposing of the sludge. J. Bealer reported that the Upper Pottsgrove Sewer Committee, by Resolution, is made up of five (5) members which are purely voluntary and noted that currently he is down to three (3) members. He advised that he is having a tough time getting people to serve on the Committee and suggested that the Township goes back to a three (3) member Board. J. Bealer also reported that the Township is dealing with the I & I

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under the Corrective Action Plan with the Borough of Pottstown. He provided a proposal by a company that LTL has received various quotes from and the Township is looking at installing seven (7) temporary flow meters which would identify areas where we can concentrate on and investigate further. The total cost is \$19,950 for a three month period and includes installation, calibration and data collection. H. Miller asked if the money is in the budget. J. Bealer stated there is money budgeted for I & I. A motion by H. Miller, seconded by J. Bealer and unanimously carried, to accept the proposal from Savannah Environmental Group for the flow meters in the amount of \$19,950. M. Schreiber questioned if it would be more cost effective to buy the meters rather than rent them. It is not. When F. Krazalkovich questioned whether the township should put this out to bid, C. Garner explained that professional services are not required to be bid. **Keith Kachel, 1412 Farmington Avenue**, questioned the placement of the meters. J. Bealer stated primarily in the mains via the manholes. It was agreed that C. Garner would prepare the resolution reducing the number of the Sewer Committee from five (5) members to three (3).

INTERGOVERNMENTAL REPORT - F. Krazalkovich presented the monthly report and stated that on February 4, 2016, he attended the Montgomery County Board of Commissioners meeting and the discussed the recent snow emergency and possible snow relief. F. Krazalkovich stated the Pennsylvania State Association of Township Commissioners has released its legislative priorities for 2016 and they fall under two main headings; mandate relief and infrastructure funding. Mr. Krazalkovich stated he would be attending the COG meeting scheduled for March 8, 2016.

TOWNSHIP SOLICITOR - C. Garner stated his monthly activities are part of the meeting agenda.

TOWNSHIP MANAGER - C. Lewis reported that she processed training opportunities for the newly elected officials, coordinated ash tree removal activities, met with Jacob from Eastern Forestry Bureau to look at the scope of work. Processed E & S permit application, met with Ken Hamilton and Nancy Baker from Green Allies regarding work to be done, identified items for document destruction and noted we have thirty five (35) boxes to date, attended Pottstown Area Recreation Committee meeting and a regional event planning meeting, working on an event calendar municipal and non-profit agencies in the Pottstown area. Chuck Note will attend kick-off meeting for new Park Contest and noted there is a new format this year. She submitted an Act 147 grant for public works, administration and Police which received an award in the amount of \$998. The items have been ordered.

MONTHLY FINANCIAL REPORT - M. Schreiber questioned the balance in the Fire Fund. C. Lewis stated that the radio payment went out and noted this was a big expenditure. She also stated that not all of the line items are reflected in the budget as of yet.

NEW BUSINESS:

DISCUSS DRAFT AMENDMENT TO THE SOLID WASTE ORDINANCE – C. Garner discussed the changes to the ordinance and explained that the main intent was to remove the mandated designated hauler which allows the residents to shop around. C. Garner reported that he used W. Norriton’s Ordinance as a model. C. Garner requested that the members of the Board provide comments on the

draft tonight or within the next month. C. Lewis will have the township's recycling coordinator review the proposed amendment to the ordinance. F. Krazalkovich stated there isn't anything that would prevent someone from taking their trash to someone else's house. **Diana Updegrove, 1404 Farmington Avenue**, questioned how the residents would prove that they have trash collection and how the township would keep track of this information. E. Taylor stated that the ordinance will establish legal requirements that the haulers will have to meet. C. Garner explained that the intent is not to make someone have a contract but to prove that they have a legitimate source to dispose of their waste i.e. receipted bill. **Michelle Reddick, 1416 Kummerer Road**, asked how the Board intends to make residents notify the Township and questioned whether a letter will be sent out. E. Taylor stated it would be included in the amendment to the ordinance. C. Garner advised it would be just like any other ordinance when a complaint is received then the township would have to investigate.

DISCUSS CERTIFIED LIST AND HIRING OF OFFICERS – C. Garner advised the Civil Service Commission has gone through the testing process and William Brogley is here to present the certified list to the Board. The list is made up of those candidates that have passed the written and oral exams. William Brogley, Civil Service Commission, explained that the candidates have gone through a consortium test for both written and physical testing. A summary report on backgrounds was done by Chief Wheatley and is confidential. W. Brogley stated the Civil Service Commission has resolved that if this list is not sufficient for the Board to hire, Chief Wheatley has been authorized to conduct more backgrounds. Mr. Brogley advised that the Civil Service Commission will start this process again in one (1) year and that it is an on-going mechanism. M. Schreiber expressed his thanks and appreciation to W. Brogley for all of his time and effort in getting this done. W. Brogley noted that it has been a pleasure to work with both Chief Wheatley and Carol Lewis. A motion by M. Schreiber, seconded by J. Bealer and unanimously carried, to accept the list that has been certified by the Civil Service Commission for those candidates that have successfully passed the written, oral and physical examinations. C. Garner stated that C. Lewis will post the list, with the names and scores of the candidates, in the Township building. E. Taylor noted that the hiring will be discussed during Executive Session.

CONSIDER BY-LAW CHANGES FOR THE FIRE COMPANY – M. Schreiber presented the by-law changes. He explained that the first change adds a six (6) month probationary period for new members. Motion by M. Schreiber seconded by F. Krazalkovich and unanimously carried, to add the six (6) month probationary period for new members. M. Schreiber stated that there are some grey areas within the by-laws with regards to duties. Any duty not specifically addressed shall become the President's responsibility. Motion by M. Schreiber seconded by H. Miller and unanimously carried, to adopt the change in by-law with regards to duties.

DISCUSS AMENDMENT TO THE FEE SCHEDULE – C. Lewis explained that the Tax Collector is requesting an amendment to the Fee Schedule. Tax certifications used to be \$15.00 and she would like to increase that fee to \$20.00 and also charge \$3.00 for tax duplicates and .25 a copy per side. Motion by F. Krazalkovich seconded by H. Miller and unanimously carried to adopt the resolution to amend the Fee Schedule.

NEW PUBLIC WORKS BUILDING – E. Taylor explained that during last year’s budget preparation the Board agreed to move forward with a new Public Works building. He further explained that the township is in the process of designing and permitting the new building; however, part of the process involves a Conditional Use Hearing. C. Garner explained that municipal uses are allowed by Conditional Use and C. Lewis has prepared the application. Motion by F. Krazalkovich, seconded by H. Miller and unanimously carried, to authorize the advertisement of the Conditional Use Hearing to be held at the March meeting. C. Lewis reported that H. Miller and Engineer, P. Eisenbrown met with the Montgomery County Conservation District for our permit for the project and noted that this permit can take six (6) to nine (9) months. They do allow for an expedited review but this will cost an additional \$4,500; however, you are guaranteed to get the review within five (5) days. H. Miller explained the process. C. Lewis noted that you cannot break any ground until you have the NPDES permit. M. Schreiber stated he did not think the Township should pay an additional \$4,500 when we could wait another year to break ground. Motion by H. Miller seconded by J. Bealer, to approve the expenditure of \$4,500 for an expedited review. **Michelle Reddick, 1416 Kummerer Road**, asked if there is a cap placed on the engineering costs for the project. E. Taylor stated the costs were not broken down; it’s a \$600,000 building and that’s the amount of money we will borrow. He further stated the biggest part of the engineering is the site work. **Diana Updegrove, 1404 Farmington Avenue**, questioned if the builders are lined up and noted that they work all year round. E. Taylor stated we are looking at a pole barn construction and they can go up very quickly. Aye votes: H. Miller, J. Bealer and E. Taylor. Opposed: F. Krazalkovich and M. Schreiber.

STORMWATER AND GRADING ORDINANCE - A motion by M. Schreiber, seconded by F. Krazalkovich and unanimously carried, to authorize the advertisement of the Storm water and Grading Ordinance.

DISCUSS KNOX BOX ORDINANCE – C. Lewis reported that Chief Wheatley had a question with regards to the alarms being registered; whether it should be with Administration or with the Police Department. C. Garner noted that he would include Chief Wheatley’s comments in the proposed ordinance. A motion by M. Schreiber, seconded by H. Miller and unanimously carried, to advertise the ordinance with the Chief’s comment added.

CONSIDER EXPENDITURE FOR UTV FOR FIRE COMPANY - M. Schreiber reported that the Fire Company applied for a FEMA grant and received \$13,789 for a UTV to protect the trails from fire or people getting injured. They priced a UTV costing \$19,838 which leaves them short by \$6,048. M. Schreiber stated the outfitting of the vehicle would cost \$9,500, however; this does not include lights or upgrading an alternator which is estimated at another \$3,500. Total cost would be \$19,428. M. Schreiber stated that the Fire Company would need to purchase a trailer in order to transport the UTV. H. Miller questioned if the Fire Company could use the Public Works trailer. F. Krazalkovich questioned if we are exceeding the plan and whether we checked with other manufacturers. Jeff Levengood, Fire Chief, noted that there is a local person that builds them and advised that he would look into the matter. E. Taylor stated that the balance of the funds to purchase the UTV is a budgeted

line item. Motion by F. Krazalkovich seconded by H. Miller to accept the grant and authorize the additional \$6,048.21 to purchase a UTV for the Fire Company. Motion by M. Schreiber, seconded by E. Taylor to table. Aye votes to table: Schreiber and Taylor. Opposed: Krazalkovich, Miller and Bealer. Motion by F. Krazalkovich, seconded by H. Miller and unanimously carried, to accept the grant and authorize the additional \$6,048.21 to purchase the UTV for the Fire Company. F. Krazalkovich questioned the amount of time needed to explore this other vendor. M. Schrieber explained that in order to purchase a skid unit and put lights on it the cost would be \$13,000. A motion by M. Schreiber, seconded by F. Krazalkovich and unanimously carried, not to exceed \$13,000 in the purchase of the skid unit and the lights. When H. Miller asked how much lighting is required for the skid unit; M. Schreiber explained that it needs to be registered, insured and need lights as it will be driven on the road. F. Krazalkovich questioned J. Levengood as to the time frame needed to explore this other vendor and how much cost difference there will be. Not much. E. Taylor questioned where the money is coming from. M. Schreiber noted that there is money in the small equipment and truck fund and the rest could be borrowed from the money budgeted for a new truck.

CONSIDER APPROVING AN EXPENDITURE FOR PURCHASE OF USED POLICE VEHICLE

- E. Taylor explained that the Police Department is in need of another vehicle. He stated that Chief Wheatley is looking for an amount to be spent for a used vehicle. M. Schreiber stated that there is money left over that was budgeted for the radios. A motion by F. Krazalkovich, seconded by H. Miller and unanimously carried, to authorize an amount not to exceed \$12,000 for the purchase of a used car. C. Garner explained that we would need to obtain three (3) quotes since the amount is over \$10,400. M. Schreiber questioned whether it would be more feasible to purchase a new car. E. Taylor stated we didn't budget for a new car. Chief Wheatley noted that he would not purchase a car if he feels it is not worthy of adding it to the fleet.

FIRE POLICE ACTIVITIES – A motion by F. Krazalkovich, seconded by H. Miller and unanimously carried, to approve the Fire Company and Fire Police activities as presented.

PUBLIC COMMENT

John Madden, 1870 Yarnall Road, discussed an ongoing situation with the Township for the last ten (10) years with no resolution. Mr. Madden provided copies of letters that he has received over the years from the Township regarding trees and stormwater issues. Mr. Madden stated that his neighbor at 1871 Yarnall Road had a natural creek running through his property. A previous owner bulldozed that creek illegally causing water to flood his property. To date nothing has been done. Years have gone by and his property still floods. Mr. Madden referenced a letter from C. Lewis dated May 28, 2015, with regards to the pipe under the road, that was replaced and capped by the Township, would be opened. Here it is February 2016 and still nothing has been done. Mr. Madden stated that his driveway is being washed away. H. Miller stated that Mr. Madden is absolutely right and reiterated the fact that there is a problem. H. Miller stated that the township officials met with the neighbors and noted that he is not sure if opening the pipe will correct the problem. E. Taylor said the decision was made to open the pipe. The Township has been in negotiations with the other property owners that will be affected and has been working with our Engineer regarding the issue. Mr. Madden stated he is looking for a time frame.

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E. Taylor stated the Township would try to alleviate the problem within six (6) months.

COMMISSIONERS COMMENTS – F. Krazalkovich reported that both he and J. Bealer attended a newly elected training last week and stated it was very valuable. E. Taylor expressed his appreciation to the Public Works crew for their hard work in dealing with the blizzard. He said that every road was open within thirty (30) hours after it stopped snowing. Mr. Taylor stated that they worked together with the Fire Police and Police Department in handling emergencies.

APPROVAL OF MINUTES - Motion by F. Krazalkovich, seconded by J. Bealer and unanimously carried, to approve the minutes of the January 4, 2016, meeting as presented. F. Krazalkovich amended page two (2) of the January 19, 2016 minutes to read that E. Taylor asserted he received no calls. Motion by F. Krazalkovich, seconded by H. Miller and unanimously carried, to approve the minutes of the January 19, 2016, meeting as amended. Motion by F. Krazalkovich, seconded by J. Bealer and unanimously carried, to approve the minutes of the February 1, 2016, meeting as presented.

PAYMENT OF BILLS – Motion by H. Miller, seconded by J. Bealer and unanimously carried, to approve the Bill List dated February 16, 2016 in the amount of \$161,486.61.

EXECUTIVE SESSION – The Board adjourned at 9:48 p.m. to meet in Executive Session to discuss matters of personnel with possible action to follow. The meeting reconvened at 10:31 p.m. Motion by M. Schreiber, seconded by F. Krazalkovich and unanimously carried, to extend a conditional offer of employment, pending on the passing of a psychological and physical exam, to Andrew Millard and Bradley Guildin.

ADJOURNMENT - A motion by M. Schreiber, seconded by J. Bealer and unanimously carried, to adjourn the meeting at 10:32 p.m.

Respectfully submitted,

Carol R. Lewis, Manager