

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

November 7, 2016

The meeting of the Board of Commissioners was held on Monday, November 7, 2016, at the Upper Pottsgrove Township Administrative Offices, 1409 Farmington Avenue, with Commissioners Elwood Taylor, Herbert C. Miller Jr., Martin Schreiber, France Krazalkovich and John Bealer present. Also present were Solicitor Matthew Hovey, Chief Francis X. Wheatley and Township Manager, Carol R. Lewis. The meeting was called to order at 7:00 p.m.

MOMENT OF SILENCE - E. 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.

There was no Public Comment

NEW BUSINESS

DISCUSS DRAFT NOISE ORDINANCE – The Township has received various complaints regarding noise. As this is a quality of life issue they are considering implementing a noise ordinance. They reviewed the draft prepared by the Township Manager with input from Chief Wheatley and Solicitor Garner. Two typos were pointed out and corrected. The Board discussed hours of operation for construction and operating tools. In Section XYZ-4.C.1 it was decided to make it not permissible to operate between the hours of 10:00 pm and 7:00 am Monday through Sunday. Under D ~Domestic Power Tools it was decided to include log splitter but take out snow blower due to the fact that there are sometimes when snow blowers must be operated in the evening. Under E ~ Garbage Cans was removed from that section as it is covered under the other items listed. Under F ~ the time period for continually and/or excessively making sounds from an animal was increased from ten (10) minutes to fifteen (15) minutes to make it consistent with our Dog Ordinance. J ~ Motor Boat was changed to motorized water craft to cover all such items. Under Section XYZ-6.C.1 it was changed that such activities shall occur in hours as determined by the Board of Commissioners. Next the Board discussed whether having the ordinance criminalized certain activities. They discussed the definition of noise disturbance and what is meant by a reasonable person of normal sensitivities. They discussed how the Township could be drawn into neighbor disputes and used as a weapon against their neighbor. The Board then discussed adding some language that would show intent and how it would affect proof of intent. The changes discussed by the Board will be made to the draft. The Manager, Chief and Solicitor will work together to draft some intent language and a new draft will be disseminated for the Board to consider.

DISCUSS CROSSROADS DEVELOPMENT – E. Taylor outlined the project under consideration. The Board tonight will be discussing an official amendment changing the townhomes to apartment development. It is estimated that .66 students per unit will be added to the school district. The rent will be the same whether it is apartments or townhomes. Motion by J. Bealer to approve the amendment to the Curative Amendment Agreement. The motion was seconded by H. Miller. Rich Mingey, Shadeland Development, questioned who the Township was amending the Agreement with as he claimed to still be the owner of interest. The motion was amended to make it contingent on proof that

the successor is in fact the owner of interest. **Lisa Drevich, Douglas Township**, commented that she wanted her property values to stay the same. E. Taylor responded that there is no evidence that a product such as this will lower the property values. **Maria Brogna, 1356 Juniper Street**, explained that there is legal action that can be taken. She questioned whether the Board had done their due diligence and feels that the Commissioners are not protecting the citizens. E. Taylor responded that they are processing it in a legal manner and that the only thing they are looking at is a different product that the Commissioners feel will fit the community better. M. Brogna stated that income level is not a protected class and that earning \$48,000 will not pay for their children to go to school. **Kelly Reighard, 1411 Meadowview Drive**, stated that Upper Pottsgrove is in the Pottstown region and therefore already meets state limits. F. Krazalkovich pointed out that they did fight it and went from three hundred (300) units to fifty one (51) units but are bound by the Agreement from ten years ago. **Al Leach, 1466 Sweetwater Way**, questioned whether the rates are stated to be the same in the Agreement. E. Taylor explained that the Township cannot dictate how much a property owner can charge for rental of their property. A. Leach commented on the assessment for the different types of property proposing that a higher property value would generate more taxes for the area. He asked that the Commissioners consider what the community is looking for and that they keep it townhomes. He stated that he has visited some of their other properties and stated that they were very nice. F. Krazalkovich stated that a full unit will generate more income than an empty one. **Chris Omeara, 1297 Juniper Street**, feels that townhomes are nicer than apartment buildings. E. Taylor explained that they are not looking at a block apartment building but a very nice product. C. Omeara reiterated that townhomes are more attractive than apartments in his opinion. **Lisa Drevich, Douglas Township**, questioned the purpose of tonight's meeting and felt that the Commissioners and residents should work together. J. Bealer explained his position and why he was in favor of the Agreement. There would be more open space, less impervious surface and a nicer product. M. Brogna asked if the Amendment that is proposed tonight is appealable. M. Hovey explained that only the parties to the Agreement would be able to appeal it. M. Brogna stated that she is trying to stop the development and feels that the Commissioners are not doing a good job in approving developments and that there are not enough businesses or high end developments. E. Taylor disagreed stating that they look at the total picture in the long range. The Board voted unanimously in favor of the amended motion that was on the table. The motion carried.

DISCUSS DRAFT BUDGET – The Board discussed the Per Capita tax and collection by an outside agency. E. Taylor stated that it is \$10,000 and that although there is a balanced budget this year are they willing to give that up if it should be needed in the future. F. Krazalkovich and M. Schreiber both felt that it is a nuisance tax. E. Taylor proposed that they transfer the collection to Berkheimer and see what happens. F. Krazalkovich countered that with or without the tax there will be no tax increase this year. H. Miller questioned if the shift differential was enough and the Chief agreed that it was. M. Schreiber asked if it is possible to impose a separate tax for the Police such as they do for the Fire Company to break it out. M. Hovey did not see where that was possible. Motion by M. Schreiber seconded by F. Krazalkovich and unanimously carried to approve the publishing of the budget and the repealing of the Per Capita tax. Motion by F. Krazalkovich seconded by H. Miller and unanimously carried to purchase new financial software, QuickBooks not to exceed \$1,000.

OLD BUSINESS

CONSIDER FIRE COMPANY ACTIVITIES – Motion by M. Schreiber, seconded by J. Bealer and unanimously carried, to approve the Fire Company activities.

COMMISSIONER COMMENTS

F. Krazalkovich advised that tomorrow is Election Day and asked everyone to votes. Also wanted to remind everyone that Friday is Veteran’s Day and the offices will be closed. M. Schreiber explained to the Board that for the most part the Fire Committee meetings are redundant for many people on that Committee due to the way that it is made up. F. Krazalkovich said they might be able to lessen the number of meetings. The Board will think about this for future discussion.

EXECUTIVE SESSION – The Board adjourned to Executive Session at 8:46pm to discuss personnel and litigation. They reconvened at 9:10pm with no action taken.

ADJOURNMENT – Motion by M. Schreiber, seconded by J. Bealer and unanimously carried to adjourn the meeting at 9:11pm.

Respectfully submitted,

Carol R. Lewis, Manager