

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

April 17, 2017

The regular meeting of the Upper Pottsgrove Township Board of Commissioners was held on Monday, April 17, 2017, at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Commissioners John Bealer, France Krazalkovich, Herb Miller, Martin Schreiber and Elwood Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., Officer Al Werner, Police Chief Francis Wheatley, 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.

VISIT BY REPRESENTATIVE MARCY TOEPEL – Representative Toepel greeted the Commissioners and advised that she was there for an update and to hear any concerns they might have. She advised them that their grant for the re-lining of N. Hanover Street sewer has been awarded in the amount of \$85,000.00. H. Miller thanked Bill Bushnell for keeping him informed on Scout projects. Representative Toepel presented the Township with House Resolution #186 designating the week of April 10th to April 14th as Local Government Week and April 12, 2017 as Local Government Day in Pennsylvania.

PUBLIC COMMENT:

DENNIS ELLIOTT – 576 Evans Road – Advised the Board that he has received Golden Hour Books from Representative Toepel’s office. These contain a sticker that goes on the window of your car and a book that holds a list of medications and medical conditions. It could save a life. He distributed them to the Commissioners.

REPORTS:

EMERGENCY SERVICES LIAISON – M. Schreiber presented the Emergency Services Report. There were 23 EMS calls for the month and 24 Fire Company calls. The Fire Committee met regarding the By-Laws. He asked that the Commissioners read them over and give comments back so that the Fire Committee can discuss any comments or issues they may have. He advised them that the big change is the creation of the Board of Directors to oversee contracts and personnel. The PEMA Grant money came in and will be applied to the loan so the grant can be closed out. Next, M. Schreiber reported that the Fire Committee discussed the vacant position on the Committee. He is suggesting that Vice President George Harmansky be appointed by the Board of Commissioners to serve on the Fire Committee. The Commissioners discussed the makeup of the Fire Committee and who should be appointed. It was agreed that Mr. Harmansky should fill out an application so the Commissioners can consider it. M. Schreiber than reported that the snowstorm was uneventful other than some cul-de-sac education. He reviewed the Police Report and advised that there have been three (3) applications for the Corporal position. They also negotiated a new contract for the copy machine. There has only been one (1) noise complaint this month. The SRO has been busy mediating issues at the Middle School. Motion by F. Krazalkovich seconded by H. Miller and unanimously carried to accept the resignation of Ricky Brendlinger as the Fire Marshal. They discussed considerations for his replacement. The consideration of advertising for Administrative

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Coordinator will be tabled until the Chief arrives.

PARKS, RECREATION AND OPEN SPACE LIAISON – H. Miller gave the Parks, Recreation and Open Space Report. He had met with Ken Hamilton, of the Althouse Arboretum, to discuss the extension of their agreement with the Township to other parks such as Sussell for aquatic studies and Prout Farm Park for community gardens. He reported that the Fox Hill Trail parking lot is a quagmire of mud. The Open Space Board is reviewing options to remediate this area and he highly recommends that it be paved. Dennis Elliott talked to the Game Warden regarding the proposed hunt. The Game Warden expressed that it is a good project but they do not get involved unless there is illegal activity going on. He suggested the area be posted with signs reading “No Hunting – Written Permission Only”. The Fishing Rodeo will be held on June 17th for Upper Pottsgrove residents aged thirteen (13) and under. The Stowe Lions Club will be serving hot dogs and drinks. Abigail Heisler, the Executive Director of the Pottstown Area PAL, attended to advise the Board of their upcoming plans to add more fields and a deck hockey ring. She was advised that they need to update their Land Development Plan. They asked the Township if they would consider developing the open space ground near the PAL fields to extend the area for sports. The Manager, Michelle Reddick, Dennis Elliott and Frank Quinter met with the Valley Forge Tourism Bureau. The Board is looking into developing the pavilion at Heather Place Park into a Veteran’s Memorial Pavilion. They are considering having the underside of the roof have murals of some type depicting the five (5) branches of service along with a plaque of some sort. They are also considering holes in the ground with cups to hold flags for the holidays. E. Taylor added that the Arboretum currently has an Agreement giving them priority use on fifteen (15) acres. They are looking to expand the program and the Open Space and Rec Board was very open to the idea. H. Miller also reported that last year the Arboretum had 200 participants for the Easter Egg Hunt and this year they had over 600. The Arboretum is working on having two (2) campers for Outreach Programs. D. Elliott added that in regards to the Veteran’s Memorial, Representative Toepel’s office gives out a grant to cover the memorial which the Township will be applying for in November. The Open Space and Recreation Board is hoping to get input from school children and the community as to the design. E. Taylor added that it was a great brain storming session and that Officer Jim Crawford came up with the idea. It was neat to participate and see it take place.

PLANNING COMMISSION – J. Bealer reported on the plan for 908 Commerce Drive and explained the requested waivers. There is a wooded area behind the property that will be staying. Motion by F. Krazalkovich seconded by H. Miller and unanimously carried to approve the waivers recommended by the Planning Commission. These include a waiver from Land Development along with a waiver from Section 310-20.C7 to provide 10’x 20’ parking spaces, a waiver from Section 310-20.C.7 proposing 9’x 18’ instead of 10’ x 20’ and a waiver from Section 310-20.C8 to provide screening and landscape.

ZONING & ADMINISTRATION – M. Schreiber requested that we send out a RFP for engineering services. The Board agreed that the Manager should prepare such and they will discuss it at the next meeting.

PUBLIC WORKS – The Public Works Report is included in the packet. F. Quinter got prices for the “No Littering” signs to be installed where the Upper Pottsgrove signs are coming into the Township. Motion by F. Krazalkovich seconded by H. Miller and unanimously carried to authorize the purchase of nine (9) signs for a price of \$324. F. Quinter received a proposal of \$9,180 for road markings for the light at Upland Square Drive. E. Taylor advised the Board that we get money from Citadel for the upkeep of the intersection. F. Quinter does get bids from multiple companies and this was the cheapest. Motion by J. Bealer seconded by H. Miller and unanimously carried to approve the work at Upland Square Drive from A-1 Traffic Control Products. M. Schreiber reported that there was a sign taken out. We should get an accident report and submit it to our insurance company for the intersection of Moyer Road and Route 100. H. Miller inquired when the seasonal worker would be starting. F. Quinter advised that he would be starting May 19th. H. Miller also requested that a large sign coming into the Township out of Oley that says Schaeffer family and asked if it could be taken down. J. Bealer advised the Public Works Director that at 1932 Farmington Avenue a directional sign is down and it should be put back up. He reported that they had the Spring Cleanup in which eleven (11) volunteers participated and picked up thirty one (31) bags of trash. This is done every spring and fall.

MICHELLE REDDICK – 1416 Kummerer Road – Asked about the seasonal worker position and whether or not it had been advertised. She was advised that it had been.

SEWER AND WATER – J. Bealer attended the joint meeting at which they discussed the cost for the dryer which has been escalated due to the timing. The regular Committee meeting will be held next month. They calibrated the meters and had to fix the Applebee meter and replaced one on Farmington Avenue. F. Krazalkovich asked if the letter had gone out which it had. M. Schreiber questioned which funds the sewer replacement repair would be coming. He was advised that Sewer Fund would pay for the base repair and the State Fund will do the overlay. They are sharing the costs.

INTERGOVERNMENTAL RELATIONS – F. Krazalkovich explained what the Sterling Act pertained to. Motion by F. Krazalkovich seconded by H. Miller and unanimously carried to approve a resolution supporting amendments to the Sterling Act to require that up to 1% of the Philadelphia Wage Tax paid by non-residents of Philadelphia be remitted to the municipality to which the taxpayer resides. Motion by F. Krazalkovich seconded by J. Bealer and unanimously carried to adopt a resolution supporting amendments to Act 111 of 1968 for Policemen and Firemen Collective Bargaining Act to provide for a more transparent, fair and balanced arbitration process for municipal Police and Fire and urging the General Assembly to enact and govern and the Governor to sign appropriate legislation. The major changes that are being requested are sharing of costs for arbitration and to make them public rather than private. E. Taylor pointed out that Upper Pottsgrove Township has not had to resort to this here due to our good relationship with our Officers. Motion F. Krazalkovich seconded by H. Miller and unanimously carried to adopt a resolution supporting municipal pension reform for municipal Police and Fire personnel. F. Krazalkovich pointed out that there are 41% of municipalities dealing with financial distress although Upper Pottsgrove is not one of them. There are 7.7 billion dollars of liability. The Board feels that Police Departments deserve and are owed a sound pension plan. E. Taylor pointed out

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that Upper Pottsgrove Township does not have a problem as our pension is over 80% funded. Even though it does not seem the changes will affect us he agrees that it is important to look at this and it should not be on the shoulders of the Officers to fund. Motion by M. Schreiber seconded by H. Miller and unanimously carried to adopt a resolution supporting amendments to Title 75 to remove the prohibition against municipal police using radar to enforce the maximum speed laws. F. Krazalkovich pointed out that Pennsylvania is the only state in the Union that does not allow use of radar. In response to H. Miller's question as to why this is; F. Krazalkovich responded that they are afraid of "local yokels" sitting and collecting fines. **Tyrone Robinson, 1488 Heather Place**, asserted that this is a safety matter and asked how the Police are affected. Officer Al Werner replied that it does handicap them. As far as abusing the system Officers could do that now but they have integrity. He pointed out that radar is actually out of date and lidar is better. T. Robinson asked if they receive training which they do and he asked if it causes cancer for the operators. M. Schreiber responded that they are mounted outside the vehicle.

TOWNSHIP SOLICITOR – C. Garner advised the Board that he is working with the Engineer and the Manager on the Sprogel's Run project. Draft agreements have been circulated. In relation to sewer matters he is working with the other Pottsgroves on an Agreement with the Pottstown Borough Authority. They are getting close to a final agreement which will then be presented to the Pottstown Borough Authority within the next few months. He is also working on a connection agreement for 140 Mangers Mill Road. He advised that the Township will accept dedication of the system once it is installed. There is an Animal Ordinance up for adoption that has been properly advertised.

MANAGER'S REPORT – C. Lewis advised that her report is attached to their packet. She has identified two (2) free programs through Safety Solutions which will be offered to the entire community during the park contest. C. Lewis is working with the Chief regarding procedures for instituting the Corporal position in the department. The written test will be held on June 28th at 9:00 AM. A meeting was held with Mike Rubin from LTAP to set up the traffic count devices on State Street. They will be up for one week and then we will receive a report. F. Quinter will be installing stone for Kulp Field this week and they are working on Chestnut Grove Park reseeding. She reported that the Pension Audit was concluded and there was only one finding which will actually be money to the Township. The Staff is working on to develop this year's Volunteer Appreciation Dinner which will be held on Wednesday, May 10th at 5:00 PM. She thanked this year's sponsors: LTL, Chuck Garner, Barry Kerchner, Beyers-Barber and USA Phones. M. Schreiber asked about #25 – the auction of the LeFever property. C. Lewis advised him the property did not sell; they did not meet the minimum amount. They then discussed the advertising for a Financial Assistant. **T. Robinson, 1488 Heather Place**, asked if it could be advertised locally first. E. Taylor responded that it is more successful if it is broadly advertised. Motion by J. Bealer seconded by H. Miller, to advertise for the Financial Assistant position. The motion passed with M. Schreiber and F. Krazalkovich voting nay. M. Schreiber asked how many hours a week it would be. C. Lewis responded that it would be approximately eighty (80) hours a month. Some weeks have more time than other weeks.

MONTHLY FINANCIAL REPORT – M. Schreiber asked about the Real Estate Tax and whether it was only 14% that was collected to date. C. Lewis will look into the matter with the Tax Collector and respond later.

NEW BUSINESS

DISCUSS THE PENSION AUDIT AND AMENDING THE POLICE PENSION ORDINANCE TO INCLUDE THE DROP PROGRAM TO BE CONSISTENT TO THE COLLECTIVE BARGAINING AGREEMENT – Motion by F. Krazalkovich seconded by J. Bealer and unanimously carried to authorize the Solicitor to prepare an Amendment to the Police Pension Ordinance to include the DROP Program to be consistent to the Collective Bargaining Agreement.

CONSIDER APPROVAL OF ESCROW RELEASE #7 FOR ARCADIA PHASE III IMPROVEMENTS IN THE AMOUNT OF \$876.78 – Motion by F. Krazalkovich seconded by H. Miller and unanimously carried to approve Escrow Release #7 for Arcadia Phase III Improvements in the amount of \$876.78.

OLD BUSINESS

CONSIDER FIRE COMPANY ACTIVITIES – Motion by M. Schreiber seconded by F. Krazalkovich and unanimously carried to approve the Fire Company activities. **Diana Updegrave, 1404 Farmington Avenue**, questioned whether these activities are already done. M. Schreiber replied some are and some are not. The one under consideration is for May. E. Taylor pointed out that this is for traffic control at events. D. Updegrave then asked how it works if someone burns something. A neighbor had a couch and a pile of rubbish and he said the Fire Company requested he do this. M. Schreiber advised that sometimes they use equipment for training and that the Fire Marshall usually inspects first.

ANIMAL ORDINANCE –C. Garner explained the ordinance. It addresses animals running at large, noise, offensive odors, dangerous animals, notices of violation and penalties. It is aimed more at pets than agricultural. There is no grandfathering. **Erin Dickey, 1847 Orlando Road**, advised the Board that she has roosters and chickens which have been free ranging for five (5) years. The roosters do not crow. She pays taxes along with the other residents of the Township and this ordinance may not allow her to have her animals outside at all. She feels it is harsh for people who already live here. E. Taylor responded that it establishes guidelines and does not understand what is harsh about it. E. Dickey replied that you can't control animals making noise. She feels that the Township is targeting people who have animals and disputes. E. Taylor advised that the purpose is to help the majority of the population have a positive quality of life. They are trying to mitigate and modify behavior. F. Krazalkovich asked if they are acting pursuant to general police powers under the ordinance. This is the case. It does not regulate the number of animals but does prohibit them running outside of the property. It is a nuisance to make noise for fifteen (15) minutes or more to the detriment of others. E. Dickey feels that it does not protect both parties if you want to have free range animals. F. Krazalkovich responded that it does place the responsibility on the person being offended to record dates and times. He initially had concerns that it limited the right to have pets. Motion by H. Miller seconded by J. Bealer and unanimously

carried to adopt the ordinance as drafted and advertised.

REPORTS

EMERGENCY SERVICES LIASION – F. Wheatley arrived late as he had another meeting. He advised the Board that he is working with the Manager to develop the position for a full time civilian assistant. They would provide quality control for the department. They are looking for someone with the education and background to support the department. E. Taylor added that the position will promote efficiencies and support the Officers in their duties. It will be a full time position with benefits. The proposed salary would be between \$30,000 - \$50,000 depending on the qualifications. Motion by M. Schreiber seconded by H. Miller, to advertise the position not to exceed \$24.50 an hour. F. Krazalkovich questioned whether this would have to go before the Bargaining Unit. F. Wheatley pointed out that it is a civilian position so it would not. Motion by M. Schreiber second by F. Krazelkovich to table the matter to next month to give the Commissioners time to review the position.

ERIN DICKEY, 1847 Orlando Road, had asked the Township to rescind the violations against her. She claims that there is no evidence that inspections were done. C. Garner responded that she has filed for bankruptcy and the Board will discuss their options later on in Executive Session. He advised her that they will respect the protection of the bankruptcy. E. Dickey responded that she doesn't know how they got the violations. C. Garner responded that there were numerous court proceedings that found her guilty or found in favor of the Township. E. Dickey claimed that they bought the house with no U & O. Their door was posted that they needed to complete the open permits. She claimed that she showed up in court and got thirteen (13) violations. She feels that the process was not in their best interest but in someone else's best interest and that they pay taxes too. C. Garner responded that her Attorney was there to protect her and he is very sorry if they did not. E. Taylor commented that the court found the Township's case adequate. E. Dickey responded that they said she did not comply with what they stated but she claims that she did. She again asked the Board to reconsider and take off the violations. She advised that she had to file for bankruptcy in order to keep the house. It is good for five (5) years and then will have to be redone.

COMMISSIONER COMMENTS

M. Schreiber commented that the Fire Company had their Egg Hunt. It was well attended with no violence. He asked that if anyone rides motorcycles to please be careful.

H. Miller asked if the Township had accepted Cindy Saylor's retirement formally. Motion by M. Schreiber seconded by H. Miller and unanimously carried to authorize the Solicitor to prepare a Letter of Separation for consideration at the next Board meeting.

F. Krazalkovich thanked Representative Marcy Toepel for attending tonight's meeting. He advised that Senator Mensch will join the Board next month.

E. Taylor advised the Board that he went to Lower Pottsgrove to explain our programs and our 8 to 10 years of activities in open space. It was impressive what the Township has accomplished in a variety of ways and utilizing relationships with private individuals and volunteers. There is a

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Circuit Rider in the region, Developers contributions to Prout Trail, Hillside sharing in parking lot and cell tower revenue, Green Allies, neighborhood groups such as Chestnut Grove HOA which asked for a flat spot to turn into a field for which the Township got a grant and Eagle Scout projects. It is the community that has brought all of this together along with the political will to push it all forward.

APPROVAL OF MINUTES – **March 20, 2017** – Motion by J. Bealer seconded by M. Schreiber, seconded and unanimously carried to approve the minutes with the addition under Emergency Services Liaison that they approve the advertisement for the Corporal position.

PAYMENT OF BILLS – Motion by E. Taylor seconded by M. Schreiber and unanimously carried to approve the Bill List in the amount of \$174,220.87.

EXECUTIVE SESSION – The Board adjourned into Executive Session at 9:02 pm to discuss matters of real estate, litigation and personnel. They reconvened at 9:48 p.m. Motion by H. Miller seconded by M. Schreiber and unanimously carried to adjourn the meeting at 9:50 p.m.

Respectfully Submitted,

Carol R. Lewis, Assistant Secretary