

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

June 19, 2017

The regular meeting of the Upper Pottsgrove Township Board of Commissioners was held on Monday, June 19, 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., Police Chief Francis Wheatley, Public Works Director Frank Quinter, Township Manager Carol R. Lewis and Township Engineer Pete Eisenbrown. 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.

REPORTS – EMERGENCY SERVICES LIAISON - M. Schreiber presented the Emergency Services Report. There were twenty eight (28) EMS calls. The Corporal written exam is scheduled for June 28, 2017. The Assistant position has been advertised and applications are being accepted. Officers Zoski and Hummer are now on the Drug Task Force. The Police have been doing selective enforcement on Pine Street. The Fire Company had eighteen (18) calls this month and ninety (90) year to date. They have participated in one hundred and sixty one (161) training hours. The By Laws are being worked on. A demo fire truck was at the firehouse. It is an F550 and costs about \$300,000. It's cheaper than the other ones they were looking at and would fit in the present house. They are looking at trying to get a FEMA grant to help pay for it. Motion by M. Schreiber second by F. Krazalkovich and unanimously carried to re-appoint Rick Brendlinger as the Fire Marshal to get paid \$15/per call. Motion by M. Schreiber second by F. Krazalkovich and unanimously carried to authorize the purchase of a tablet not to exceed \$200 for the Fire Marshal's use.

PARKS, RECREATION AND OPEN SPACE LIAISON – H. Miller advised the Board that Diane Thomas, who helps clean up the roads in the township, received the top award from the SAVE Alliance Board. The archery hunt for 2017 will be pulled at the August Board of Commissioners meeting. Park Contest Registration can be done at the Township and will take place for the month of July. Community Days will be held on September 23, 2017. The sign poles have been painted throughout the parks. The Circuit Rider, Michael Lane, will be applying for a grant for a consultant to help the Open Space Board redo their Open Space Plan.

PLANNING COMMISSION LIAISON – J. Bealer reported that the Planning Commission continues to work on updating the Sign Ordinance. They also recommend that the Commissioners consider conditional approval for the Cross Roads plan which consists of forty nine (49) units. There is also a list of waivers to be considered that are recommended for approval. C. Garner said that this plan is under the Curative Amendment Settlement Agreement which was the result of a

challenge to the township ordinances in 2006. There is a proposed resolution outlining the conditions for preliminary/final approval. The applicant must get all permits, comply with all conditions of the Curative Amendment Settlement Agreement and post an escrow. There are a total of nine (9) waivers none of which effect health and safety. The first four (4) waivers are from SALDO regarding roads. All of them have been reviewed by the Engineer and he is fine with them. H. Miller likes the layout and commended them for the extra parking and open space. He expressed concern with the entrance and exit on Moyer Road. J. Bealer advised him that the existing part of the road will be eliminated and solely maintained by the property owner. There was no specific grass mix specified. Cross Road will be macadamed to Douglas Township at twenty two (22) feet wide. The applicant is hoping to start building in September. Motion by H. Miller second by J. Bealer and unanimously carried to approve Resolution #686 granting preliminary/final approval with conditions to a Subdivision and Land Development Plan entitled Cross Roads Settlement Parcel.

PUBLIC WORKS LIAISON – F. Quinter is getting ready for paving to start next week. They are doing a lot of patching, mowing and weeding. H. Miller discussed making Charlotte Street reduced speed to 25 mph which most of Pottstown is currently. A trail is proposed to be put across Charlotte Street and this would help. They discussed installing 25 mph signs on Pine, Spruce and North Streets at a cost of around \$350. E. Taylor advised that this came about because of a concern raised by a resident. F. Wheatley interjected that the Police have done eight (8) selective enforcements on Pine Street. 80 to 90% of the traffic were going to homes and only 20% is through traffic. They did not observe any reckless driving. The speed limit signs would allow for enforcement. C. Garner advised that the Master Traffic Ordinance may need to be amended. Motion by H. Miller second by J. Bealer and unanimously carried to place 25 mph signs at Pine, North and Spruce Streets and to prepare and advertise an amendment to the Master Traffic Ordinance.

SEWER AND WATER COMMITTEE LIAISON – J. Bealer reported that he attended the joint sewer meeting. They are working on the dryer. A five (5) year capital plan was presented. The Sewer Committee will meet on July 5th. A map of Regal Oaks connections is included in the Commissioners packet for their information. There are twelve (12) properties which could connect that are within one hundred and fifty (150) feet. M. Schreiber asked how it would be tracked if the Commissioners require property owners to connect when they sell their property. C. Garner explained that a local ordinance can be created to govern what happens when a property sells. A connection notice would be sent and if they did not connect they would be charged sewer rentals and a lien would be filed.

INTERGOVERNMENTAL RELATIONS LIAISON - F. Krazalkovich will be attending the PSATCs Conference. There are a series of letters in the packet that the Pennsylvania Municipal League has advocated for on behalf of PSATCs. Act 111 Reform is proposed by Representative Diamond. No specific language has been endorsed. PML is asking for letters in support or

opposition. He felt that it is a little early to support or oppose. There is a proposed Bill to consolidate collection of 511 monies. The Board agreed that tax collection should be kept local. J. Bealer felt that third party UCC inspectors would add confusion and cost more money. E. Taylor reported that he has been in touch with County Commissioners regarding an Appeals Board.

TOWNSHIP SOLICITOR – C. Garner advised that once the Animal Nuisance Ordinance was completed he was asked to an Agricultural Animal Ordinance. He is in the process of preparing it and should have a draft for the Board to look at next month. The township had been involved in litigation with regards to a Right to Know request of older records. The Records Request was denied and was appealed to the Office of Open Records who obligated the Township to search and request the documents from depositories within the Township’s jurisdiction. The Manager followed up with these institutions but was unable to find any records. The requester and the Office of Open Records were notified. A suit was filed in County Court who found in favor of the Township who did their duty and complied with the order. The Requester appealed to the Commonwealth Court which is the highest court they can appeal to. The records no longer exist and the Township fully complied with the order. In addition part of that request was for attorney’s fees and sanctions. The Trial Court did not reverse the findings and found that the Township acted in good faith. The Township did what it was supposed to do and unless the Supreme Court hears the case the matter is complete. **JAMES CAPINSKI, 1958 Yarnall Road,** stated that the attestation that C. Lewis signed was misleading. He went on to read Elwood Taylor’s statement that was entered into the records. In the statement he said he had gotten certain records from the Township. He hopes that the Supreme Court hears the case.

TOWNSHIP MANAGER – C. Lewis advised that the report is included in their packet. She advertised for the Financial Assistant position and conducted interviews. She plans to offer the position to Victoria Reichman who is a CPA and a registered Financial Planner. She advised the Board that July 1st starts the Park Contest for which the Open Space Committee nominated Heather Place Park. M. Schreiber volunteered to be the Park Ambassador this year. She encouraged everyone to register for the contest and come out and vote every day. An RFP for engineering services was developed and posted on Pennbid. Twenty four (24) proposals were received. She will summarize the proposals and send out in a spreadsheet. M. Schreiber asked where we are with the bid pack for the public works building. C. Lewis reported that she is coordinating for the final design and hopes to have the bid advertised for the following month. H. Miller asked if there was a problem with the designer. C. Lewis responded that there are five (5) different designers and bringing them together to one cohesive package has been difficult. E. Taylor advised that he went through a similar process with his house where they got a new garage door and there were different people installing the door, the electric and the siding and that it was a very frustrating process. M. Schreiber asked about the lighting at Turnberry. C. Lewis replied that Mike Shaner, who lives in Turnberry Farms, has offered to get the light installed and working. Motion by J. Bealer second by E. Taylor to appoint the Manager as the Secretary/Treasurer for the Township. H. Miller voted nay. The motion carried.

NEW BUSINESS

CONSIDER VOTING DELEGATE FOR PSATC’S CONFERENCE – Motion by J. Bealer second by H. Miller and unanimously carried to appoint F. Krazalkovich as the voting delegate for the PSATC Conference.

OLD BUSINESS

CONSIDER ADOPTION OF DROP ORDINANCE – The Ordinance for the DROP Program has been prepared and advertised. C. Garner advised that it does not impact the current agreement at all; it is included in the Collective Bargaining Agreement. Motion by M. Schreiber second by J. Bealer and unanimously carried to adopt Ordinance #496 amending the Upper Pottsgrove Township Police Plan Pension Ordinance to provide for and include provisions for a deferred retirement option plan pursuant to the Collective Bargaining Agreement dated May 16, 2016.

CONSIDER WELL EASEMENT FOR THE ALTHOUSE ARBORETUM – Motion by H. Miller second by F. Krazalkovich and unanimously carried to approve the Easement Agreement for the Althouse Arboretum to use the well located on Township open space

CONSIDER FIRE COMPANY ACTIVITIES - Motion by M. Schreiber second by J. Bealer and unanimously carried to approve the Fire Company activities to include the Soap Box Derby this weekend.

PUBLIC COMMENT

DIANA UPDEGROVE, 1404 Farmington Avenue, asked what they are looking at with the Animal Ordinance. She does not think acreage is enough; they should consider wells and property lines as well. C. Garner agreed that there were many factors to determine the proper number of animals on a property.

JAMES CAPINSKI, 1958 Yarnall Road, provided a copy of Commissioner E. Taylor’s previously presented public statement concerning objections to paving Highview Lane, which he notes contains references to public documents. J. Capinski noted that the Township has spent over \$36,000 in attorney fees even though paving contractor, Stern Nester, quoted just \$5,000 to complete the road. J. Capinski states that On May 3, 2017, his attorney wrote a letter to the Township asking that the matter be sent to mediation, but no response was received by May 31, 2017. E. Taylor interjected a statement of fact, that prior to any court proceedings, the Township had agreed to install a paved driveway to his home, but Mr. Capinski had rejected the offer. C. Garner confirmed that it was rejected by Capinski’s attorney and that the Township was willing to improve the driveway, but the offer was rejected. J. Capinski asked each Commissioner if they

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were aware of his offer of mediation. He then discussed the question of who put white-out over Highview Lane on the open space map that had been hanging in the lobby of the Township building and he never got a response. He stated that he has an email from Jack Layne and Mike Narcowich that E. Taylor had it removed. He asked the Commissioners to support him in asking for Mr. Taylor to resign stating that putting white-out on evidence is wrong and that is why they are still in court. No Commissioners supported his request.

COMMISSIONER COMMENTS

M. Schreiber urged everyone to sign up for the Park Contest starting July 1st and running to the end of the month.

APPROVAL OF MINUTES – May 15, 2017 – Motion by J. Bealer second by H. Miller to approve the minutes of May 15, 2017, as presented. The motion carried with M. Schreiber abstaining.

PAYMENT OF BILLS – Motion by M. Schreiber second by J. Bealer and unanimously carried to approve the Bill List in the amount of \$122,780.21.

EXECUTIVE SESSION – At 8:27 p.m. the Board adjourned to Executive Session for matters of litigation and personnel. They reconvened at 9:38 p.m. with no action taken.

ADJOURNMENT – Motion by J. Bealer second by M. Schreiber and unanimously carried to adjourn the meeting at 9:39 p.m.

Respectfully Submitted,

Carol R. Lewis, Secretary