

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

**July 17, 2017**

The regular meeting of the Upper Pottsgrove Township Board of Commissioners was held on Monday, July 17, 2017, at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Commissioners Elwood Taylor, John Bealer, France Krazalkovich and Martin Schreiber in attendance. 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 and fourteen (14) members of the public. 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**

**MARYANN ALESSI – 1482 Heather Place** – Told the Board that she is in the middle of a water dispute with Aqua. She outlined the bills that she has received and the fact that Aqua has replaced her meter. She disputed the bill which included sending the paperwork and a \$10 fee for them to come out and relocate the meter. She doesn't need them to relocate the meter, she's just disputing the charges she received. She asked the Commissioners for suggestions. E. Taylor suggested that she try the local Aqua connection first. C. Garner then advised her that she could write a letter to the PUC to register a complaint.

**KEITH KEHL – 1941 Gilbertsville Road** – Asked where the new sewer crossing Moyer Rd. is supposed to go. E. Taylor replied that it is going across the Prout Farm Open Space to connect with the sewer in Cherry Tree. K. Kehl responded that he could not understand why they had to mess up the open space which was acquired with tax payer's money. They could have gone along Moyer Road instead. He felt he is looking out for the township resident's land. E. Taylor noted that the TWP's acquisition of the Prout Farm Open Space was conditioned on the future construction of this sewer connection and that running it along Moyer Rd was not feasible. Next, K. Kehl commented on an article in The Mercury which discussed reducing stream sediment. E. Taylor advised him that the Township is currently doing these activities per our MS4 permit. New development should reduce sediment that runs into Sprugel's Run by keeping water on their property. K. Kehl then commended the Commissioners for a nice job of paving in Regal Oaks. A portion of the paving is coming out of the Sewer Fund. K. Kehl asked if any of the residents were hooking up. E. Taylor replied that four (4) out of six (6) have already done so. K. Kehl talked to the Commissioners about a time in the past when he was threatened with eminent domain if he did not allow the sewer to come through his property which created a lot of hard feelings. He will not forget what happened. E. Taylor interjected that K. Kehl had received free sewer connections for two of his properties and that the passage of the sewer line through his property was due to geological necessity. The TWP was able to abandon the aging Cherry Tree pump station by sending its flows to the new Regal Oaks pump station, saving all sewer customers considerable maintenance and operating costs. He agreed that it is not a nice process to go through but it had to be done at the time. K. Kehl then commented that when the contractors for Sprugel's Run were digging the sewer line they had no sediment controls until he called it in.

**ANNIQUE RUIZ-BROWN - 1276 Pine Street** – Questioned if there had been any progress on Pine Street. Chief Wheatley has sent a memo to the Board of Commissioners. They have increased patrols in the area. There is no speed limit posted so they authorized the posting of signs. He recommends placing 25 mph signs and increased patrols. They have found that seventy percent of the traffic is residents and thirty percent are cut through. It is a short street. Bumps are expensive and very noisy that residents don't realize until they are put in. Ms. Brown asked if there were any other ways to improve safety. F. Wheatley advised her that he will work with the Public Works Director and the Board of Commissioners to see what can be done. F. Quinter advised her that the signs will be put up within the next two weeks.

**BARBARA WALTERS – 614 Mock Road** – Asked about new development in relation to drainage. E. Taylor advised that when a development goes in they need to reduce water leaving the property. She questioned her area where acres of trees were taken down and the development did not go in. The Stern Nester drainage basin has gotten a lot worse. F. Quinter agreed that there is a retention basin on that property that needs work. The owners are trying to sell the property. M. Reddick advised that the property was tied up in a law suit at one time so it was not developed. Whoever buys the property will be responsible for the improvements. C. Garner agreed that the property owner would be required to maintain the basin. K. Kehl commented that all water runs down the gutters along Gilbertsville Road at this time and does not stay on the property for Cherrytree and other developments.

**EMERGENCY SERVICES LIAISON** - M. Schreiber presented the Emergency Services Reports. They still have an opening on the Fire Committee. One application was received from a Fire Company member but the Board would like a resident. He suggested that it be put out to solicit volunteers. The By-Laws were sent out for the Commissioners review on Thursday evening. E. Taylor and C. Garner still need to review them. M. Schreiber reported that one firefighter completed training at the County which was over two hundred (200) hours. He also reported that they had a demo of a new truck. E. Taylor was very impressed with it. M. Schreiber advised that it would replace the 1983 truck which is currently not compliant. The new truck is on the Galveston bid list which is a nationally known organization. There is a fee to partake in the list. Moving on to the Police Report he advised that they went through forty nine (49) applicants for the Administrative Assistant. The new one will start in August. Motion by M. Schreiber second by J. Bealer and unanimously carried to authorize the Chevy Impala be put on Municibid. F. Wheatley felt that they could get about \$2500 for the Impala which could be used toward another used vehicle. Included in the Police Monthly Report is an article that was in the Inquirer about bias based policing. Departments that are progressive have policies regarding the recording and studying of biases. Officers are trained to recognize biases that everyone has. The Corporal exam was held and the Civil Service Commission will meet tomorrow, Tuesday, July 18, 2017 to discuss the results. Chief Wheatley also advised that for next year they are looking into doing a Cop Camp with the other area police departments.

**PARKS, RECREATION AND OPEN SPACE LIAISON** – Mr. Miller was not at the meeting and there was no Park and Recreation Board meeting so there is no report available. However, C. Lewis did advise the Board and the residents that they are in the middle of the park contest and she

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urged everyone to take selfies at Heather Place Park and submit them to Pottstown Health and Wellness either via Face book or email [onyourpark@gmail.com](mailto:onyourpark@gmail.com).

The contest runs until the end of July and proceeds will be used towards a Veteran’s Memorial to be constructed in Heather Place Park.

**PUBLIC WORKS REPORT** – F. Quinter presented the Public Works Report. They completed the paving and had a lot of PA One calls. Motion by F. Krazalkovich seconded by M. Schreiber and unanimously carried to accept the Green Light Go Grant which is funded 85% by the grant and 15% by the Municipality. Motion by F. Krazalkovich seconded by M. Schreiber and unanimously carried to adopt Resolution #687 accepting the grant award for the SR100 signal preemption project and authorizing the President of the Board of Commissioners to sign the Agreement.

**SEWER AND WATER LIAISON** – J. Bealer gave the Sewer and Water Committee Report. They reviewed all the information for the on lot system for 614 Mock Road. The water that is discharged is almost potable. Motion by M. Schreiber seconded by J. Bealer and unanimously carried to approve the Planning Module and O & M Agreement for 614 Mock Road. K. Kehl asked if this was a private sewer system. It isn’t really. Barbara Walters commented that if she had the option of a sewer system she would take it. Motion by F. Krazalkovich seconded by J. Bealer and unanimously carried to approve the O & M Agreement. The system will be inspected quarterly the first year and yearly thereafter. An escrow is not really needed. The North Hanover Street Lining was estimated at \$100,000. A grant was awarded up to \$85,000. Eight (8) bids were received; the low bidder was Insituform Technologies which came in at \$82,380; even though it is lower than anticipated the Township still has to pay 15% of the project. It is one of the oldest lines in the Township and has root intrusion and leaks. They will bore to clean out roots and feed in the material that becomes the pipes. Motion by J. Bealer seconded by M. Schreiber and unanimously carried to award the bid to Insituform. This project was budgeted. Motion by J. Bealer seconded by F. Krazalkovich and unanimously carried to approve the payment application to Doli in the amount of \$155,339.96. There is money being retained for the remaining paving to be done and 10% of the project. Next, J. Bealer reported that the Joint Sewer meeting was held in our Township. The sludge dryer is experiencing problems which is why it needs to be replaced. They will be hauling wet sludge this summer to save money in the winter.

**INTERGOVERNMENTAL RELATIONS LIAISON** – F. Krazalkovich reported that the invoice from the school district regarding the event that was held there will be forgiven so as not to escalate the situation. He expects to have further conversations with them.

**TOWNSHIP MANAGER REPORT** – C. Lewis advised that her report is in the packets. She met with Chief Wheatley and is working on the 2018 Budget which should be on the agenda for discussion at the next meeting. She also met with Dave Vaughn, who is the President of the Pottsgrove Soccer Club. They will be using Field #2 at Hollenbach Park and will provide nets and lining. Motion by J. Bealer seconded by E. Taylor to approve the hiring of Victoria Reichman at \$21 an hour to fill the financial position. The motion passed with F. Krazalkovich voting Nay. As previously requested by the BOC, twenty-four (24) Request For Proposals (RFP’s) were received for engineering services. A spreadsheet comparing the RFP’s was provided to each Commissioner

while individual RFP's were made available for more detailed review. E. Taylor observed that in general, the RFP's showed higher engineering costs than what the TWP is currently paying for engineering services from LTL. M. Schreiber agreed that LTL's hourly rate is the lowest, but because of a recent incident where work at an open manhole on Maple Leaf Lane was not properly secured by a contractor, he has concerns with LTL as a representative of the Township. He feels that they have failed us in safety and preparedness. E. Taylor responded that posting proper warning signs is critical, but ultimately it was the contractor's responsibility. E. Taylor stated that LTL has been the TWP's official Engineer and Code Enforcement Officer for many years. In spite of the recent incident, E. Taylor observes that they have given good service and price for the Township. LTL responded to the recent incident with a letter to the BOC acknowledging their mistake and committing to better oversight in the future. M. Schreiber feels that going forward we need better communication.

**BUILDINGS – PUBLIC WORKS** – The building will be advertised to bid next week; just waiting on solar and the Manager is working on utility connections.

**NEW BUSINESS:**

**CONSIDER ZONING REGULATIONS FOR AGRICULTURAL USE** – C. Garner reviewed what is currently in the ordinance. The definition of agricultural will need to be expanded. Section 350-19 in regards to Accessory Buildings needs to be updated. The raising of livestock is allowed in R-1 and R-80 at this time. A letter was given to the Board outlining General Use Regulations and Standards. Pre-existing uses would not be impacted as this would be a Zoning Ordinance. E. Taylor explained that the scope of this is to prevent large animals on small lots and there is no way to handle that at this time. J. Bealer asked if #5 was to permit both the property owner and their neighbor to enjoy their property. The Board reviewed the density chart that E. Taylor prepared and discussed pets vs. agricultural activity and what the parameters should be.

**DIANA UPDEGROVE - 1404 Farmington Avenue** - Advised the Board that the County says you need ten (10) acres to have a farmette. She thought that animals should be done by zoning since you don't expect farm animals in residential areas. At one time there were pigs on Farmington Avenue. C. Garner advised her that in the current zoning they are only allowed in R-1 and R-80. Sheep are allowed because there is no ordinance against them at this time. M. Schreiber agreed that the problem is when a person has chickens on a small property for eggs and they get a rooster. J. Bealer felt that the ordinance is definitely needed and they should be categorized by the size of the animals. Diana Updegrove said that pot-belly pigs are pets now a days and how does the Township differentiate between a pet and a food source? The Board will consider the draft presented by C. Garner for more discussion at a later date.

**CONSIDER APPROVING ADVERTISING FOR THE MS4 PUBLIC COMMENT** – Motion by M. Schreiber seconded by J. Bealer and unanimously carried to approve the advertising for the MS4 Public Comment. C. Lewis advised them that they would be getting the presentation at the next Board meeting on the Pollutant Reduction Plan.

**OLD BUSINESS:**

**CONSIDER FIRE COMPANY ACTIVITIES** – Motion by M. Schreiber seconded by F. Krazalkovich and unanimously carried to approve the Fire Company activities as presented.

**PUBLIC COMMENT:**

**JAMES CAPINSKI – 1958 Yarnall Road** – Said that the Commonwealth Court filed against him. He must file an Appeal to the Supreme Court. The old Open Records Officer left and she said she would take his case because she thought it was strong but she wanted too much money. He advised the Board that he has not filed as appeal. He gave history to the case and asked why the Township would not give him the documents. E. Taylor responded that in every court case the court has found in favor of the Township so therefore we must be doing things properly.

**COMMISSIONER COMMENTS:**

M. Schreiber pointed out that he got his tax bill today and the Per Capita was only \$10 each so the \$5 did come off. He stressed that the \$10 is all going to the School District.

**APPROVAL OF MINUTES – June 19, 2017** – Motion by F. Krazalkovich seconded by J. Bealer and unanimously carried to approve the minutes of June 19, 2017 with one change to page 2.

**PAYMENT OF BILLS** – Motion by J. Bealer seconded by F. Krazalkovich and unanimously carried to authorize the payment of bills in the amount of \$195,201.51

**ADJOURNMENT** – Motion by E. Taylor seconded by M. Schreiber and unanimously carried to adjourn the meeting at 9:26 PM.

Respectfully Submitted,

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Carol R. Lewis, Secretary