

The regular meeting of the Upper Pottsgrove Township Board of Commissioners was held on Monday, October 16, 2017, at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Commissioners John Bealer, France Krazalkovich, Herb Miller, Martin Schreiber and Elwood Taylor. Also present were Township Solicitor Charles D. Garner, Jr., Police Chief Francis Wheatley and Township Manager Carol R. Lewis.

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:

JAMES CAPINSKI – 1958 Yarnall Road – Talked to the Board about his lawsuit regarding the escrows and his road. He read a portion of a brief that was handed out to the Commissioners where it states that the only legal roads are by Deed of Dedication and there was none from Gary Heights. He also claimed that a strip of land between Yarnall and Needhammer is all woods and no road and yet it was ordained as a road and the township gave away two acres of land. He claimed that the only reason he lost his lawsuit is because the Manager put in a sworn statement that the records do not exist even though the attorney presented a book which all the documents that he collected with the minutes, etc. The Township has spent over \$38,000 fighting him when they could have spent \$6,000 to put the road in. He suggested the Board discuss the roads in Gary Heights and whether what they did was an unconstitutional taking between Yarnall and Needhammer Roads. J. Capinski questioned why the Township had collected two (2) escrows. E. Taylor reiterated the Township’s understanding that the original developer of Capinski’s property abandoned the development and relinquished the first escrow and that the next owner, Mr. Mauer had his escrow returned and agreed that the Township had no responsibility to construct any road to his property.

JOHN MCMANN - 1996 Detweiler Road – Has been a resident for over thirty five (35) years and is on the Building Committee. In all that time Detweiler Road has not been paved nor have any repairs or money been put into it. Storm water work was done on Yarnall Road and at Schwenk and a curbing system was put in. E. Taylor explained that some work has been done to which Mr. McMann replied that no major repair has been done even though other roads in the Township have done once or twice. E. Taylor explained that they have looked at the road over the years and there are repairs that need to be done but they are extensive and expensive. Mr. McMann claims that we say that every year but the road does not get fixed. He is asking those residents to support this project.

DEB BINGHAM - 1998 Detweiler Road – Questioned what has been planned on Detweiler Road that would cost \$100,000. A storm system could be put in and every 4 or 5 years work could be done to keep water from beating up the driveways. There is not a lot of traffic on the road in days past but it is now a through way. E. Taylor explained that the estimates that we have gotten so far are a quarter to a half million just for the storm water.

REPORTS

EMERGENCY SERVICES – M. Schreiber presented the Emergency Report. There were twenty four (24) EMS calls and thirteen (13) fire calls for the month. There was one minor By-law change regarding the Board of Directors putting them as an Administrative position. Motion by M. Schreiber, second F. Krazalkovich and unanimously carried to approve the By-law change. Motion

by M. Schreiber, second by J. Bealer and unanimously carried to authorize the purchase of a tablet for the Fire Marshall in the amount of \$347.99 with a three year protection plan for \$75. Motion by M. Schreiber, second by J. Bealer and unanimously carried to authorize the purchase of a jacket for the Fire Marshall not to exceed \$75.00. M. Schreiber then reported that Jason Zoski has joined the SWAT Team. Four members attended training. The Civil Service Commission is working to get an Eligibility List ready. H. Miller questioned why the animal complaints were back up. F. Wheatley replied that it could be due to the season. F. Krazalkovich asked how many Officers we have; there are eight (8) full time, three (3) part time, one (1) Chief and one (1) admin.

PARKS, RECREATION AND OPEN SPACE – H. Miller reported that the Manager will be applying for a PECO Green Region Grant to help replace trees in the open space. The archery hunt has so far gotten one (1) deer to date.

ZONING AND ADMINISTRATION – E. Taylor reported that one issue has been raised regarding the accumulation of junk on a property. The Solicitor explained that the procedure is to send citations and then prosecute before the Magisterial Justice the other option is to clean up the property and then lien it.

PUBLIC WORKS – Motion by H. Miller, second by F. Krazalkovich to accept the Letter of Retirement for Larry Kuser. The motion passed with M. Schreiber voting nay. H. Miller reported that he is willing to come back and mow in the summer. H. Miller acknowledged the two people complaining about Detweiler Road but stressed that we need to consider work on Yarnall Road. The Solicitor explained that due to the threatened litigation this item is set for Executive Session. M. Schreiber questioned why the pole that was installed at Sure Catch Pond has disappeared. He does not feel that it was properly installed and there was no signage to indicate what it was for. He suggested that we install a buoy instead. H. Miller agreed adding that it should be posted as “No Swimming” since the silt is two to three feet deep.

SEWER AND WATER – J. Bealer discussed the capital projects for the next four years for Pottstown Borough Authority. He has worked with the Manager to incorporate these into the budget. Next year there is \$126,000 for capital projects.

INTERGOVERNMENTAL RELATIONS – F. Krazalkovich reported that he attended MCATC meeting in Plymouth. The presentation was very good and he suggested we have them into the Township to do one. He then reported that the House of Representatives had passed a spending plan which failed in the Senate. There were a lot of concerns in the plan which will go back to the Committee.

TOWNSHIP SOLICITOR – C. Garner was asked to prepare and advertise an amendment to the Master Traffic Ordinance. He reported that it is drafted and will be ready for adoption at the November meeting. He thanked the Manager, the Chief and F. Quinter for getting him the information so he was able to complete the Master Traffic Ordinance. Next he discussed the additional potential changes for the Animal Ordinance in regards to agricultural animals. In going through the Ordinance what we have currently is pretty good but there needs to be some definition changes and the horse density needs to be expanded to all districts. Lastly, there is an invoice from PIRMA. The Township is successful in their litigation so the case is closed and our co-pay is due. The insurance company covers 85% and we cover 15%.

TOWNSHIP MANAGER – C. Lewis reported that she attended Knowledge Center training and the other staff will be trained on it as well. We are beginning to prepare for the Limerick Drill which will be held on Tuesday, November 14, 2017. She has identified a \$10,000 grant from PIRMA and will be applying for it to replace the doors at the Police Department and install a key fob system. It is due by December 15, 2017. She also advised the Board that there have been a lot of resident concerns regarding the spotted lantern fly. On Wednesday at 9:00 a.m. Judy Schwenk will be streaming the hearing live from Harrisburg and she urged all Commissioners to tune in. F. Krazalkovich commented that they have one tree near their home in the development and it is covered from top to bottom with the spotted lantern fly. M. Schreiber asked about the bonding for the new Financial Assistant and the rest of the staff and asked if the Manager got more than one quote. C. Lewis responded that she had checked with Steeley and Smith who provides insurance for the Fire Company and they use the same underwriter which is the same price. M. Schreiber also asked about a hearing that Lower Pottsgrove held regarding storage units. He asked if the Township received notice because there were concerns in the past regarding lack of sewer. C. Garner thinks they required a holding tank.

MONTHLY FINANCIAL REPORT – M. Schreiber asked why indebtedness does not show in the Combined Cash Account? C. Lewis explained that it is a separate bank account.

NEW BUSINESS:

CONSIDER ESCROW RELEASE #2 FOR SPROGELS RUN - C. Garner advised that the Escrow Release #2 for Sprogels Run has been amended to reflect 100% of the amount. The contract is written to release 90% but for this portion 10% retainage is not necessary. Motion by F. Krazalkovich, second by J. Bealer and unanimously carried to approve Escrow Release #2 for Sprogels Run in the amount of \$166,254.57 as approved by the Engineer.

OLD BUSINESS:

DISCUSS 2018 BUDGET – C. Lewis advised the Board that a draft of the 2018 budget is in their packets. She pointed out that healthcare is increasing 10% instead of the 15% she originally projected. She encouraged the Commissioners to review the budget with any questions or concerns and she will make any potential adjustments that are brought up. F. Krazalkovich asked that we present a budget that shows what might happen if we do not replace Larry Kuser. When questioned C. Garner explained that the budget must be put out for twenty (20) days for public review before adoption. There is a ten (10) day notice requirement for the budget and a seven (7) day for the Tax Ordinance.

CONSIDER FIRE COMPANY ACTIVITIES – Motion by M. Schreiber, second by F. Krazalkovich and unanimously carried to approve the Fire Company activities for the month.

OTHER PUBLIC COMMENT

TRACE SLINKARD – 219 Deerfield Way - Asked what the data on the wall was. E. Taylor explained that it shows a prospective of where the tax money and sewer fees go on a pie chart.

GLORIA PARKER – 1209 Springhill Lane – Feels that their sewer bills are still too high and they can be reduced. E. Taylor replied that the Board is open to suggestions.

DEB BINGHAM – 1998 Detweiler Road - Asked when the Draft Budget would be available for public review. F. Krazalkovich explained that it will be available after November 20, 2017.

JAMES CAPINSKI – 1958 Yarnall Road - Commented on C. Garner's comments regarding the case that the Township won. He explained that his attorney is not free either. The township's insurance carrier has spent \$44,000 because the Township refused to give him his documents. He wanted to let everyone know that the reason the Township won was because he cannot afford to fight any longer.

TYRONE PARKER – 1209 Springhill Lane – Commented on the sewer chart and asked if residential homes could be metered as he does not feel that the two people in their house use as much water as a house that might have more people. J. Bealer explained that Pottstown requires us to meter all flows and we have six portable meters that do so. The sewer system is a very acidic environment and it is cheaper to lease the meters than to own them. There are five to six entry points so a meter is needed for each one. E. Taylor explained that even if they metered individual homes most of the sewer fees such as debt and maintenance would still be billed equally to all customers.

KEITH KEHL – 1941 Gilbertsville Road – Commented on the lantern fly and said that there are bands that can be used around trees to catch the larvae as they go up the trees.

JIM MCMANN – 1996 Detweiler Road - Commented that Ms. Bingham referenced \$100,000 for Detweiler Road and asked what has been done. He said that storm water work has been done on Yarnall but he has been there during a major storm and there is water coming from private property. E. Taylor explained that even though Yarnall Road was paved four to five years ago the problem was not solved because it originates on private property and the owners will not cooperate to fix the problem.

COMMISSIONERS COMMENTS: F. Krazalkovich reminded the residents that Tuesday, November 7th is Election Day. This is a local election year; there are three (3) Commissioners and (5) School Directors up for vote. For clarification he explained that the Township is the 22nd highest taxes out of 62 municipalities. Elections will be held at Pottsgrove Middle School for better parking. The Mercury is asking candidates to fill out an on line survey that will be published in the newspaper.

H. Miller commented that in 2006, before he became a Commissioner, many recognized that highways and streets were littered with trash. In 2007 the Township instituted a trash pickup. Twenty seven residents volunteers and do it because they care. In the past they have picked up 1 ½ tons of trash. We now have half a dozen people who pick up trash weekly. The Coastal Cleanup was held the previous weekend and twenty three bags of trash were picked up. He asked people to consider joining the Rubbish Brigade and help with this endeavor.

E. Taylor commented on the Althouse Arboretum. They had two night hikes and even with bad weather they had six to seven hundred people attend. On the 27th and 28th they will be having a haunted hike. He also explained that he voted nay on rejecting the bids on a new public works building because he feels they came through a proper process to come to the conclusion that they did and he feels that they need to build not tear down. The people however have spoken and he appreciates and understands their opinions. But he also feels that the Township conducted the appropriate process.

APPROVAL OF MINUTES – Motion by M. Schreiber, seconded by J. Bealer and unanimously carried to approve the minutes of September 18, 2017 with one change to Michelle Reddick’s comments on page 4. Motion by M. Schreiber, second by H. Miller and unanimously carried to approve the minutes of October 2, 2017 as presented.

PAYMENT OF BILLS – Motion by J. Bealer, second by E. Taylor and unanimously carried to approve the payment of bills in the amount of \$321,902.00.

EXECUTIVE SESSION – The Board adjourned into Executive Session at 8:29 pm to discuss items of personnel and litigation with no action to be taken. They reconvened at 9:27pm.

ADJOURNMENT – Motion by M. Schreiber, second by J. Bealer to adjourn the meeting at 9:28 pm.

Respectfully Submitted,

Carol R. Lewis, Assistant Secretary