

The regular meeting of the Upper Pottsgrove Township Board of Commissioners was held on Monday, September 17, 2018, at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Commissioners Trace Slinkerd, France Krazalkovich, Renee Spaide, Martin Schreiber and Elwood Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., Police Chief Francis Wheatley, Assistant Public Works Director Joey Alessi, Township Manager Carol R. Lewis and Township Secretary Michelle Reddick.

MOMENT OF SILENCE – The Commissioners 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.

PRESENTATION TO OFFICER STEVE SIGODA – Chief Wheatley advised he has the unique honor to recognize the most senior member of the police department who has 29 years of honorable service to our community and will be retiring later this month. He further advised he has the unique honor of introducing our newest police officer who is replacing our retiring officer. Chief Wheatley requested Officer Sigoda to come forward to be recognized for outstanding service. Chief Wheatley acknowledge Steve’s family members who were present in the audience and included his wife of 30 years, Jane, his daughter Abbey and his granddaughter Kinley, and his son Taylor who is a police officer with the New Castle County Police Department in Delaware. Chief Wheatley noted that, as anyone in law enforcement knows, it is not easy to be married to a police officer nor is it easy to be a child of a police officer. He further noted the job of a police officer is dangerous, and the daily unknowns of the job can be extremely stressful for both the spouse and the children. He acknowledged that Steve has missed many important holidays and special events over the years. Chief Wheatley thanked the entire Sigoda family for allowing Steve to honorably service the community of Upper Pottsgrove for the last 29 years. Officer Sigoda attended the Allentown Police Academy and was hired by Upper Pottsgrove Department in 1989. At the time, Upper Pottsgrove Township only had three (3) full-time officers and Steve’s hiring made the fourth full time officer. He explained there are many challenges for small police departments, but the demands of maintaining coverage is by far the most challenging as Steve can attest. As a new hire, Steve worked the first eight years with the department without having a single weekend day off. Steve has personally witnessed the modernization of law enforcement through his career from manual typewriters, to computers, to mobile data terminals, to specialized equipment like Tasers, to automatic license plate readers and as of this month, in car-printers for issuing citations which Steve did. Steve has received many recognitions throughout his career from both internally and by outside agencies. Steve has worn many different hats throughout his career which include Patrol Officer, Field Training Officer, Officer in Charge and also Acting Chief for several months. Chief Wheatley acknowledged that through all these assignment, Steve has discharged his duties honorably and with dedication to the residents of Upper Pottsgrove Township. Chief requested the President of the Board of Commissioner to step forward for a brief presentation. President Trace Slinkerd congratulated Officer Sigoda on his retirement and presented him with a plaque for his 29 years of dedicated service to Upper Pottsgrove. Chief Wheatley, on behalf of the police department, presented Officer Sigoda with the following: (1) a frame which included his photo, a police department patch and his badge; (2) a specially designed American flag with the thin blue line; and (3) a retirement badge. Chief addressed Steve and advised it has been an honor working with him and wished Steve and his family the best in retirement. Former Commissioner Herbert Miller asked residents whether they sleep well at night, and noted that he sleeps well knowing we have a full-time police department. He advised there were only four (4) officers in the department

when he moved here. He further advised he got to know Steve over the years as Steve would always stop by and say “hi” while he was patrolling and had the time to do so. He explained he really got to know Steve well and see his professionalism when he handled himself in court relating to dog issues that were occurring in the township. He advised he will always remember Steve for his integrity and loyalty to the township and its residents. He noted there is a war on the men in blue, and advised there were 35 policemen killed in 2017 and 36 to date in 2018. He congratulated Steve on his retirement and told him to be safe in the days he has left until retirement. Former Commissioner John Bealer congratulated Steve on his retirement and thanked him for always being a gentleman and for this dedicated and loyal service to our community. Steve thanked the police department, the Board of Commissioners and the community for allowing him to serve as a police officer for all those years. He personally thanked all the other officers in the department for always supporting him, and noted they were truly a band of brothers. He noted they may not have always seen eye to eye, but he always knew all the officers would have his back when and if needed. Chief Wheatley explained that in 2017, the Board of Commissioners approved the police department to establish an eligibility list through the township’s civil service process. He further explained the applicants were scored of a series of rigorous tests including physical agility, written test and oral interviews. He advised Quinn Gauger was selected and hired to serve our police department. Officer Gauger is 27 years of age and graduated from the Reading Police Academy in March 2014. Officer Gauger was employed as a police officer with SETPA since August 2006 where he was a member of the Special Operation Response Team who handled counter-terrorism intelligence and emergency tactical response incidents. Officer Gauger grew up locally, attended Daniel Boone High School and also attended Montgomery County Community College where he graduated with a degree in criminal justice. Officer Gauger officially started with our police department on August 6th, and is presently in phase three of our field training program. Chief Wheatley thanked the Board for allowing him to hire an officer to replace Steve Sigoda.

APPROVAL OF MINUTES – Motion by F. Krazalkovich, second by R. Spaide and unanimously carried to approve the approve the minutes of August 20, 2018.

PAYMENT OF BILLS – In response to a question from M. Schreiber, C. Lewis advised the DVRFA is a sewer loan payment, and includes two (2) months of payments. In response to a question from E. Taylor, C. Lewis advised the bill for cable clamps is miscoded to solicitor fees, and she will have it corrected. Motion by R. Spaide, second by E. Taylor and unanimously carried to approve the payment of bills in the amount of \$150,170.05.

PUBLIC COMMENT – There was no public comment.

REPORTS

TOWNSHIP MANAGER – C. Lewis noted her report was included in the packet. There were no questions on the report. T. Slinkerd encouraged other Board members to carefully review the audit report especially Notes B. In response to a question from T. Slinkerd, C. Lewis explained the new rules under GASB 67 and 68 is what holds up the audit report. In response to a question from M. Schreiber, C. Lewis advised there was a little over \$7,000 that had to be paid back to State Fund as a result of the liquid fuels audit which had to do with calculation of the PEMA reimbursement. T. Slinkerd noted C. Lewis is working on updating the debt scheduled, and noted this will be a useful tool as we go through the budget process. He further noted there is some long-term debt related to sewer and open space and some medium-term debt involving leases.

FINANCIAL REPORT – C. Lewis noted the financial report was included in the packet. She advised the interest rate for general fund is up due to it previously being a combined account, and the engineering services are up due to the uncommon wet weather and issues related to the weather. T. Slinkerd noted the real estate and earned income tax revenues are in line with budget projections. C. Lewis advised budget discussions will begin at the next workshop meeting in October. C. Lewis reported there were two (2) meetings with representatives from Alloy 5 concerning the building study, and noted the study should be completed by November 19th. She advised there will be a presentation at the workshop meeting on October 1st. She further reported they have completed the preliminary survey of the building and will be taking some core samples of the roof. In response to a question from R. Spaide, C. Lewis advised Alloy 5 will be prioritizing any and all issues concerning our existing facilities discovered through the study.

PUBLIC WORKS DIRECTOR – J. Alessi advised the public works report was included in the packet. He noted the majority of work for the month was related to sewer. C. Lewis advised the award for the Low Volume Dirt and Gravel Road Grant got pushed back until October; therefore, no storm water work will be completed in the fall. C. Lewis is recommending doing a leveling course in the fall, storm water work in the spring of 2019, and a full overlay in the summer of 2019. She noted the leveling course will not affect the storm water work. In response to a question from R. Spaide, C. Lewis advised the award of the grant got pushed back as they needed more engineering detail. In response to another question from R. Spaide, C. Lewis advised even though the leveling course is a temporary fix, it would not wash away since it includes approximately one half inch to one inch of paving. **John McMahon, 1996 Detweiler Road**, thanked the township for the patching work done on Detweiler Road. In response to a question from Mr. McMahon, C. Lewis advised there is currently no road work approved for Detweiler Road. Mr. McMahon noted there is no road work being done on Detweiler Road, yet Reading Site Contractors was doing work on Snyder Road. C. Lewis advised the contract was awarded back in the spring for road work on Snyder, Evans and West Moyer Roads. She explained the storm water issues on Detweiler Road need to be addressed prior to any road work being completed. Mr. McMahon reiterated that something needs to be done with Detweiler Road. T. Slinkerd advised the township prioritizes road work on an annual basis. C. Lewis advised Detweiler Road qualifies as a low volume road, and this is why the township has applied for a grant to complete work on this road.

CHIEF OF POLICE – Corporal Werner reported the department has hired a new officer who you met earlier this evening. He noted the new officer is in the third part of his filed training and after it is completed, he will be on his own. Corporal Werner reported there was a disturbance at a property on North Hanover Street with harassment charges being filed against two subjects, a motor vehicle accident in the 1400 block of Farmington Avenue which resulted in a DUI arrest, a report of a domestic assault by Chester County Hospital which resulted in an investigation and criminal domestic assault charges being filed, an investigation of a suspicious person riding a bicycle the wrong direction on Route 100 which resulted in the arrest of the operator for possession of a controlled substance, and a vehicle stop on Route 100 for speeding which resulted in the arrest of the driver for DUI. He further reported that on August 21st, the license plate reader notified patrol of a possible stolen vehicle traveling along Route 100, and the vehicle was confirmed stolen by Officer Millard who attempted to stop the stolen vehicle. He noted after a short pursuit, Chief Wheatley called off the pursuit. He further noted a short time later, Officer Millard located the stolen vehicle after it crashed on Farmington Avenue at Route 100, the suspect fled on foot and officers from surrounding jurisdictions assisted in the search for the suspect. The suspect was identified with information received from the passenger in the vehicle, the suspect was wanted on

armed robbery charges in Bridgeport, PA so Officer Millard filed criminal charges against the operator, and an arrest warrant was issued. He reported the suspect was arrested on August 23rd in Maryland, and the District Attorney's Officer is working on having the suspect extradited back to Montgomery County. Corporal Werner advised the new 2013 Dodge Charger was placed in service as a fully equipped patrol vehicle on September 11th, and noted it contains a new logo which will be used by the police department. In response to a question from T. Slinkerd, Corporal Werner advised he would have to defer to Chief Wheatley to confirm whether the additional report is from the new ALEIS system.

TOWNSHIP SOLICITOR – C. Garner explained there was a staff meeting held with the builder of the Sprigel's Run development. He explained they are building larger homes, therefore, there is more impervious coverage which will require a revised storm water management plan. He further explained he is working on an agreement with the builder to withhold building permits until the revised storm water management plan is submitted. He noted the revised storm water management plan will need to be submitted and approved by the Montgomery County Conservation District, the township engineer and the Board.

TOWNSHIP ENGINEERING AND BUILDING & ZONING – The report was included in the packet. There were no questions on the report. C. Lewis referenced the first comment under zoning issues on page 4, and explained the property owner is working on the required conditional use application with their attorney. She explained the township could consider issuing citations since the application has not yet been filed. However, she is recommending giving the property owner a deadline to complete the application. The Board agreed to have the zoning officer issue another letter giving the property owner a deadline to file the required conditional use application.

PLANNING LIAISON – E. Taylor advised there is nothing to report as the Planning Commission did not have a meeting in August.

OPEN SPACE AND RECREATION – R. Spaide reported Community Day will be held this coming Saturday, September 22nd at the Pottsgrove Middle School and noted additional volunteers are needed for clean up after the event. She also reported the Open Space and Recreation Board is working on the long range plan, and a public workshop is scheduled for September 27th from 5:00 to 7:00 pm. She noted there is also a survey on our website to gather feedback from residents on the long range plan. She encouraged residents to complete the survey and attend the public workshop to provide input on the long range plan for open space. **Dennis Elliott, 576 Evans Road**, presented a plan which includes current trails and proposed trails. D. Elliott also reported the plan and costs for the veteran's memorial have been submitted to the Pottstown Elks as we are trying to piggyback on their 501.C3 prior to soliciting funds. He noted Senator Mensch has agreed the proposed veteran's memorial is a worthy and good cause. C. Lewis noted Montgomery County Planning Commission has awarded the Open Space and Recreation Board with the Planning Advocacy Award for their efforts in completing the items in the township's open space plan.

SEWER AND WATER – John Bealer reported the Sewer and Water Committee met on September 4th where they discussed another issue with a pump at Regal Oaks pump station on Boxwood Court. He explained pump 2 failed, and it will cost \$15,430.00 to repair and rebuild the pump which is significantly less than the cost to replace the pump. He noted J. Bean has solicited phone bids, and the Committee authorized the work to be completed as there is money in the maintenance line item of the sewer budget. He further explained the repair and rebuild will take 4-6

weeks to complete. He also noted the pumps have been in service since 2010 and a lot of grit is getting in the pumps. He further reported the committee reviewed a request for an EDU from the property owner at 709 Evans Road and recommended the township grant the EDU. C. Garner suggested the township obtain consent from the neighboring municipality where the property is located. J. Bealer explained there was a catastrophic failure at the pump station in Regal Oaks located on Hollyberry Court on September 11th, and an old pump was installed. He noted the township may need to upgrade the pump in the future, but not at this time. In response to a question from T. Slinkerd, C. Lewis explained the Regal Oaks Phase Two sewer project will require an upgrade to the Hollyberry Court pump station. He advised the Committee has asked for a quote for an annual inspection and maintenance program on our pump stations. He advised the joint sewer meeting was held on September 13th. He reported the flows for the month doubled due to all the rain. He further reported construction work is proceeding on the sludge dryer. He noted the Borough of Pottstown will no longer accept cash for sewer payments starting in January 2019, and we will be receiving a proposed budget from the Borough for 2019 in the near future. **Keith Kehl, 1941 Gilbertsville Road**, noted the pumps in Regal Oaks are older than 2010 as they were used pumps that were installed.

FIRE AND AMBULANCE – The fire and ambulance reports were included in the packet. George Harmansky reported there are operational changes being made with the appointment of the new fire chief. He noted the Fire Chief is making operational assignments, and he will provide an update when available. He further reported the traffic unit has been out of service since Saturday, but it is his understanding the vehicle is back in service as of today. In response to a question from **Deb Bingham, 1998 Detweiler Road**, G. Harmansky advised T.J. Wojton, who was Deputy Chief, is the new Fire Chief. In response to a question from F. Krazalkovich, G. Harmansky was unable to confirm whether the fire company switched to a new system for their reports.

OLD BUSINESS

CONSIDER SCHOOL RESOURCE OFFICER CONTRACT FOR SCHOOL YEARS 2018-2021 – C. Lewis advised the SRO contract has been approved by the school district. In response to a question from T. Slinkerd, C. Lewis explained the school district reimburses 75 percent of the school resource officer's salary. In response to another question from T. Slinkerd, C. Lewis advised the school district only reimburses for a replacement officer if we send one which we typically do. C. Garner explained the reimbursement includes salary and benefits. Motion by F. Krazalkovich, second by R. Spaide and unanimously carried to approve and authorize execution of the school resource officer contract for years 2018-2021.

CONSIDER RESOLUION FOR PARRC COORDINATOR – C. Lewis explained the consideration is for continuing support in the Pottstown Area Regional Recreation Coordinator (PARRC) program. She explained the area previously received a grant from the Department of Conservation and National Resources to cover the salary. In response to a question from F. Krazalkovich, C. Lewis explained we paid \$5,000 in year five as only half was covered by the grant. C. Lewis explained the Pottstown Area Health and Wellness Foundation is going to cover 45 percent of the salary. In response to a question from T. Slinkerd, C. Lewis explained some of the benefits include grant writing, certified playground inspections and coordination of regional activities. In response to another question from T. Slinkerd, C. Lewis explained we did not receive any grants as we have not had any projects. She further explained there will be projects in the future once the long range plan for open space is completed. In response to another question from

T. Slinkerd, C. Lewis explained the township is locked in for five (5) years. She referenced number 2 on page 2 where it states this is a binding commitment. R. Spaide explained the Regional Recreation Coordinator has assisted with the long range plans for open space, has attended all of our open space and recreation meetings and will be assisting with the public workshop for the open space plan update. In response to a question from T. Slinkerd, C. Lewis advised the Open Space and Recreation Board voted in favor of continuing the program. In response to a question from E. Taylor, F. Krazalkovich explained the costs would be higher if all eight (8) municipalities participate as this would require the hiring of an additional part-time recreation coordinator. Motion by E. Taylor, second by R. Spaide and unanimously carried to approve the resolution in support of participation in the Pottstown Regional Recreation Coordinator (PARRC) program. In response to a question from F. Krazalkovich, C. Lewis clarified they are asking for our approval in advance as the current program doesn't expire until 2019. In response to a question from M. Schreiber, C. Lewis explained the PARRC committee does the actual hiring but the Pottstown Area Health and Wellness Foundation completed the leg work. In response to another question from M. Schreiber, C. Lewis advised the PARRC committee oversees the position, but we could speak with the coordinator directly if we have any problems. In response to a question from T. Slinkerd, C. Lewis advised the funding comes from the open space unrestricted funds.

CONSIDER AWARD OF SALT SHED – C. Lewis explained the following design bids were received: Penn State Construction in the amount of \$76,655.00 and Dutchman Contracting, LLC in the amount of \$156,583.00. She further explained when she called the contractors to inquire why the bids were so high, they explained it was due to the increased material costs and the fact the project had to be completed before December. In response to a question from T. Slinkerd, J. Alessi advised we are on borrowed time for the current salt shed. C. Lewis explained we could tarp the current shed for the winter and bid it again in the spring time with a longer lead time for completion. C. Garner explained there was a bid from last month which needs action along with the current design bids from this month. He further explained they should be separate motions. Motion by M. Schreiber, second by F. Krazalkovich and unanimously carried to reject last month's bid from Penn State Construction in the amount of \$76,655.00. In response to a question from **John McMahon, 1996 Detweiler Road**, T. Slinkerd advised the material for the shed was wood. C. Lewis explained this bid was a design bid which included mostly wood material, but the last bid was for steel and wood materials. In response to a question from M. Schreiber, C. Lewis advised the current bids are good for 60 days.

CONSIDER CHANGES TO CHAPTER 200, GRASS, WEEDS & OTHER VEGETATION – C. Garner advised last month he had provided for discussion some draft language to amend Chapter 200 relating to grass, weeds and other vegetation. He further advised, as a result of that discussion, the Board requested the language be placed in proper ordinance form reflecting the changes to that chapter. He noted the draft ordinance is in front of you, and he provided a brief explanation of the proposed ordinance. He explained Section 1 of the proposed ordinance contains the legislative intent and purpose and provides authorization that you are enacting the ordinance under the First Class Township Code. Next, he explained Section 2, Section 200-1 of the Code, contains changes in the definition section where we added definitions for tress and right-of-way. Next, he explained Section 3, Section 200-2 of the Code, there was no changes to paragraph one but we added the entire second paragraph which requires folks to maintain trees and shrubs within the right-of-way and provides minimum clearing for overhanging trees and shrubs. Finally, he explained Section 4, Section 200-3 of the Code, added references to trees and shrubs as part of the notification. C. Garner explained the proposed ordinance covers the matters discussed at the last meeting. He

noted the next step would be to authorize advertisement for adoption at the next regular meeting if the Board so desires. In response to a question from T. Slinkerd, C. Garner explained there was nothing in the current ordinance to provide enforcement, but the proposed ordinance now contains provisions for enforcement and a penalty for violation. In response to a question from E. Taylor, C. Garner explained the requirement to cut grass with exceptions has not changed. In response to another question from E. Taylor, C. Garner explained the township could now require folks to cut down dead trees under the proposed ordinance. In response to a question from R. Spaide, C. Garner explained that any reasonable enforcement activity would be based upon weather conditions. C. Garner further explained he is not aware the Code Enforcement Officer, the Zoning Officer or any other enforcement authority has used our ordinance to penalize or cause problems for folks who are trying to comply. He noted if there are unusual situations, he would hope that anyone would use appropriate discretion in enforcing the ordinance. In response to a question from F. Krazalkovich, C. Garner advised it is the responsibility of the Code Enforcement Officer to enforce the ordinance based upon a complaint or a safety issue. He noted the reason for the ordinance is to prevent a health and safety issue. In response to another question from F. Krazalkovich, C. Garner explained the proposed ordinance does not contain a penalty for violation as this is already included in Chapter 200 of the code. In response to another question from F. Krazalkovich, C. Garner explained the proposed ordinance does not allow the township to cut down the tree and bill the property owner for the expense. E. Taylor expressed concern the proposed ordinance says you have to mow everything with the only exception being those listed and questioned whether we could add an exception for existing woodlands. C. Garner advised we could include a definition for woodlands and add an exception for woodlands, but noted woodlands is a controversial topic. **Deb Bingham, 1998 Detweiler Road**, noted there are wires and a big tree down on Schwenk Road and a tree down on Snyder Road just before Detweiler Road and questioned whose responsibility it is to clear them. C. Lewis advised it is up to the property owner to remove the tree. **Deb Bingham** questioned if it is still the property owner's responsibility if it is in the right-of-way. C. Lewis explained the Township will not enforce it unless it's a health or safety issue. C. Lewis advised she is not sure if anything can be done under the Property Maintenance Code relating to the issue, but noted if Mrs. Bingham would like to file a citizen's request, we could have it investigated. C. Garner explained the township always has the ability to regulate its right-of-ways and to remove those trees if it desires; however, there is a cost and expense involved which the township may not want to incur. He noted if the Board of Commissioners wishes to regulate what Mrs. Bingham is referring to, it may require changes or additional ordinances to do that. He further noted the proposed ordinance being discussed deals with visual obstructions in regard to standing trees not trees that have fallen down. The Board agreed to have the solicitor provide some additional language relating to woodlands along with a definition for woodlands for discussion at a future meeting.

FIRE PROTECTION – Company Fire Chief Status – F. Krazalkovich reported T. J. Wojton was appointed Fire Chief, and he will appoint operational structure in the near future.

Consider By-Law Changes for Fire Company – F. Krazalkovich reported the fire company passed by-law changes, and the Fire Committee also approved the by-laws changes. He explained the changes include aligning the by-laws with the Memorandum of Understanding, and making the term of the President of the Fire Company two years. The changes also make it so that the administrative officers of the fire company and the operation officers will have their elections in different years. G. Harmansky explained this is important so there is not a complete change in all administrative and operational officers at the same time. Motion by F. Krazalkovich, second by R. Spaide and unanimously carried to approve the changes to the by-laws for the fire company.

F. Krazalkovich noted the administration and operational officers will have their elections every two years. In response to a question from R. Spaide, F. Krazalkovich advised the fire chief was appointed to fill the unexpired term until the next election in November 2018.

CONSIDER APPOINTMENT OF DAVE WALDT TO FIRE COMMITTEE – Motion by M. Schreiber, second by F. Krazalkovich and unanimously carried to appoint Dave Waldt to fill the Commissioner appointed position on the Fire Committee. M. Schreiber suggested in the future when these positions become available and applications are submitted, the applications be forwarded to the Fire Company so they can consider an appointment as this could have been an appointment for the at-large resident position. F. Krazalkovich requested the motion be revised to clarify this appointment is the commissioner appointed position with no specific term for the appointment. M. Schreiber did not agree to amend the motion as he believes it is unspoken there is no term attached to the appointment.

CONSIDER LEVELING COURSE FOR DETWEILER ROAD – C. Lewis reiterated what she had reported under the public works report concerning the recommendation to do a leveling course on Detweiler Road until we are able to complete the storm water work. She explained the amount of the project did come in under the bidding threshold, three quotes were received, and there is money in the budget for this work. She further explained since this road was not discussed as part of the road work for 2018, C. Garner recommended it be approved by the Board. Motion by F. Krazalkovich, second by R. Spaide and unanimously carried to authorize Reading Site Contractors to complete a leveling course on Detweiler Road at a cost not to exceed \$20,000.00.

NEW BUSINESS

DISCUSS FIRE PROTECTION ORDINANCE CHANGE (CHAPTER 23) – F. Krazalkovich explained we are replacing Chapter 23 with an entirely new chapter. He noted every month the Board goes through the exercise of approving fire company activities which is done to make sure everyone is covered. He further explained the new ordinance lays out a lot of those activities so the Board will not have to approve them every month. F. Krazalkovich reviewed the different sections of the proposed ordinance. Section 23-1 lays out the legislative intent and purpose which is essentially the Board's duty to provide fire protection. Section 23-2 is the authority section which gives everyone the ability to fight fires, perform rescue and emergency medical duties and activities, provide County-wide mutual aid, participate in parades, meetings and municipal functions of the type customarily attended and participated in by volunteer fire company members and provide traffic and crowd control at emergency and municipal activities. It also grants further authorization to solicit community support, enlist new members and conduct fundraising activities. It also provides requirements that such authority to solicit funds shall specifically not include activities or conduct engaged in by firefighters and fire police in support of furtherance of private functions or activities not related to or associated with municipal or civil activities, including, but not limited to, weddings, commercial activities or solicitation of contributions on the roadway. It also prohibits any participation in a function or activity while under the influence of drugs or alcohol. It vests the Township Manager with the discretion to extend worker's compensation benefits to members of the fire company. Section 23-3 is a new section which states appropriations may be made by the Board of Commissioners to any fire or emergency service provider as the Board of Commissioners may seem fit. Please note this section also designates Upper Pottsgrove Fire Company #1, Station 79, as the primary fire and emergency service provider for the township. Section 23-3 requires any fire or emergency service provider, regardless of how designated in this

chapter, receiving funding from the township to enter into a written agreement with the township. Finally, Section 23-3 also states that failure to provide any required reporting documentation, failure to comply with applicable National Fire Protection Association (NFPA) operational standards, or failure to otherwise cooperate with the Board of Commissioners, may result in the township exercising its unilateral right to discontinue funding. Section 23-4 grants the Board of Commissioners the right and entitlement to revise, modify or adjust any designation or authorization by future ordinance of Upper Pottsgrove Township. F. Krazalkovich explained a lot of the language was pulled from neighboring municipalities such as New Hanover, Limerick and Upper Providence. He further explained he realizes this needs to be put in a different form by the solicitor but wanted to bring forth to the Board of Commissioners and open it up for discussion. In response to a question from E. Taylor, C. Garner explained the proposed changes are similar to what is already provided for under the First Class Township Code but provides for it in greater detail. Motion by F. Krazalkovich and second by R. Spaide to authorize the township solicitor to prepare the changes in ordinance form. M. Schreiber suggested sending the language to the Fire Committee first in case they would have any recommended changes. C. Garner noted Section 23-4 should say Ordinance, not Resolution. In response to a question from E. Taylor, C. Garner explained there are no significant changes. G. Harmansky also suggested waiting to have the language put in order form until the Fire Committee has had a chance to review it. F. Krazalkovich and R. Spaide rescinded their motion. In response to a question from M. Schreiber, F. Krazalkovich advised the language does not prohibit a boot drive, but the firefighters or fire police would not be covered under worker's compensation for such activity. **John McMahon, 1996 Detweiler Road**, expressed concern the township is not going to allow the fire company to solicit funds on the roadway. **Keith Kachel, 1407 Farmington Avenue**, noted there is already a State law that prohibits pan handling.

OTHER PUBLIC COMMENT

Keith Kehl, 1941 Gilbertsville Road, expressed concern there was no pipe installed when Pascal's driveway was initially completed, then one pipe was installed, and now all the water comes down and washes out Grandy Road. He suggested the township require Pascals to re-engineer their driveway. He requested the township resolve the issues with water runoff on Grandy Road.

Patricia Shepperd, 2333 Ming Drive, requested the township investigate and address the drainage issue in the roadway at the bus stop at Ming Drive and Moyer Road. She noted there are puddles from one corner to the other, and the children cannot even stand at the bus stop.

Jim Capinski, 1958 Yarnall Road, referenced the township's 1972 Comprehensive Plan which took 15 months to complete, and noted it talks about all the roads in the township. He noted there are many references in the Comprehensive Plan to Highview Lane and Coolidge Street. He reported there are \$160,167.98 to date in attorney fees for the lawsuit regarding Highview Lane with the township paying \$72,461.43. He also noted there is another bill in the amount of \$2,761.50 from Siana Bellwoar on the bill list which was approved earlier in the meeting. He explained the township offered to meet with a mediator which is simply just getting the opinion of another attorney, it is not binding and if no one agrees, you still go on with the lawsuit. He noted he is not going to agree to walk away, and the township is not going to agree to walk away so he refused to meet with the mediator. He further noted he refused to meet with the mediator as he did not want to spend his money or the taxpayers of Upper Pottsgrove to spend their money to listen to another attorney give their opinion. He explained his attorney has now scheduled a settlement

conference for October 2nd before a judge in the Court of Common Pleas of Montgomery County. He further explained this will now be the sixth judge on a case for a 400 foot road that could have been settled for \$5,700.00 back in 2007. He advised he is not sure how much more money the township is willing to spend, but noted he and his wife are not going anywhere.

COMMISSIONER COMMENTS

F. Krazalkovich reminded everyone it is the 231st anniversary of the signing of the United States Constitution.

EXECUTIVE SESSION – The Board adjourned into Executive Session at 9:10 p.m. to discuss personnel and litigation with no action to be taken. They reconvened at 9:58 p.m.

ADJOURNMENT – Motion by M. Schreiber, second F. Krazalkovich and unanimously carried to adjourn the meeting at 9:59 p.m.

Respectfully submitted,

Michelle L. Reddick, Township Secretary