

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

**November 19, 2018**

The regular meeting of the Upper Pottsgrove Township Board of Commissioners was held on Monday, November 19, 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, Public Works Director Justin Bean, Township Manager Carol R. Lewis & Township Secretary Michelle Reddick.

**MOMENT OF SILENCE** – The Commissioners requested a moment of silence in honor of the men and women who have served or are currently serving our country in the armed forces.

**PLEDGE OF ALLEGIANCE** – Those assembled pledged allegiance to the flag.

**PUBLIC COMMENT** – There was no public comment.

**PRESENTATION OF BUILDING REPORT FROM ALLOY 5** – T. Slinkerd explained representatives from Alloy 5 will provide a brief explanation of the report and answer general questions, and the Board will further review the report at the December 3<sup>rd</sup> work session meeting. Randy Galiotto, Danielle DiLeone and Joe Balsamo were present to represent Alloy 5. Mr. Galiotto explained representatives from their company have been working with Township staff to evaluate existing facilities and have compiled the draft report of the study. He advised they will return on December 3<sup>rd</sup> to further review the draft study. Mr. Galiotto identified members of the team from Alloy 5 who were involved with the study which included mechanical, electrical, plumbing and structural engineers. He provided a brief introduction to the report, and noted it is easy to follow and read. He explained the draft study contains four (4) sections which include evaluation of administration and fire building, evaluation of public works and police building, a cost analysis and then the authors' credentials. At the request of the Board, Mr. Galiotto agreed to include a separate spreadsheet identifying costs in the final study. In response to a question from E. Taylor, R. Galiotto explained there is no recommendation for additional space in administration but rather building a secure file room in the current space. T. Slinkerd requested the Commissioners send any detailed questions they might have to Carol Lewis.

**APPROVAL OF MINUTES** – Motion by R. Spaide, second by F. Krazalkovich and unanimously carried to approve the minutes of October 15, 2018 with the correction of Mr. to Mrs. under the Open Space and Recreation report. Motion by R. Krazalkovich, second by R. Spaide and unanimously carried to approve the minutes of November 5, 2018 to include under Commissioners comments the comment made by Commissioner Schreiber's regarding engine 3 being out of service. Motion by F. Krazalkovich, second by R. Spaide and unanimously carried to approve the minutes of November 12, 2018 as written.

**BILL LIST** – Motion by R. Spaide, second by E. Taylor and unanimously carried to approve the Bill List in the amount of \$193,167.56 with the one change to include charging the invoice for emergency lighting for fire company to General Fund instead of Fire Fund. In response to a

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question from M. Schreiber, C. Lewis explained the Township pays for the tax collector convention as the tax collector is required to have continuing education each year. In response to another question from M. Schreiber, C. Lewis explained Officer Gauger is entitled to fitness reimbursement for 2018. In response to a final question from M. Schreiber, C. Lewis explained the transfers are not included on the Bill List as they were authorized by the Board at a previous meeting and are not an actual bill or invoice.

**MANAGER’S REPORT** – C. Lewis noted her report was included in the packet. She reported First Energy is utilizing the Hillside Aquatic property as a staging area for their project of upgrading the lines between Boyertown and Pottstown. She further reported she is having Linda Coleman contact First Energy about getting an agreement with them for restoration of the property to its original condition once the project is completed. She also noted the company assisting First Energy with tree trimming may assist the Township with removal of the large ash tree on Snyder Road. In response to a question from M. Schreiber, C. Lewis noted Commissioners Slinkerd and Krazalkovich met with Senator Mensch and representatives from his office to discuss economic development in the Township and determine if there is any assistance from the State to make the area along Commerce Drive more suitable for economic development. F. Krazalkovich noted the first step is to develop a marketing plan, and advised the site is suitable for a distribution center. He explained the purpose of the meeting was to see if there was anything the State could do to assist us with economic development in this area. In response to another question from M. Schreiber, F. Krazalkovich explained they met with representatives from Paramount Realty regarding a proposal to develop the area between State Street and Route 100, but the project fell through. D. Elliott, 576 Evans Road, suggested contacting the School District to see if they would forgive taxes in order to develop this area as commercial. F. Krazalkovich explained the steps would include identifying all owners in the area, accessing their desire to sell, marketing the site and then dealing with the infrastructure needs.

**CHIEF OF POLICE** – The Chief noted his report was included in the packet. He reported the department may have a viable candidate to replace the part-time officer who resigned. He noted the candidate has the experience the department needs and is familiar with the new County system. He further reported there was a lot of training during the month in the police department. He reported there was an incident at the Middle School and some vehicle thefts. He reported community police efforts for the month included working with Pottstown for the Halloween parade and two (2) officers participated in handing out candy in the community on Halloween. He noted the police department and public works received positive feedback from the School District regarding the efforts during the recent snowstorm. He also noted the bus company did a great job communicating with the Township during this snowstorm. He complimented Justin Bean on how he was able to maneuver the plow truck around a bus on Yarnall Road, so the bus was able to make it up the hill. F. Krazalkovich thanked Chief Wheatley, Carol Lewis and Justin Bean for their constant communication during the snowstorm. C. Lewis reported a letter was received from D and D Collision thanking the Township for their efforts during the snowstorm.

**PUBLIC WORKS** – C. Lewis noted the report was included in the packet. She noted the department handled issues related to storms, sewer and road repairs. She noted smoke testing in Regal Oaks will take place next month and trail work will be completed in the spring.

**TOWNSHIP SOLICITOR** – C. Garner noted the items he has will be discussed under old and new business. He reported a meeting with representatives from Comcast will be held concerning the cable franchise agreement. He noted the current agreement expires in the spring, and he suggested the Commissioners forward him any comments or concerns they may have. In response to a question from E. Taylor, C. Garner advised the township does get money from Verizon for cable franchise fees. In response to a question and a concern from M. Schreiber, C. Garner explained if the numbers are accurate, the Township pays for the audit.

**TOWNSHIP ENGINEERING AND BUILDING & ZONING** – C. Lewis noted the reports were included in the packet. She reported Zoning Officer Paul Labe is requiring a conditional use for the repair facility at 1393 Farmington Avenue. She further reported the property owner is claiming the repair facility has always been there so a conditional use is not required. She advised the property owner's attorney is supposed to be providing P. Labe with additional information regarding this matter.

**PLANNING** – E. Taylor noted there is nothing to report as there was no meeting this month.

**OPEN SPACE AND RECREATION** – R. Spaide reported the survey results are completed and work on the Open Space Plan update is continuing. D. Elliott reported the Open Space and Recreation Board received the Montgomery County Planning Advocate Award. He further reported the he, along with Michelle Reddick, Herb Miller and Michael Lane, attended the awards ceremony. He complimented Michelle Reddick for a job well done on accepting the award and giving an acceptance speech. M. Schreiber reported he attended a committee meeting prior to the School Board meeting where Michael Lane requested an easement for a bike lane. He further reported members present at the meeting noted there has not been a formal presentation regarding the bike lane.

**SEWER AND WATER** – J. Bealer reported the Sewer and Water Committee meeting was held on November 6<sup>th</sup>. He reported the average daily flow for the month of September was 533,060 gallons per day which equals 87 percent of our purchased capacity. He reported the rebuilt pump #2 in the Boxwood Court pump station was returned and installed, and pump #2 in the Hollyberry Pump station was returned to service. He reported our wastewater engineer is continuing to monitor the infrastructure installation and testing of the sanitary sewer and stormwater control systems in the two ongoing housing developments of Sprogel's Run and Crossroads. He reported efforts are ongoing to reduce inflow and infiltration into our transport systems, and several manholes were identified with some groundwater leaks; therefore, public works will perform smoke testing of the pipelines before scheduling maintenance repairs. He reported we have received a proposal for annual inspections to be performed at our four (4)

pump stations from M and S Services, and the Committee is recommending acceptance and execution of the contract. He noted there is money included in the budget for this annual maintenance work which would begin in 2019. He reported the Committee reviewed a request for public sewer from a property owner on Gilbertsville Road who has a failing system. He reported there is enough money to include the seven (7) homes on Gilbertsville Road in the current Regal Oaks Phase IIA project, and this area is identified in the current Act 537 Plan. He reported a special meeting for property owners in Regal Oaks concerning the upcoming project was also held on November 6<sup>th</sup>. He explained the purpose of the meeting was to provide information to those individuals impacted by the planned public sanitary sewer service project which is identified as Regal Oaks Phase IIA. He reported construction is contemplated to begin spring of 2019, and the project includes connecting 26 of the total 56 properties needing public collection service in the Regal Oaks development. He reported the joint sewer meeting was held on November 15h. He reported expenditures compared to projected budget are on target for year to date. He reported the sludge dryer upgrade is proceeding on schedule, all equipment components are on site at the treatment plant, and startup is expected in January 2019. He reported the Department of Environmental Protection is closely monitoring all operations at the treatment plan, and Pottstown Borough along with all three Pottsgrove Townships are compiling information related to our ongoing efforts to identify and control inflow and infiltration in the collection system. He reported our meter readings for Poplar Street appear higher than is physically possible. He reported we suspect the issue is a sage in the piping downstream in Pottstown, and the Borough has agreed to investigate this possibility. He reported meetings are continuing between the Borough and Lower Pottsgrove on an updated Sewer Service Agreement. He provided a community service announcement concerning the bridge under repair on Old Reading Pike. He reported the project was originally scheduled for completion and opening this week but got delayed until late spring 2019 due to additional repairs needed on abutment support beneath the roadway deck. **Keith Kehl, 1941 Gilbertsville Road**, expressed concern that stormwater seeping out of the basin at Sprogel's Run and onto W. Moyer Road. In response to a question from M. Schreiber, M. Reddick advised that approximately 12 residents of Regal Oaks showed up at the special meeting.

**FIRE AND AMBULANCE** – G. Harmansky noted reports were included in the packet. He reported the Santa run will be held December 22<sup>nd</sup>. He reported engine 79-3 is back in service. He reported they had a power outage, the backup system failed as the battery was dead, and Interstate Battery replaced the battery free of charge. He reported there was no election for operations due to fact there is only one qualified applicant for fire police captain. He reported the Fire Committee meeting was canceled due to weather, and the next meeting will be December 13<sup>th</sup>. In response to a question from M. Schreiber, G. Harmansky advised it is his understanding the current officers stay in place until the next election.

**OLD BUSINESS**

**CONSIDER CHANGES TO CHAPTER 200, GRASS, WEEDS AND OTHER**

**VEGETATION** – T. Slinkerd advised the proposed Ordinance has been properly advertised and a motion can be made to adopt the Ordinance. In response to a suggestion by M. Schreiber, C. Garner noted he is okay with the current language of streets and roads. Motion by E. Taylor, second by R. Spaide, and unanimously carried to adopt the Ordinance amending Chapter 200, grass, weeds and other vegetation, to require the removal of trees and shrubs within the right-of-way of all streets and roadways.

**CONSIDER 2019 BUDGET FOR PUBLIC REVIEW** – T. Slinkerd noted the last page of the

General Fund budget was reprinted to correct the Sewer Fund transfer and the operating fund reserve. He noted the Sewer Fund was also corrected as there was a formula mistake. He reported that F. Krazalkovich and G. Harmansky met to review the Fire Fund budget. G. Harmansky noted he agrees with including money in the budget for future repairs and hose testing along with replacement of air packs. M. Schreiber suggested separating out repairs such as truck repairs and other items such as hose testing and vehicle repairs. M. Schreiber expressed concern that telephones are now being included in the Fire Fund budget. He referenced the MOU, and noted it defines utilities as being paid by the Township. In response to a question from T. Slinkerd, C. Lewis explained telephones had previously come out of the General Fund budget. T. Slinkerd noted the balance in General Fund is being used to cover expenses. F. Krazalkovich noted there is \$612,000 in the operating fund reserve. In response to questions from E. Taylor, C. Lewis confirmed sewer user fees have increased by approximately \$17,000, and sewer fund expenses are level. Motion by F. Krazalkovich, second by R. Spaide and unanimously carried to advertise and make available for public inspection the 2019 budget with projected revenues of \$3,177,226.07 and expenses of \$3,410,281.93. In response to a question from M. Schreiber, C. Garner explained you can adjust line items in the budget once it is advertised, but the adjustments cannot exceed ten percent.

**DISCUSS FIRE PROTECTION ORDINANCE CHANGE** – F. Krazalkovich provided a brief

summary and noted the concern regarding fundraising activities has been addressed. A motion by F. Krazalkovich to authorize Township staff to advertise the Fire Protection Ordinance. The motion died for lack of a second. M. Schreiber advised he is not in favor in advertising the proposed Ordinance since it was just provided to the Board. He further advised he believes it should be reviewed by the Fire Committee prior to advertisement. In response to a question from R. Spaide, F. Krazalkovich explained the proposed Ordinance would not be adopted until January 2019 if we wait until December to advertise, and he was hoping to have this resolved by the end of the year. In response to a question from E. Taylor, F. Krazalkovich advised boot drives are no longer prohibited. In response to a question from T. Slinkerd, C. Garner advised only minor changes could be made to the Ordinance once advertised. He noted if there were substantive changes, it would need to be re-advertised prior to adoption. In response to a question from E. Taylor,

F. Krazalkovich advised the proposed Ordinance provides more detail than what we have currently. M. Schreiber expressed concern there are several times throughout the proposed Ordinance where firefighters and fire police are separated. F. Krazalkovich noted it is important to detail out there is a difference in the command of fire police and firefighters. M. Schreiber reiterated he would like the Fire Committee to review the Ordinance before it is advertised and expressed concern the Fire Committee meetings were canceled. F. Krazalkovich noted the Fire Committee meeting on November 8<sup>th</sup> was canceled as a courtesy to the Fire Company, and then a weather event canceled the meeting on November 15h. T. Slinkerd suggested allowing Board members time to digest the Ordinance and consider authorizing advertisement at the work session meeting. F. Krazalkovich noted he motioned to advertise so the Ordinance could be adopted prior to the end of the year and didn't think we wanted to make decisions at a work session meeting.

**NEW BUSINESS**

**CONSIDER RESIGNATION OF TOWNSHIP MANAGER** – Motion by F. Krazalkovich, second by R. Spaide and unanimously carried to accept the resignation of Township Manager Carol R. Lewis effective December 8, 2018.

**CONSIDER APPOINTMENT OF CHIEF FRANCIS WHEATLEY AS ACTING TOWNSHIP MANAGER AND MICHELLE REDDICK AS FINANCE & ADMINISTRATION LEAD** - Motion by F. Krazalkovich and second by R. Spaide to appoint Chief Francis Wheatley as Acting Township Manager and Michelle Reddick as Finance and Administration Lead effective November 27, 2018. Aye votes: Krazalkovich, Spaide, Slinkerd and Taylor. Nay vote: Schreiber. Motion carries. In response to a question from E. Taylor, C. Garner advised there would not be any issues with overlapping of authority with Chief Wheatley as Acting Township Manger. In response to a question from M. Schreiber, Chief Wheatley explained only when it comes to grievances would it pass to the Township Manager, and then he would defer to the Board of Commissioners. In response to a question from **J. Bealer, 1521 Farmington Avenue**, T. Slinkerd advised the duties and job description for the finance and administration lead are being developed. In response to a question from **Evan Brant**, T. Slinkerd advised a change in salary was not part of the current motion. A motion by M. Schreiber to advertise for a new township manager. The motion died for lack of a second.

**CONSIDER ESCROW RELEASE #4 FOR CROSSROADS** – Motion by F. Krazalkovich, second by R. Spaide and unanimously carried to approve the escrow release #4 for Crossroads in the amount of \$124,058.47 subject to payment of any outstanding inspection and legal fees and subject to confirmation from Aqua hat all public water line facilities are completed. M. Reddick reported payment was received today for all outstanding inspection and legal fees. In response to a question from M. Schreiber, C. Lewis advised there is \$413,675.70 left in the construction escrow which is held as a Letter of Credit.

**CONSIDER APPROVAL OF PROJECTS BY GREEN AILES FOR PROUT FARM AND SUSSELL PARK**

– C. Lewis reported Green Ailes is proposing a nonprofit CSA farm project for Prout Farm Park and a riparian buffer and aquatic education center for Sussell Park. She further reported these projects will be at no cost to the Township and are being funded through grants and contributions. She noted the proposed projects were reviewed by the Open Space and Recreation Board, and they recommended approval. Motion by R. Spaide, second by M. Schreiber and unanimously carried to approve the nonprofit CSA farm project for Prout Farm Park and the riparian buffer and aquatic education center project for Sussell Park proposed by Green Ailes. E. Taylor expressed his excitement for the nonprofit CSA farm project as they will be growing food which will be used locally possibly by some of our own residents.

**DISCUSS REMOVAL OF ASH TREES IN THE OPEN SPACE AND ALTHOUSE**

**ARBORETUM** – C. Lewis explained Green Ailes has obtained a contract with a company to remove ash trees at the Althouse Arboretum and in other open space areas. She noted this matter was reviewed by the Open Space and Recreation Board, and they recommended approval subject to revising the logging contract to include restoration of any open space areas. Motion by R. Spaide, second by T. Slinkerd and unanimously carried to approval removal of ash trees at the Althouse Arboretum and in other open space areas subject to revising the logging contract to include restoration of any open space areas. In response to a question from **Dennis Elliott, 576 Evans Road**, C. Lewis advised if there are residents interested in taking down ash trees, they would need to contact the Township and sign a waiver before proceeding. F. Krazaklovich expressed concern that the Township would allow residents to remove ash trees.

**DISCUSS ORDINANCE FIXING THE TAX MILLAGE RATE FOR 2019 AT 4.0 MILLS**

– Motion by F. Krazalkovich, second by R. Spaide and unanimously carried to authorize advertisement of tax millage ordinance fixing the 2019 tax rates at 3.4 mills for General Fund and .6 mills for Fire Fund.

**OTHER PUBLIC COMMNETS**

**James Capinski, 1958 Yarnall Road**, noted there was another \$4,071 paid to Siana, Bellwoar and McAndrew attorneys making the total attorney’s fees to date over \$170,000 with the Township paying over \$80,000. He further noted there has been over \$38,000 spent since the Judge ordered a new trial.

**Keith Kehl, 1941 Gilbertsville Road**, expressed concern regarding issues with Grandy Road. C. Lewis advised a small retention basin as 1714 Gilbertsville Road will be required, and the engineer is working with the property owner regarding this matter. In response to another concern expressed by Mr. Kehl, C. Lewis explained there were no driveway pipes required as part of the plan approval for this property.

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**John Bealer, 1521 Farmington Avenue**, noted he saw the police department in action during the snowstorm where an officer pushed a car up the hill and wanted to commend the police department as well as the public works department for a job well done.

**COMMISSIONER COMMENTS**

**Commissioner Schreiber** congratulated the Pottsgrove High School football team for winning districts. He also thanked Carol Lewis for her service to the Township and wished her well.

**Commissioner Spaide** expressed appreciation to Carol Lewis for the work she has done in the Township and wished her well.

**Commissioner Taylor** thanked Carol Lewis for her service to the Township and for saving the Township lots of money during her tenure.

**Commissioner Krazalkovich** thanked Carol Lewis for her service and wished her good luck in her new position.

**Commissioner Krazalkovich** requested the Board discuss the makeup of the Fire Service Committee at the next work session meeting. T. Slinkerd agreed this matter would be placed on the December 3<sup>rd</sup> work session agenda along with the Alloy 5 discussion and the Fire Protection Ordinance. T. Slinkerd reiterated Board members should gather their questions on the building study for that meeting.

F. Krazalkovich noted the MOU outlines the makeup of the Fire Service Committee and suggested the MOU be revised to eliminate redundant language which will be covered under the new Fire Protection Ordinance.

**Commissioner Slinkerd** thanked Carol for her service, and noted she always greeted him and residents with a smile. He wished her well in her new endeavors.

**EXECUTIVE SESSION** – There was no Executive Session needed.

**ADJOURNMENT** – Motion by M. Schreiber, second by R. Spaide and unanimously carried to adjourn the meeting at 9:00 pm.

Respectfully submitted,

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Michelle L. Reddick, Township Secretary