

The regular meeting of the Upper Pottsgrove Township Board of Commissioners was held on Monday, September 16, 2019, 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 Manager Michelle Reddick, Solicitor Charles D. Garner, Jr., Acting Chief of Police Corporal Albert Werner, Public Works Director Justin Bean and Secretary Jeannie DiSante.

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.

CONSIDER APPOINTMENT OF POLICE CHIEF & AUTHORIZATION TO EXECUTE EMPLOYMENT AGREEMENT - T. Slinkerd announced the appointment of a new Police Chief and execution of the employment agreement. Motion by F. Krazalkovich, seconded by R. Spaide to authorize the execution of the employment agreement and appoint Captain James H. Fisher as Upper Pottsgrove Township's Police Chief. There was a question as to whether the Non-Competitive Civil Service Exam was taken and Civil Service Commission notified. F. Krazalkovich said Mr. Fisher was given a Civil Service examination. A notice was not sent however, Mr. Fisher has the certification. Aye votes: Spaide, Taylor, Krazalkovich and Slinkerd. Nay: Schreiber. Motion carried 4-1.

With the Township Police officers present, James H. Fisher was sworn in by Manager Reddick as Police Chief of Upper Pottsgrove Township, Montgomery County, PA. Manager Reddick thanked everyone who came out to support Chief Fisher and Corporal Werner dismissed the officers.

APPROVAL OF MINUTES – Motion by M. Schreiber, second by R. Spaide and unanimously carried to approve the revised minutes of August 19, 2019.

PAYMENT OF BILLS – Motion by R. Spaide and second by E. Taylor to approve the payment of bills in the amount of \$150,936.13. M. Schreiber noted there are legal fees paid from the Sewer Fund and asked are any of those having to do with the selling of the sewer. M. Reddick said yes some are related but not all. M. Schreiber again commented that everyone will benefit from the sale of the sewer so the legal bills should come out of the General Fund. Aye votes: Spaide, Taylor, Krazalkovich and Slinkerd. Nay: Schreiber. Motion to pay the bills carried 4-1.

REPORTS

TOWNSHIP ADMINISTRATION/FINANCE – M. Reddick advised her report was included in the packet. She noted the Township office copier lease has expired and after researching numerous replacements she recommended leasing a color copier/printer through Costars with Edwards's business Systems at a cost of \$173.99/month.

The Township received a letter of resignation from John Shantz on the Open Space and Recreation Board. This leaves a vacancy on that Board and she asked if anyone has a recommendation to please have them put in a volunteer application for that Board.

Concerning the Finance Report, M. Reddick pointed out that the purchase of the police vehicle, approved by the Commissioners in May, was presented as if there were funds in the budget to cover the cost. When the invoice was presented for payment, she researched the budget and there was not a line item for a police vehicle purchase. After further research with the Police Department it was determined that it was intended to be a lease purchase. The will create a budget variance. All departments are working diligently on the 2020 budget having to deal with discrepancies in the 2019 budget.

M. Schreiber asked about the light at the Turnberry Farm development. M. Reddick asked Public Works J. Alessi to research the issue. J. Bean said J. Alessi investigated the area and there is a meter and no light fixture so they assume the meter is for the streetlight. He said this was all handled by the previous Public Works Director. J. Bean was instructed to contact PECO to find out what the meter is servicing.

CHIEF OF POLICE – Acting Chief A. Werner submitted his report noting the only item is the swearing in of the new Police Chief. M. Schreiber asked if the new car is outfitted yet. A. Werner said no, the vehicle is to be picked up this evening. M. Reddick noted that outfitting of the vehicle was also not included in the 2019 budget. Since it appears the intent was for this to be a lease item, there are funds in the lease vehicle line of the budget. Former Chief Wheatly stated it would cost \$10,000.00 to outfit the vehicle, and Acting Chief Werner states it will cost \$18,000.00. Corporal Werner said there is surplus in other line items that will cover the added cost. What was not figured into the upfit costs was \$5,000.00 for the Watch Guard camera.

M. Schreiber commented he hears there are a lot of issues going on at the Crossroads Development and it was confirmed it is a ‘Managed’ property. He would like to know the amount of calls the Department receives for that area compared to other areas. Corporal Werner said in a short amount of time they received many calls however, he believes they did not yet have their management office set up.

PUBLIC WORKS DIRECTOR – J. Bean stated his report is in the packet for the Commissioners and would answer any questions. He highlighted that they worked with the Hach Company to replace all the meters in the manholes. They road crew has been patching roads and getting things ready for the winter season.

TOWNSHIP SOLICITOR – C. Garner noted a number of items to discuss later in the meeting. He addressed the legal bills in sewer fund were not about the sale of the sewer they concerning capacity. The Township has a purchase capacity agreement with the Pottstown Borough authority in which the authority allowed the Township to purchase so many 1000 gallons of additional capacity. That agreement expired in April of this year, and the Solicitor sent a letter requesting an extension of time for another 2-3 years to purchase the capacity. It does not appear to be an issue and the Township is not asking for anything more than what was in the original agreement.

Concerning the Kummerer Tract that is up for consideration, there was a meeting with the developer with a targeted date of October 7th for a formal presentation to the Commissioners and looking for feedback on their project. The Township has received an extension of time to review so there is no requirement that the Board act on the project tonight. The developer will provide detailed information well in advance of the meeting.

TOWNSHIP ENGINEERING AND BUILDING & ZONING – M. Reddick noted the report is in the Commissioner's packets. There were no questions.

COMMITTEE CHAIR REPORTS

PLANNING LIAISON – T. Slinkerd said the Planning Commission (PC) did not meet this month due to difficulties that will be discussed under new business item E. The Commissioners will look at the Kummerer Tract on October 7th as the Solicitor explained and the final plans are scheduled to go before the PC October 15th. E. Taylor commented that the developer had anticipated to meet with the PC this month and he communicated with the developer that the meeting would take place however, the meeting was cancelled without the authority of the duly appointed Chairman of that Commission. E. Taylor suggested this appears to be undue influence by the Board of Commissioners taking over the PC without legal authority. T. Slinkerd noted E. Taylor is right now in violation of Resolution #703, and he is not going to put the members of the PC and Township Manager in a difficult position until the Commissioners resolve this issue.

OPEN SPACE AND RECREATION – D. Elliott reported they met with the developer of the Kummerer Tract who asked for approval and the members did not approve recommending the plan until they have time to review and discuss it at their next meeting. The Board reviewed three additional chapters of the open space plan.

D. Elliott turned the reporting over to R. Spaide. She explained that due to Resolution 703 she cannot serve on the Open Space Board therefore, Chuck Note took her place on the Board and she was in attendance and listened to the discussion on the update of the handicapped plan for playgrounds. The Hoffman Field is being looked at for the playground. She noted the Pottstown Area Health & Wellness Foundation is very interested in this program. D. Elliott said Michael Lane explained there are numerous grants available for handicapped programs.

D. Elliott noted there is now an open seat on the Open Space Board. The Board recommends that he and Sherry Paup approach the Pottsgrove school board to seek out two female students, one junior and one senior to serve on the Board and have more balance on the Board. This will help them participate in planning their future and what they want in their municipality. The senior would be 18 years old and able to vote, then the junior would move up into the seat the senior vacates upon graduation. Another junior would be sought to take an active role in civic duty. These young people would have to be Upper Pottsgrove students.

M. Reddick announced the Township received preliminary approval of a Pottstown Area Health & Wellness grant in the amount of \$25,000.00 to complete the necessary repairs to Sunset Park Trail. It is a matching grant so this Board will have to consider budgeting \$25,000.00 to get the trail repaired and the park reopened. There is a 2-year time limit on the grant.

SEWER AND WATER – J. Bealer reported the September meeting was cancelled; the next meeting will be October 1st. He attended the Joint Sewer meeting at West Pottsgrove and expenses are on target and no adverse issues at the plant. The Borough authority has locked in next years' budget for capital improvements at just over \$18,000.00 which will be Upper Pottsgrove's contribution.

M. Schreiber asked how the sale of the sewer system is going and when will there be a public meeting for it. T. Slinkerd said as soon as PFM has all the data collected. M. Schreiber made a motion, seconded by E. Taylor that there be two public meetings prior to the Board of Commissioners voting on the sale of the sewer system. F. Krazalkovich asked that don't the regularly scheduled Board of Commissioners count as public meetings? It was discussed regular scheduled meetings meet that criteria and that PFM has a process once all paperwork is collected. T. Slinkerd recommended the Board not vote on this until the Board gets with PFM and understands the process and how the professionals handle presenting it. E. Taylor would like the public to have more education on the sale and have time to process it before the Commissioners make their decision. F. Krazalkovich wanted it clear that regularly schedule meetings are public meetings in which the sale would be discussed with the public. He would be hesitant if this were merely to place obstacles in the way of delaying the process.

Aye votes: M. Schreiber, E. Taylor, F. Krazalkovich. Nay votes: T. Slinkerd, R. Spaide. Motion that there be two public meetings prior to the Board of Commissioners voting on the sale of the sewer system carried three to two.

FIRE AND AMBULANCE – F. Krazalkovich reported the committee did meet on September 12th. The reports for the Board are included in the packet and he read the stats. M. Reddick reported on the Fire Services Committee meeting in which it was discovered that the fire study was not sent by Commissioner Schreiber to Mr. Hedden who was working on the study at DCED. She spoke to Mr. Hadden on several occasions who suggested either proceed with the study without the Fire Company or have the Board make a decision to suspend the study. M. Reddick asked Fire Chief TJ. Wojton to find out what Mr. Hedden needs for the study and he provided the requested documents. Mr. Hedden has since asked for additional information and M. Reddick feels Chief Wojton will follow through in a timely manner and this will not have to go before the Commissioners for a decision at this time.

R. Spaide asked has the Chief taken any courses to be qualified to be the fire chief. F. Krazalkovich said he believed he is working toward qualifications however cannot give an affirmative answer. M. Reddick will contact the Chief and find out where that stands.

OLD BUSINESS

CONSIDER APPROVAL OF CONSENT, RELEASE & HOLD HARMLESS AGREEMENT FOR 1931 FARMINGTON AVENUE – Solicitor Garner explained the agreement is between the Township and property owner over stormwater concerns. The property owner agreed to install a stormwater pipe that the Township would purchase. M. Reddick explained the history of the issue in that stormwater crosses Farmington Avenue onto the property owner's land. This was a verbal agreement made between the owner and the previous Township Manager and Public Works. M. Reddick felt it necessary to have the Solicitor prepare this agreement to protect all concerned. M. Schreiber made a motion, seconded by R. Spaide and unanimously carried to approve the Consent, Release & Hold Harmless Agreement for 1931 Farmington Avenue.

CONSIDER APPROVAL OF FIRE SERVICES AGREEMENT – F. Krazalkovich noted this has been discussed over several meetings and the last review at the meeting on the 12th there were some clerical errors. On page three of the agreement, items 5.b) and c) should follow under ‘The Township shall:’, on page 2 under item 2 in the last sentence, remove the words ‘and approved by the Fire Service Committee and’, on page 5 at the top it was discussed and agreed to eliminate the first paragraph since invoices reports are provided to the Commissioners at each monthly meeting. F. Krazalkovich made a motion, seconded by R. Spaide to authorize Township staff to execute the Fire Services Agreement with the stated changes. M. Schreiber commented that the fire company did not get a chance to review this final agreement, and he preferred the fire company review it before a vote. It was argued that two prior drafts were reviewed at the committee level and by the Commissioners for many months; this is the combination of those drafts with the agreed upon edits. M. Schreiber made a motion to table the vote, seconded by E. Taylor. Ayes: M. Schreiber, E. Taylor. Nays: F. Krazalkovich, R. Spade, T. Slinkerd. Motion to table fails 3 to 2. T. Slinkerd called for a vote on F. Krazalkovich’s motion, seconded by R. Spade to authorize Township staff to execute the Fire Services Agreement with the stated changes. Ayes: F. Krazalkovich, R. Spade, T. Slinkerd. Nays: M. Schreiber, E. Taylor. Motion to approve carries 3 to 2.

NEW BUSINESS

CONSIDER APPROVAL OF ESCROW RELEASE NO. 1 FOR HACKER PROPERTIES FOR 1560 GILBERTSVILLE ROAD, LOTS 2 & 3 – M. Reddick explained this is a small lot subdivision from 1998 now being developed. The developer is requesting a release of the posted escrow. The engineer has reviewed and approved the escrow release subject to payment of any outstanding inspection fees by the developer. The amount of the requested release is \$53,568.80. E. Taylor made a motion, seconded by R. Spaide to approve escrow release No. 1 for Hacker Properties for 1560 Gilbertsville Road, Lots 2 & 3. Aye: F. Krazalkovich, R. Spade, T. Slinkerd, E. Taylor. Nay: M. Schreiber. Motion for approval carries 4 to 1.

CONSIDER APPROVAL TO AUTHORIZE SOLICITOR TO PREPARE ORDINANCE & ADVERTISE FOR A PUBLIC HEARING ON THE INTERAGENCY AGREEMENT FOR POTTSTOWN AREA REGIONAL RECREATION COMMITTEE – M. Reddick introduced Greg Churach, the Pottstown Regional Recreation Coordinating Committee Representative from the Open Space Committee. He said he is here in support of this ordinance, known as PARC which is now a sub-committee of PMRPC. This will allow them to be their own entity as now they are required to operate under the Regional Planning Commission umbrella. This is comprised of representatives from seven municipalities dedicated to improving the parks and recreation areas in open space in this region. M. Schreiber made a motion, seconded by R. Spaide and unanimously carried, to authorize the Solicitor to prepare an ordinance and advertise a public hearing on this interagency agreement.

CONSIDER APPROVAL OF MINIMUM MUNICIPAL OBLIGATION FOR UNIFORM AND NON-UNIFORM PENSION PLAN – M. Reddick presented the 2020 MMO (Minimum Municipal Obligation) worksheets for both the Uniform and Non-Uniform pension plans. The Solicitor suggested separate motions for each of the plans, to approve the MMO’s that the law requires in September of each year for the preceding year.

E. Taylor made a motion, seconded by R. Spaide and unanimously carried to approve the police pension plan MMO of \$258,409. R. Spaide made a motion, seconded by M. Schreiber to approve the non-uniform pension plan MMO of \$46,059. Aye: R. Spade, T. Slinkerd, E. Taylor, M. Schreiber. Nay: F. Krazalkovich. Motion for approval carries 4 to 1.

DISCUSS AND CONSIDER RECOMMENDATION ON ZHB APPLICATION #01-19, MICHELLE STOUT, 1015 N. HANOVER STREET – M. Reddick presented a legal notice and an application the property owners submitted to the Zoning Hearing Board requesting a variance to construct a shed in their front yard as there is no back yard on their property. The hearing is scheduled for October 2, 2019 at 6:30 pm. This is information only and requires no action by the Commissioners at this time.

CONSIDER ADDITIONAL ACTION REGARDING RESOLUTION No. 703 – T. Slinkerd noted Resolution No. 703 was presented and discussed previously concerning Commissioners serving on various other committee and commissions affording additional influence on those positions. The majority of the Board of Commissioners voted to pass the Resolution. Considering the earlier passage of the Fire Services Agreement, it is understood F. Krazalkovich will resign his position on that Commission. There then remains, serving on the Civil Service Commission, M. Schreiber and on the Planning Commission, Elwood Taylor who are currently in violation of the Resolution. Asked if he will resign his position on the Civil Service Commission M. Schreiber refused to resign stating he was appointed to serve until the end of 2019. T. Slinkerd noted a letter to Township Manager from Township Solicitor, of his legal review of the Resolution and opinion under general municipal law, the power to appoint an individual to a Board or Commission is equivalent to the power to remove. As M. Schreiber is in violation of Resolution No.703, R. Spade made a motion, seconded by T. Slinkerd to remove M. Schreiber from the Civil Service Commission. The votes were aye: T. Slinkerd, R. Spaide, F. Krazalkovich; nay: E. Taylor. Abstain: M. Schreiber. Motion carries 3-1-1.

M. Schreiber made a motion, seconded by E. Taylor to repeal Resolution No. 703. The votes were aye: M. Schreiber, E. Taylor; nay: T. Slinkerd, R. Spaide, F. Krazalkovich. Motion failed 3 to 2.

T. Slinkerd asked for a motion to notify E. Taylor of intent to remove him from the Planning Commission as he is in violation of Resolution No. 703. R. Spaide made a motion, seconded by T. Slinkerd to provide written notice to E. Taylor, of the Board of Commissioners' intent to remove him from the Upper Pottsgrove Township Planning Commissioner pursuant to Section 206 of the Pennsylvania Municipal Planning Code. After ample comments, the votes were aye: T. Slinkerd, R. Spaide, F. Krazalkovich; Nay: M. Schreiber, E. Taylor. Motion carries 3-2.

OTHER PUBLIC COMMENT

Scott Korb, 52 Steinmetz Road, commented on the terrible condition of the road. Property owners have asked the Township for many years to make repairs and nothing has been done. The police have told him that they do not patrol the road because it is too much wear and tear on the vehicle suspensions. An ambulance drive told one of the residents whose family member had a stroke that they cannot get patience to the hospital fast enough because they must drive slowly on this road. Other medical services also complain about reaching handicapped residents in that area. He also commented that the road crew does do a great job of plowing snow on the road. T. Slinkerd said this will be discussed with the Township Manager.

Cathy Peretti, 218 Deerfield Way commented that after what she heard at this meeting tonight, she thinks this is why people do not attend the meetings. People want to get to the business of running the Township, not listen to personal issues. Issues like why the Township is looking to sell the sewer system. She understands the millions of dollars of debt, the unfunded pensions, a general fund that could be depleted in 3-4 years all of which happened over time. It will take time and drastic measures to correct all of this. She asked that the Commissioners stop this personal fighting and get to the business of running the Township.

David Waldt, 107 Rose Valley Road commented to agree with Ms. Peretti adding that month after month they hear the same thing and nothing is getting done. He sat on the fire committee and worked items for months and they were not accepted. Things have to change. The public voted in this Board and nothing gets done.

Mr. Capinski, 1958 Yarnall Road, informed the Board and public of the October 19th Township roads clean-up event the Township does twice a year. Many dedicated volunteers do a great job at each event and they are out there throughout the year on their own as well. If anyone is interested joining in this effort please contact the Township office.

“Jim” commented about Steinmetz Road; he met with Marcy Toepel a few months ago concerning Highview Lane and at that time she suggested the Township apply for a grant through Montgomery County for a low volume dirt road. He thought this could apply to the Steinmetz Road issue.

Dennis Elliott, 576 Evans Road, commented that he remembers the years that Elwood Taylor served as the President of the Planning Commission while also the President of the Board of Commissioners. This certainly casts undue influence of power as it was an appearance that he had total control and no one else had an objective opinion; that he held all the power. We live in a system of checks and balances, and he feels the Township was not getting fresh ideas from people who are willing to step up and offer their professional opinions for our community. An old adage is “power corrupts and absolute power absolutely corrupts”. He was not accusing Elwood Taylor; it is an appearance issue. He is in support of the Board dealing with this issue, as unpopular as it is.

Tyrone Robinson, 1488 Heather Place, asked how long Resolution No. 703 has been in effect and was told one month.

M. Reddick commented, on behalf of Reginald Leister, 1693 Farmington Avenue, he wanted to report that the property on Farmington Avenue next to Kevin Berghold and across from Nathaniel Guest has not been mowed all season; that the grass and weeds are easily four feet tall. Not only an eyesore, it attracts vermin and deer ticks carrying the dreaded lime disease and he thinks it is time the Township step in and cut the property.

Mr. Leister and his wife do not drive so he asked that his comment be made at the public meeting and entered into the minutes of the meeting. M. Reddick said she will respond to Mr. Leister and wanted the public know that the Township is taking action on this matter.

COMMISSIONER COMMENTS

R. Spaide commented that the sewer system quarterly fees were raised 72% in 2007 which brought it to \$180 per quarter. Why are we having a hard time letting an independent contractor take over

small repairs; this is not their everyday job. It is likely the quarterly fees and hookup fees will go down with a private entity. If we do not sell the sewer system, we will have to borrow more money to hookup failing systems. Who pays for this? Those already paying for sewer. Their fees will go up, not down. We need to sell the sewer system to pay the debt hanging over us for years. We need to lower quarterly fees and not raise taxes. Why would anyone be upset to sell the sewer system to a reputable company that does this work for a living? Why would you want government control over a sewer system? The Township is doing this for the right reasons. The Township should not be controlling everything. This is one way for the community to get a break.

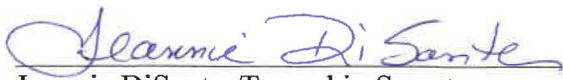
E. Taylor commented on D. Elliott's controlling power comment that any power he had was not to dictate or command, it was to bring consensus. Nothing should be said negatively about bringing people into agreement. He did agree with the old adage statement; he hoped D. Elliott and others can realize it was not the power to coerce, it was power to convince.

F. Krazalkovich commented that tomorrow, September 17th is Constitution Day. We will be celebrating the 232nd anniversary of the signing of the Constitution. It gets little to no coverage, however, take a moment to thank the men and folks back in 1789 that signed the constitution which gave the system of government we have today, a Republic

T. Slinkerd commented that the focus for the Township at this time are the revenues coming in, how we spend our money and how we function as a Township. The major risk we identified is the Township debt which is short of eight million right now. We have unfunded pension funds as clearly stated in all the audits since 2012. We had to read the audits very diligently to find out what was happening. The unfunded amount is 1.35 million. We have a weak general fund of which the Township was actually using fund balance to equate as revenues during the budgeting processes which is completely inappropriate. We fixed that and many accounting procedures and adjusting entries. There are also infrastructure issues that need to be addressed. The Township is looking at selling the sewer system, of which the Township has the highest sewer rates in the area. Belittling private industry as "money grubbers" is wrong thinking; people work for those companies and pay taxes. He concurred with some of the public comments on risk factors and what we are trying to fix. It is not right when you have to sit and struggle through this issue of Commissioner's role that we have been talking about it since 2018. We didn't want to raise this however, it had to be dealt with and clarified. When I campaigned in 2017, comments from residents were that one person had too much power in the Township as a Commissioner. When I researched it, several Commissioners had different roles as well as being Commissioners. In discussions with Board members, we discussed how we should raise this issue. There were long discussions in meetings on what was meant by undue influence, and if you have more control than one particular area, that is undue influence. We are moving to fix this.

ADJOURNMENT – The meeting was adjourned at 9:10 p.m.

Respectfully submitted,


Jeannie DiSante, Township Secretary