

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

September 16, 2013

A meeting of the Board of Commissioners was held on Monday, September 16, 2013, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners Dolan, Miller, Noll, Spaide and Taylor present. Also present were Solicitor Charles D. Garner, Jr., Public Works Director Frank Quinter, Township Manager Jack P. Layne, Jr., Township Secretary Cynthia Saylor and Police Officer James Crawford. Mr. Taylor called the meeting to order at 7:00 P.M. There were 15 people present in the audience.

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:

JOHN WEST - 1611 Applegate Lane – Advised that he was taping the meeting for the web-site. Mr. West questioned the addition that is currently being constructed at Fujiyama's. Commissioner Taylor explained that the approved building permit allows for the construction of a deck with a cooking area.

OLD BUSINESS:

DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED RIGHT TO KEEP AND BEAR ARMS PRESERVATION RESOLUTION - Attorney Garner explained that at the August meeting there was a privilege motion to table action regarding the proposed resolution. Commissioner Taylor noted that at that meeting there was a motion and a second on the table.

COMMISSIONER MILLER read the following statement: Let me first say, I respect my colleagues on this Board. My views are mine. I've put in much time since last month and what I am about to say is based on the Pew Research Center Survey and Centers for Disease Control and Bureau of Justice Statistics.

According to Paul Overberg and Meghan Hoyer of USA Today they have reported that violent gun crime has dropped dramatically in the past two decades, but the majority of Americans think it's more of a problem now than ever. Pew Research Center released their study several months ago.

The March survey shows that 56% of Americans believe that gun crime is worse today than it was 20 years ago. Even more dramatic 84% believe that in recent years crime has either gone up or stayed the same – when in reality crime has dropped significantly. Victimization from non-fatal violent gun crimes is down 75% in the past 20 years and fewer gun homicides in 2010 than in 1993; down by 49%.

The public gets its feelings from particularly notorious events and what the press talks about.

Mass shootings by mentally-ill of recent times and the wild-west spats of shootings in Chicago is up, but in most areas, inclusive of large cities crime has gone down.

COMMISSIONER MILLER CONT'D - Lastly, it's not just gun crime; it's all crime that has gone down, but from the news it sounds like school shootings are way up. Could this decline have something to do with our Second Amendment?

It is understood that the recent Resolution offered to this Board from the floor should be voted on in the affirmative, and this Commissioner hopes that it is, does not mean it's an ordinance and thereby means we voted in making it a law.

Webster's definition states a resolution – “that which is resolved upon or decided upon, settled determination” and a formal expression of the opinion or will of an assembly, adopted by vote. In simple form it means it's a result; an answer; or solution.

Certainly our resident, who requested this Resolution, obviously is faithful to his original intent and changed his original Resolution request and softened it to entertain this Commissioner to pursue and read what was written with regard to the Second Amendment.

As I mentioned last month in my reasons for making the motion to adopt...the mass school shooting that took place last December 2012 in Newtown, Connecticut was tragic, purposeless and heartbreaking. And now we have a tragedy at the Washington Naval Yard. On a national level which permeates down to, yes, our local level these tragedies are an excuse to diminish, if not erase the Second Amendment. This is of great concern to those of us who cherish liberty and more importantly the principles laid down by the founders in the Constitution.

Furthermore, last month I drew attention to the Second World War in that the Nazi's in Austria, Germany and Poland first registered owners' firearms only to have them later confiscated by the Gestapo and the SS.

For those who may not be informed there is activity, of late, by outside countries to pass the UN Small Arms Treaty whereby inclusive of this country to have citizen's arms registered. Sound familiar?

It's reported that laws in Australia have been changed and home invasion is up 47%.

Three years ago, I personally toured Fort Stevens in Oregon which is strategically located at the mouth of the Columbia River where it meets the Pacific Ocean. The Japanese had sent balloons across the Pacific Ocean testing the winds. More importantly a Japanese sub managed to enter the deep water at that point where the ocean meets the river. The sub surfaced and lobbed a shell towards what they thought was the Fort. Lights had been placed outside the compound and the shell exploded but did no damage. Years later the sub commander visited the U.S. and visited the Fort. Our military in the U.S. inquired of the Commander...why is it the Japanese never invaded the West Coast or for that matter the East Coast? The former Japanese high level commander replied, “We were aware that a majority of American owned weapons and it would have been sheer madness.”

COMMISSIONER MILLER CONT'D - In response to those who feel the Second Amendment is outdated and that the need for gun ownership for personal protection was more important in the 1700 and 1800 than it is now; I respond to you that one should study the crime statistics.

Under the Uniform Crime Reporting Program the FBI informs us the need for personal protection is greater than ever. If we rely on strict gun control laws in the U.S. take a look at Chicago, Newark, Trenton, Washington D.C. and yes, even New York. All have very strict concealed carry laws and then compare to those cities in states giving citizens the right to have concealed carry and the results speak for themselves.

At this point, permit me to read only two real-life events: I could report on hundreds:

Two teenage boys were spotted by a neighbor as they loaded items from the cabin next door into a vehicle parked outside. The youths wore what appeared to be blood-spattered clothing. The neighbor retrieved a firearm and confronted the interlopers. They were held at gunpoint until the police arrived. The teens had run away from a juvenile rehabilitation camp just two days before. They had broken into the cabin and brutally murdered the elderly couple staying there before the armed citizen was able to stop them.

Zachary Rogers, 26, was working late one night at the 21st Amendment liquor store. It was just past midnight when an armed man wearing a ski mask entered the store and forced Rogers and another store employee, Alicia Grabarczyk, 25, down a hallway toward an office where the safe was kept. With a concealed handgun in his front pocket, Rogers chose his moment of opportunity carefully. In one quick motion, Rogers pushed Grabarczyk to the floor and fired at the armed robber. He then helped Grabarczyk into the office and out of the line of fire. Although the burglar had been struck, Rogers saw him raise his firearm. Rogers fired three more rounds at the gunman which proved fatal. Neither Rogers nor Grabarczyk were harmed.

So should you find yourself in the above cities without self-protection the police response time has proven ineffective, even more so if you live in rural areas serviced by sheriffs or State Police. Finding yourself in a life-threatening situation; RAPE, ROBBERY, STREET ATTACK, HOME INVASION, yes, the police, once called, will be there; but it will take them time to respond, often unfortunately arriving after the violence has subsided and the altercation has, once again led to a statistic.

Incorporated in this resolution is that owning a firearm cannot be taken lightly and it calls for taking courses which are offered by many respected organizations. Evaluation a person's opportunity, capability and most importantly ~ INTENT to what one learns in training.

None of us can read the minds of a wacko who has mental problems and has a reason for his or her criminal purposes, but we do not need people to continually attack the Second Amendment as referred to earlier. To those who own and secure their firearms should not be held accountable for the mentally disturbed criminal.

COMMISSIONER MILLER CONT'D - In my take, this resolution places our Township in a progressive mode. We seemingly are always at the forefront of issues that permeates from our constituents. We are basically reconfirming on an issue of national prominence and communicating, should it be necessary, to our Federal and State leaders that this township desires to work together to enforce the laws in place and supports one of our constitutions greatest amendments...the Second Amendment.

COMMISSIONER SPAIDE - Stated that she did some research since last month's meeting. She further stated that she talked to friends, neighbors, and voters and received more negative feedback than positive. Commissioner Spaide stated that we are Upper Pottsgrove Township, with a great police force that is "Johnny on the spot".

Roll call vote: Dolan ~ opposed; Miller ~ aye; Noll ~ aye; Taylor ~ opposed; Spaide ~ opposed. Opposed ~3 – Aye votes 2. Motion carried.

EMERGENCY SERVICES REPORT – Commissioner Dolan noted that the Fire Committee will hold their meeting on Thursday, September 19, 2013.

PUBLIC WORKS REPORT - Commissioner Spaide reported that the Public Works Department finished the areas of base repair on Yarnall Road; Reading Site Contractors has finished the 280 square yards of base repair per their contract and paving should be completed early this week. Levengood Road base repair and paving were completed last week with long line painting to follow; continue with patching and compacting potholes in Regal Oaks Subdivision; saw cut in preparation of base repairs along Orlando Road; continue with highway mowing; continue with mowing and trimming of all township owned parks and open space properties; performed routine vehicle maintenance; and serviced all mowing equipment. Public Works Director, Frank Quinter, stated that we need to budget additional monies to meet the new MS-4 requirements.

PARK, RECREATION AND OPEN SPACE REPORT - Commissioner Miller reported that he represented Upper Pottsgrove Township, by attending an all-day seminar in Phoenixville. He further reported on many of the trails that will be connecting to not only the Schuylkill River Trail but to Hopewell Big Woods. Interestingly, Mr. Miller reported that there is a "vision" underway that will connect the Valley Forge Military site with Paoli Woods (the site of the British Massacre on our Troops) and eventually will connect with Brandywine Battlefield and it will be known as the Historical Battlefield Trail. He further reported on many future trail connections.

The Schuylkill River Trail is so important to several communities along the river that many of the sites visited by heritage travelers have a problem of where to stay overnight. People come from far and wide to travel the trail and they are making weekend excursions. In addition to this trail the river is being used by kayakers and now there is concern for finding outfitters, not just to repair bicycles, but also to maintain river boats. In addition, these outfitters would coordinate bussing people to a specific destination and then the heritage travelers either bikes or kayaks back to their starting point. The number of ambassadors on the trail, who advise out of town guests of specific points of interest, are being increased.

COMMISSIONER MILLER CONT'D - With regards to incidents on the trail, there have been very few. Recently, a person was caught riding a motorized cycle on the trail and it was reported that several years ago a bike was stolen.

Norristown Riverfront Park has provided dragon boats for boat rides and races.

New signage is being worked on at Green Lane to denote distances specifying points of interest.

Lastly, Commissioner Miller reported on the improvements at Antietam Lake, east of Reading. The six hundred and sixty five (665) acres will soon see pavilions, picnic tables, an environmental center and an area for busses and horse trailers. The new trailhead there will have thirty (30) new car spaces and a new restroom facility.

Commissioner Miller stated the purpose of his report was to make the public aware that we are not only busy in Upper Pottsgrove Township building trails but also in the following neighboring communities, namely Marsh Creek Trail, Phoenixville Trail, DeVault Railroad Line Trail, and Chadds Ford Trail. People are busy everywhere.

Commissioner Miller reported that the Open Space, Park and Recreation Board members discussed and requested that the Board of Commissioners approve the North End Trailhead to be named after the popular farmer, John Prout and family and be named the “Prout Farm Trail” is pending.

PLANNING & ZONING REPORT - Commissioner Taylor advised that the Planning Commission did not meet this month.

SPECIAL TOWNSHIP PROJECTS - Commissioner Noll stated he had nothing to report.

TOWNSHIP ENGINEER'S REPORT - It was noted that a copy of the monthly Engineer's Report would be posted on the bulletin board.

TOWNSHIP SOLICITOR'S REPORT - Attorney Garner reported that he is continuing to work on issues associated with the Citadel Credit Union Land Development. He further reported on the progress at the Coddington View Development.

TOWNSHIP MANAGER'S REPORT – Mr. Layne reported that he assisted in coordinating a meeting with Citadel project representatives and Township officials and staff; participated in contract negotiations with the Police Department; attended a meeting with Lower Pottsgrove, West Pottsgrove and Pottstown representatives to discuss pertinent municipal sewer issues; met with a representative from MRM regarding workers' compensation insurance protection; coordinated the preparation and submittal of the Pottstown Health and Wellness Foundation Mini-Grant Application; and attended Montgomery County Public Safety Emergency Management Coordinator training session. Mr. Layne advised that this year's Community Day will be held on Saturday, October 5, 2013, from 11:00 AM to 3:00 PM and will take place at Heather Place Park and encouraged everyone to attend. Mr. Layne noted that the Fire Company will be handing out smoke detectors.

FINANCIAL REPORT - Mr. Layne reported that the Township has received 74.8% of its budgeted revenue and has disbursed 63% of its budgeted expenditures as of August 31, 2013. He further reported that a special budget meeting will be held on Monday, September 30, 2013.

NEW BUSINESS:

DISCUSSION AND POSSIBLE ACTION TO APPOINT WILLIAM BROGLEY AS AN ALTERNATE TO THE CIVIL SERVICE COMMISSION – A motion by Spaide, seconded by Noll, to appoint William Brogley as an Alternate to the Civil Service Commission. All aye votes.

DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED MINIMUM MUNICIPAL OBLIGATION (MMO) FOR THE UNIFORM TOWNSHIP EMPLOYEES - A motion by Dolan, seconded by Noll, acknowledging receipt of the 2014 Minimum Municipal Obligation estimate in the amount of \$77,050 for the Uniform Employees as provided by the Township’s pension consultant. All aye votes.

DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED MINIMUM MUNICIPAL OBLIGATION (MMO) FOR NON-UNIFORM TOWNSHIP EMPLOYEES - A motion by Dolan, seconded by Noll, acknowledging receipt of the 2014 Minimum Municipal Obligation estimate in the amount of \$33,863 for the Non-Uniform Township Employees as provided by the Township’s pension consultant. All aye votes.

DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSAL FROM VARO TECHNOLOGIES TO PROCURE ELECTRIC SERVICES AT A REDUCED COST - A motion by Spaide, seconded by Dolan, to approve the proposal from VARO Technologies to procure electric services at a reduced cost.

OLD BUSINESS:

DISCUSSION AND POSSIBLE ACTION REGARDING THE NORTH HANOVER STREET SEWER LINING PROJECT - A motion by Dolan, seconded by Spaide, to reject all bids. All aye votes.

OTHER PUBLIC COMMENT:

FRANCE KRAZALKOVICH - 92 Stonehill Drive - Noted that September 17, 2013, is the 226th Anniversary of the signing of the Constitution.

KEITH KACHEL – 1412 Farmington Avenue – Expressed his thanks and appreciation to the Police Officers who along with the Fire Company gave a “Hero’s Welcome” to former Commissioner Kenneth Iatesta’s son ~ Adam.

COMMISSIONER NOLL - Questioned who was responsible for painting the outside of the Firehouse. Mr. Layne stated the members of the Fire Company.

PAYMENT OF BILLS - A motion by Dolan, seconded by Noll, to approve the Bill List dated September 16, 2013, for General Fund in the amount of \$98,195.08; Fire Fund in the amount of \$7,934.84; Sewer Fund in the amount of \$310,490.91; Open Space Fund in the amount of \$5,873.42; State Fund in the amount of \$6,559.46 and Escrow Fund in the amount of \$2,251.56. Total Disbursements ~ \$431,305.27. All aye votes.

COMMISSIONER NOLL - Questioned invoices from Eagle Wireless Communications and Hach Company.

APPROVAL OF MINUTES - August 16, 2013 - A motion by Spaide, seconded by Noll, to approve the minutes of the August 16, 2013, meeting as presented. All aye votes.

EXECUTIVE SESSION - At 7:50 P.M. Commissioner Taylor stated that the Board would be meeting in Executive Session to discuss matters of collective bargaining, real estate and litigation. The meeting reconvened at 8:20 P.M.

ADJOURNMENT - There being no further business, a motion by Spaide, seconded by Dolan, to adjourn the meeting at 8:21 P.M.

Respectfully submitted,

Cynthia H. Saylor,
Township Secretary