

**Minutes - Board of Commissioners Meeting
Upper Pottsgrove Township**

October 17, 2016

The meeting of the Board of Commissioners was held on Monday, October 17, 2016, at the Upper Pottsgrove Township Administrative Offices, 1409 Farmington Avenue, with Commissioners Elwood Taylor, Herbert C. Miller Jr., Martin Schreiber, France Krazalkovich and John Bealer present. Also present were Solicitor Charles D. Garner Jr., Public Works Director, Francis Quinter, Chief Wheatley and Township Manager, Carol R. Lewis. The meeting was called to order at 7:00 p.m.

MOMENT OF SILENCE - E. 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 E. Taylor gave a background of the Crossroads Development. Originally there were over three hundred (300) units proposed which were negotiated down to one hundred (100) to be located on the Pineford Road property and the Crossroad property. The Township acquired the Pineford Road property for open space and so that will not be developed. Fifty one (51) units have been approved through a Curative Amendment to be developed. This was a 2006 Agreement between the School District, the Township and the Developer. The Agreement was brought to the public's attention before any action was taken by the School District. The Commissioners will take questions and E. Taylor stressed that the only thing they are looking to change is from townhomes to flats. There is nothing to be done regarding the financing of the project. Katherine Peroretti, 218 Deerfield Way, asked what work force housing was and can citizens ask for senior housing. E. Taylor explained that the Board cannot dictate how a developer finances projects on their property. C. Garner explained that as part of the Curative Amendment settlement; the Agreement was that fifty four (54) properties at Pineford would be restricted by age and the fifty one (51) units at Crossroads can be developed any way they want. F. Krazalkovich read the definition of work force housing. K. Peroretti explained that she is concerned that her taxes will go up and their property values will go down. C. Garner pointed out that this Development will be totally taxable and will not be an exempt property. K. Peroretti also expressed concern over the influx into the school system and high sewer and water bills. Al Leach, 1466 Sweetwater Way, explained that he is School Board member. A. Leach inquired if the Township had ordinances controlling how properties are developed. C. Garner explained that we have ordinances that dictate lot sizes and dimensions. This was a legal challenge from 2002 challenging the density allowances. He further explained that the Curative Amendment Agreement overrides our current zoning ordinances. A. Leach asked why the ten year old Amendment is allowed since there are different developers. C. Garner explained that the Agreement goes with the property. Marie Brogna, 1386 Juniper Street, advised the Board that she has a petition with over one hundred signatures against this project. She expressed concerns regarding safety and the funding of the Police Department. C. Garner explained that all parties agreed and allowed a court order. M. Kinsey asked what would happen if they did not follow the court order. C. Garner explained that the Developer would file a motion of contempt. E. Taylor read over the requirements to be able to rent under this Developer. John Rafferty, 1275 Whitespire Circle, asked if the Township had the authority to step in if the property became run down. H. Miller explained that himself and another Commissioner visited one of their properties and very impressed with the maintenance and security of the property. Jim Payne, 150

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Mapleleaf Lane, asked if it was the same number of units and EDU's. C. Garner explained that the sewer allocation has already been given to the township and that it was the same number of units. Adrienne Capalotto, 1283 Vale Circle, expressed concern over her property values and tax rates. F. Krazalkovich explained that nothing stops any resident from renting their property and it doesn't mean that people moving in will be criminals. He disagreed that someone who makes less than him is automatically a criminal. Janet Gore, 1284 Vale Circle, expressed concern about the lighting in Turnberry and asked if there was more development in the township would there be more policing and lighting. E. Taylor commented that this was the first time that the Commissioners had heard about this and they would have to look into what the cost of lighting a community would be. He would not object. Stanley McIlvee, 1433 North Hanover Street, commended the Commissioners on their work on the parks, trails and open spaces. He has a neighbor that has a farm with two alpacas, chickens and roosters. He moved to an R-1 but didn't want to live next door to a farm. They have put up a cattle fence one hundred (100) feet from his house and the rooster crows continuously. The Commissioners agreed to look at an animal ordinance. J. Kaiser, 1503 Meadowview Drive, asked for information as to where and when the development will be. C. Garner explained that there were plans submitted years ago and any new ones would have to be reviewed by the Planning Commission and the Board of Commissioners. Tom Clancy, 1296 Whitespire Circle, asked how this property is different from Section 8. C. Garner explained that the work force housing are tax credits that come from the Housing Authority. It is a thirty (30) year commitment and the Pennsylvania Housing Finance Authority audits them every year. They have very strict requirements that they must abide by. The current Developer has a very good record with PHFA. E. Taylor again explained that the Commissioners have no authority to disallow it and have no control over financing or marketing a project. F. Krazalkovich read the requirements for living in this development. Doris Newton, 1473 Meadowview Drive, asked if the petition does any good. E. Taylor explained that none of the Commissioners are going to put themselves in violation of the law. Kelly Rickard, 1411 Meadowview Drive, asked how this project falls into the regional plan today. E. Taylor explained that there is adequate low income housing. C. Garner explained that there is no way to get out of a court approved Curative Amendment Agreement. Jim Payne asked if the townhomes and the flats had the same density. They do. Al Leach questioned whether the taxes collected would be the same whether townhomes or apartments. They would be. He asked why the township did not send a letter opposing this project to the financier. E. Taylor explained that this is a good project in a good location that would contribute to the Township's tax base and to the sewer revenues. F. Krazalkovich further explained that the area where this is going to be has been an eye sore for years. The Township is trying to attract more businesses and is working on zoning changes for this purpose. John Bush, 1266 State Street, requested that the weight limit sign be put back. They had an 18 wheeler almost hit their house with over \$50,000 in property damage. He understands that the Township is doing a study but has seen a correlation between when the sign came down and increased trucks. He commented that it looks like connections have been put in place to punch roads through from Upland Square. This is incorrect.

REPORTS

EMERGENCY SERVICES – M. Schreiber presented the Emergency Services Report. He explained that the PEMA Grant has been submitted for debt reduction. They are investigating more cost effective

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thermal imaging cameras. He requested that the window in the ladies room be looked at and repaired. He thanked Goodwill Ambulance for a letter of support for our grant application for signal preemption on Route 100. Gilbertsville Ambulance did not send one. He reported that Officer Crawford will be the School Resource Officer while Officer Hanna is out. Since January the Police Department has used the Narcan four (4) times and the ambulances have used it two (2) times for opiate overdoses. The Township received another donation of a police car that has 4 x 4 with 96,000 miles.

PARKS, RECREATION AND OPEN SPACE – Motion by M. Schreiber seconded by F. Krazalkovich and unanimously carried, to approve the Arboretum Programs and the Wildlife Observation Project. The Fire Company will be helping with the Haunted Woods. Motion by M. Schreiber seconded by J. Bealer and unanimously carried, to approve the camping of the Boy Scout Troop overnight at Hollenbach Park to build a bridge over Fox Hill Run. Motion by M. Schreiber seconded by F. Krazalkovich and unanimously carried, to permit them to have a fire if wanted. Dennis Elliott questioned what residents are supposed to do with their yard waste if the Township becomes quarantined due to the spotted lantern fly. The Manager and Nancy Toothacker will be attending an informational meeting tomorrow and will bring back information on the subject. E. Taylor reported that the Night Hike at the Arboretum had over 800 attendees and was a great event.

ZONING & ADMINISTRATION – E. Taylor reported that the Zoning Hearing Board did approve the variance for the sign.

PUBLIC WORKS – F. Quinter advised the Board that they are patching and crack sealing in Cherrytree Farms. Motion by F. Krazalkovich seconded by M. Schreiber and unanimously carried to authorize the Agreement with PennDOT for electronic access to the PennDOT system via Resolution #679.

SEWER & WATER – J. Bealer advised the Board that the Sewer and Water Committee discussed a small flow system on Mock Road with a resident. He also attended the joint Sewer Meeting where they discussed the upcoming MS4 requirements. Jim Payne, 150 Mapleleaf Lane, asked if there was an update on the Regal Oaks sewer project and requested that his street be paved.

INTERGOVERNMENTAL RELATIONS - F. Krazalkovich reported that on October 6th, the County Election Board approved the polling place change to the Pottsgrove Middle School. Also the County Board of Commissioners approved a \$5.00 vehicle registration fee to take care of County infrastructure, bridges and streets. He advised the Board that the Governor approved an Act that if you pull up to a stop light and it does not change you can run a red light. The Chief of Police asked that residents do not do this and to be very careful at intersections. M. Schreiber questioned when Emergency Services will get their radios. Two payments have been made and he feels that they will be getting out of date technology. Michelle Reddick, 1416 Kummerer Road, advised the Board that the Red Light Act is the topic of discussion among twenty somethings. The burden of proof is on the driver if they go through a light. Dennis Elliot commented that previous governors have implemented taxes to take care of roads

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and now there is another \$5.00. H. Miller asked what guarantee there was if the money will be used appropriately. F. Krazalkovich pointed out that many municipalities sent letters of support in favor of this citing the need for improved infrastructure within the County and the State.

TOWNSHIP SOLICITOR – C. Garner advised the Board that he had one item of clarification regarding the extended life of the Bachman plan. He explained that one of the nuances under the Permit Extension Act and referred to the total amount of time the permit was protected. Once that time ended, any remaining time on the plan would continue to run. Based on the approval date of this plan it is protected until June of 2018. Diana Updegrove, 1404 Farmington Avenue, inquired where they stood with the water project and that they had legal papers from the EPA. C. Garner checked the ordinance as to who is required and who is not and they are not on the properties required to hook up. He explained the process via DEP. If you were not in the area DEP mandated to connect and water was in the area you could connect but are not required to.

TOWNSHIP MANAGER – The Manager’s Report is included in the packet. C. Lewis pointed out #6 regarding the Eagle Scout project and ribbon cutting which is set for Saturday, October 22 at 2:00 p.m. at Hollenbach Park. Commissioners are invited and are asked to respond by Wednesday if they are attending. Next the Board discussed paid holidays now that the polling place has been changed to the Middle School. Election Day will be removed from the list of holidays for non-uniform personnel. The Manager will prepare this revision. Also on the Personnel Policy the Board discussed the requiring of FBI background checks for all personnel; this will also require a revision to the Policy. Next the Board discussed the 2017 Budget. They discussed paving vs. storm water projects. A major storm water project is needed for Detweiler Road. The Board decided to pursue some paving next year and plan the storm water project. Evan Brandt, Pottstown Mercury, asked if sewer was put in Regal Oaks would repaving be part of the contract. It would be. Next the Board discussed Uniform vs. Non-Uniform pension costs. Next the Board discussed the Per Capita Tax and whether to eliminate it or switch to a different collection agency. C. Lewis will look into costs associated with collection of this tax. Next the Board discussed financial software and the use of timeclocks. Due to the cost and the fact that the township does not do its own billing anymore it was decided to switch from Casselle to Quick Books. The Manager will do an analysis of cost savings in the use of timeclocks.

NEW BUSINESS

CONSIDER REQUEST FOR A NOISE ORDINANCE – The Board of Commissioners has received numerous requests from residents to consider a Noise Ordinance and also an Animal Ordinance. F. Krazalkovich stated that he would be in favor of an Animal Ordinance from a zoning standpoint. The Board agreed that they would like to look at some sample ordinances.

CONSIDER ESCROW RELEASE FOR CODDINGTON VIEW PHASE 3 – Motion by F. Krazalkovich seconded by J. Bealer and unanimously carried to release the escrow for Coddington View Phase 3 in the amount of \$2,311.76.

CONSIDER TRASH ORDINANCE AMENDMENT – C. Garner reviewed the changes to the

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ordinance. Motion by F. Krazalkovich seconded by H. Miller to authorize the advertisement of the ordinance.

CONSIDER FIRE COMPANY ACTIVITIES – Motion by M. Schreiber, seconded by J. Bealer and unanimously carried to authorize the Fire Company activities.

COMMISSIONER COMMENTS – F. Krazalkovich reminded the public that Election Day is November 8th and there are many offices up for election besides the President. He also wanted to correct the record he saw on social media that someone had commented that we have the highest taxes in the area. We are not the top taxing district; we are twenty second (22nd) in the County and Pottsgrove School District is fourth (4th) in millage. In total we are fifth (5th). The Board has sent letters to the governing bodies regarding unfunded mandates as this impacts the budget. M. Schreiber thanked Mr. Brandt from the Pottstown Mercury for keeping the record straight. F. Krazalkovich pointed out that Gabby will be leaving the Reading Eagle and Molly may consider covering the meetings. He thanked Gabby for her time.

J. Bealer advised the public that Saturday is fall clean up. This is done twice a year officially. H. Miller added that the Public Works Director has tried to get the convicts but they have discontinued that program. Anyone wanting to join us should meet at this building at 8:45 am. Last year over 5,000 pounds of trash was picked up.

E. Taylor reported that 849 people over a two day period attended the Night Hike. This was a great bang for its buck. M. Schreiber added that the Arboretum will be having an orienteering 5k in November.

APPROVAL OF MINUTES – Motion by F. Krazalkovich, seconded by M. Schreiber and unanimously carried to approve the minutes of September 19, 2016, with one change - to correct the spelling of Scout Karlie Kasznay.

PAYMENT OF BILLS – Motion by J. Bealer, seconded by H. Miller, and unanimously carried to approve the Payment of Bills in the amount of \$357,056.59.

EXECUTIVE SESSION – The Board adjourned into Executive Session at 9:50 pm to discuss litigation; one threatened and one pending and personnel. No action to follow. They reconvened at 10:27 pm. at which they adjourned by unanimous consent.

Respectfully submitted,

Carol R. Lewis, Manager