

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

December 19, 2016

The meeting of the Board of Commissioners was held on Monday, December 19, 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., Chief Francis X. 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.

COMMENDATION PRESENTATION – Chief Wheatley explained to the Board that he implemented a new policy and formed a Committee to award commendations for meritorious service. Senior Officers Steve Sigoda and Al Werner were on the Committee with the Chief. Officers could submit incidents that they thought should be considered. Officer Hanna and Detective Reape received a Unit Citation for their work on a sexual assault case. Detective Reape and Officer Werner received a Letter of Commendation for their work on a case involving assault and false reports. Officers Farrell, Zoski, Yatsko and Guldin received a Unit Citation for their work on theft from vehicles. Officers Millard and Farrell received a Letter of Commendation for their work on a burglary case. Officer Farrell received a Merit Citation for his assistance with West Pottsgrove Police Department. The Chief commended the Officers and their dedication for all of the myriad of jobs that they do. E. Taylor and the Board of Commissioners expressed their thanks to the Officers for their fine work.

PUBLIC COMMENT:

David DeLong, 1527 Schwenk Road – Thanked M. Schreiber and the Fire Department for the Santa Run in front of the homes of Upper Pottsgrove. The kids loved it.

James Capinski, 1958 Yarnall Road, advised the Board that on November 29, 2016, he took pictures along Highview Lane. A tree fell on wires causing a fire. If there had been snow the emergency vehicles never would have made it up the road. He presented his “book” which has copies of the lawsuit which has been before five (5) judges. There is a new trial coming up before the Commonwealth Court. He claims the Township refused to turn over records. At the last hearing the Right to Know Office had an attorney there because if the courts throw it out it will affect the Right to Know Law. He listed all the agencies who are interested in the suit. He stated that Upper Pottsgrove shuts down development in Pennsylvania over a 400 foot road that had an estimate of \$5,700. The cost of attorney fees the township has spent is over \$18,000 not including what is paid for by PIRMA. He asked who authorized Attorney Maloney to file an appeal. C. Garner advised him that it was discussed two months ago that the possibility was there and it was left up to the Attorney and the Manager to make the decision.

Erin Dickey, 1847 Orlando Road, asked the Board to consider relief from the \$30,000 plus in civil judgements. There is a lien for violations which she believes were filed incorrectly. She advised the

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Board that she is hiring a new attorney. She also filed a Right to Know request for all documents relating to her case. E. Taylor asked what resolution she is seeking and why. She claims that as to the breeding and selling of dogs, there was no investigation. It was settled due to her having improper counsel. There is no record of an inspection. C. Garner advised her that the township has gone to get the judgements but the township has not demanded it be paid. He asked why she wants it to go away at this time. E. Dickey responded that she didn't understand what was going on in regards to the judgements for something she didn't do. These liens tie her hands because people look at that. She is trying to do some things to fix up her property. C. Garner advised her that the Board will discuss this in Executive Session and will communicate with her.

REPORTS

EMERGENCY SERVICES - M. Schreiber presented the Fire Report. There were 17 calls for the month. The Fire Company has installed drive cameras in all of the trucks. They are going on the same retention schedule as the Police which is keeping them for thirty (30) days unless they are needed for evidence. C. Garner suggested that the department adopt their own policy mirroring the outlining in the records retention schedule for police. M. Schreiber advised the Board that the Fire Company had their Santa Run and gave out over 700 candy canes. He commended Chief Wheatley on the awards that were handed out as this would not have happened without him at the helm. Officer Jim Crawford has finished his SRO training. The program is getting positive feedback. Officers Steve Sigoda, Jason Zoski and Andrew Millard are training on Officer involved shooting protocols. H. Miller complimented the Chief and M. Schreiber as Liaison. This was a great thing and a long time in coming.

PARKS, RECREATION AND OPEN SPACE – H. Miller advised that the Marchuniak Meadows sign has seventeen (17) bullet holes from a 22 and an air rifle. Motion by J. Bealer seconded by H. Miller and unanimously carried to accept the quote of \$3,800 to replace it. M. Schreiber asked how to keep it from happening again. H. Miller advised that they will install it parallel to the road. H. Miller advised the Board that Justin Keller is now the Assistant Manager in Pottstown and the Park Committee selected Michael Lane as the new Circuit Rider. He gave him a tour of the township and showed him the connections that still need to be done. Easements are still needed on the Waste Management property to connect with West Pottsgrove and Douglas Berks. Chestnut Grove Park has been completed. M. Schreiber advised that Norristown, during snow emergencies, open their parking lots for people to park their vehicles off the street to make plowing easier. E. Taylor was not sure how effective that would be as we are more rural than Norristown. Public Works would have to plow one lane so they could dig their cars out.

PUBLIC WORKS REPORT – Motion by H. Miller seconded by J. Bealer and unanimously carried to approve the Resolution for the 2017 truck lease and to approve execution of all documents. H. Miller advised that if one of the Road Crew is out, there needs to be someone in reserve in case of a snow emergency. F. Quinter advised that Bryan Ray had worked for us for two summers and has his CDL. Motion by F. Krazalkovich seconded by H. Miller and unanimously carried to hire one part timer not to exceed \$18/per hour. This person would only work if one of our road crew was out.

SEWER AND WATER REPORT – J. Bealer reported that he attended the joint sewer meeting. It looks like the Borough will come in on target for the amount they budgeted. They are in the process of installing an inventory system.

INTERGOVERNMENTAL RELATIONS - F. Krazalkovich will attend the COG meeting on January 10, 2017 at West Pottsgrove Township. The County Board of Commissioners passed an 11% increase in taxes and a hotel tax. The Commonwealth Court reversed a trial court finding in respect to an ordinance restricting the carrying of firearms in parks. He wanted to make sure that none of our ordinances violate the State Preemption Laws. H. Miller asked if the County increase would be used for education. F. Krazalkovich responded that there will be a special millage to fund the Montgomery County Community College and increased spending in other areas as well.

TOWNSHIP SOLICITOR – F. Krazalkovich welcomed the Solicitor back. C. Garner appreciated the kind words. H. Miller commended Matt Hovey’s work while he was out.

TOWNSHIP MANAGER’S REPORT – M. Schreiber asked where they were with the lighting options from Turnberry Farms. C. Lewis responded that she has been in touch with PECO about retrofitting LED lights on the pole and possibly adding an arm to it. No numbers have been gotten yet.

NEW BUSINESS

CONSIDER DEDICATION OF ROADS FOR CODDINGTON VIEW - Motion by F. Krazalkovich seconded by H. Miller and unanimously carried to accept dedication of the roads for Coddington View. F. Krazalkovich thanked the Township for all their work in completing the Coddington View project.

CONSIDER ADOPTION OF AMENDMENTS TO THE MASTER TRAFFIC ORDINANCE – Motion by F. Krazalkovich seconded by H. Miller and unanimously carried to adopt the Amendments to the Master Traffic Ordinance. M. Schreiber wants to make the residents understand that this is not a snow emergency route.

CONSIDER ESCROW RELEASE NO. 2 FOR CODDINGTON VIEW PHASE 3 IN THE AMOUNT OF \$6,431.54 – Motion by F. Krazalkovich seconded by H. Miller and unanimously carried to release Escrow Release #2 for Coddington View Phase 3 in the amount of \$6,431.54.

OLD BUSINESS

DISCUSS NOISE ORDINANCE – M. Schreiber asked why they call out illegal animals under section F. C. Garner explained that animals making noise is still a violation regardless whether the animal is legal or illegal. Under H - Street Sales and amplified sound, M. Schreiber asked whether this would include Mr. Softie as there are no hours listed there. F. Krazalkovich felt that intent language in Section 3 addresses that. H. Miller agreed that this would be a judgement call by the Police. C. Garner explained that some noises could fall under multiple categories. E. Taylor said the Section says that

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these acts are prohibited therefore H is in violation. F. Krazalkovich reiterated that Section 3 addresses concerns for Mr. Softie, playing drums, etc. E. Taylor feels that H needs to be quantified in some way. E. Taylor questioned whether this needed a permit; it seems to fall under solicitation permit but M. Schreiber explained that dairy was exempt. H. Miller requested that Section J include model airplanes, helicopters and drones. F. Krazalkovich questioned whether this would place restrictions on a seven year old's Christmas gift. H. Miller replied that these can be used for many nefarious purposes. F. Krazalkovich asked if there would be language in Section 1 which spells out what powers under which we are operating and a severability clause. C. Garner advised that this is just the substantive part of the ordinance and that those other parts are added at the end as they go in all ordinances. M. Schreiber asked if J prevented someone from being a car hobbyist on their property. They discussed what would be causing the noise. Chief Wheatley explained that the intent is to give guidance to the police for unreasonable noises. J. Capinski asked if drones should be addressed in the noise ordinance. There are some that don't make noise. He asked whether there would be any exclusions as firetrucks make a lot of noise.

CONSIDER ADOPTION OF BUDGET FOR 2017 – Motion by F. Krazalkovich seconded by J. Bealer and unanimously carried to adopt the budget for 2017 with revenues in the amount of \$3,129,605 and expenditures in the amount of \$3,128,529.

CONSIDER TAX ORDINANCE – Motion by F. Krazalkovich, seconded by J. Bealer to adopt the Tax Ordinance which includes repealing the Per Capita Tax and keeping the tax at 4.3 mills which includes 3.4 for General, .6 for Fire and .03 for Capital Improvement Fund. This is a zero percent change from last year. The motion carried with H. Miller voting nay.

CONSIDER MSWAT-W ORDINANCE – C. Garner advised that the Chiefs have dissolved CMERT and formed MSWAT so they could add members and allow for funding. Motion by M. Schreiber seconded by H. Miller and unanimously carried to adopt an ordinance dissolving the ChesMont Emergency Response Team (CMERT) and authorizing Upper Pottsgrove Township to enter into an Intergovernmental Cooperation Agreement to establish the Montgomery County S.W.A.T – West Region which shall supersede CMERT and the services provided thereby.

CONSIDER FIRE COMPANY ACTIVITIES – Motion by M. Schreiber seconded by F. Krazalkovich and unanimously carried to approve the Fire Company activities as presented.

PUBLIC COMMENT

JAMES CAPINSKI, 1958 Yarnall Road, commented that he was glad to see Coddington View got their roads paved. There were lawsuits in escrows that could only be used for one purpose. The Township sued Aetna for their escrow but did not use the money for roads.

APPROVAL OF MINUTES – Motion by M. Schreiber seconded by J. Bealer and unanimously carried to approve the minutes of November 7, 2016 and November 21, 2016, as presented.

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PAYMENT OF BILLS – Motion by J. Bealer seconded by E. Taylor and unanimously carried to approve payment of the bills in the amount of \$134,686.44.

EXECUTIVE SESSION – The Board adjourned into Executive Session at 8:44 pm to discuss matters of litigations and personnel. They reconvened at 9:28p.m.

ADJOURNMENT – Motion by H. Miller, seconded by J. Bealer and unanimously carried to adjourn the meeting at 9:29 p.m.

Respectfully submitted,

Carol R. Lewis, Manager