

The regular meeting of the Upper Pottsgrove Township Board of Commissioners was held on Monday, August 20, 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 and Township Secretary Michelle Reddick.

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.

APPROVAL OF MINUTES –Motion by F. Krazalkovich and second by E. Taylor and unanimously carried to approve the minutes of July 16, 2018 as amended to remove M. Schreiber’s comment concerning EMS week. Aye votes: Krazalkovich, Taylor, Slinkerd and Schreiber. Abstain: Spaide. Motion carried.

PAYMENT OF BILLS – In response to a question from M. Schreiber, C. Lewis advised she would check on the bill for UniFirst for paper products to see if it was for both buildings or for two months. Motion by E. Taylor, second by R. Spaide and unanimously carried to approve the payment of bills in the amount of \$278,640.05.

PUBLIC COMMENT – **John DeMichael, 84 Stonehill Drive**, questioned whether he should comment now on the Fire Committee reorganization or save his comments for the actual discussion. T. Slinkerd advised he could hold his comments until the discussion on that agenda item.

REPORTS

TOWNSHIP MANAGER – C. Lewis noted her report was included in the packet. There were no questions on the report.

FINANCIAL REPORT – C. Lewis noted the financial report includes the full profit and loss statement with budget figures. She further noted we are staying on budget. There were no questions on the report.

CHIEF OF POLICE – Chief Wheatley reported there was a vehicle pursuit earlier today which ended in a crash at Farmington Avenue and Route 100. The pursuit involved a large police presence in our community including the Pennsylvania State Police helicopter. He further reported the suspect was identified but not apprehended. He noted it was a stolen car that was involved in a strong-arm robbery which occurred yesterday in Bridgeport. He further noted the police department had to interrupt the PAL League and send children home since there was a search for the suspect. He also noted the license plate reader was instrumental in identifying the stolen vehicle. He further reported this is the second month using the new County RMS data system, and all the officers feel it is a big improvement in their record management and how they go about their day-to-day operations. He thanked the Commissioners for their support of this new system. He reported there was a DUI arrest, an arrest for drug possession and paraphernalia as a result of a traffic stop, a domestic in-progress which resulted in an arrest for simple assault and harassment charges, and a motor vehicle stop for expired registration which resulted in the arrest of the driver for an active warrant. He noted we are now in possession of a used 2015 police Ford explorer vehicle which the

Board allowed the department to purchase online. He advised they are still transitioning this vehicle which he is currently using. He further noted they are still working on getting the vehicle purchased from Lower Pottsgrove up and running. Chief reported we are in possession of a draft of a new three-year contract with the school district for the school resource officer. He noted he met with Dr. Harney and the school district solicitor who had some minor changes which were reviewed by our solicitor. He further noted our solicitor made some suggested changes since the contract had not been updated in several years. C. Garner explained the school district has incorporated all of his comments into the contract. He noted there was one misinterpretation regarding liability insurance. He explained he was not asking the school district to provide police liability insurance but rather general liability insurance. C. Garner explained the contract should be approved in the near future as school will be starting next week. In response to a question from F. Krazalkovich, C. Garner explained the school resource officer will still be there when school starts, but noted the contract will need to be approved at the next meeting. Chief Wheatley advised that school will be back in session next Monday so the police department will be increasing traffic enforcements. He encouraged everyone to slow down and watch out for the children out waiting for school busses and walking to school. In response to a question from **Keith Kehl, 1941 Gilbertsville Road**, Chief Wheatley advised that nationally there has been several large scams involving the Internal Revenue Service. He further advised that if anyone receives any calls, they can notify the police department so it can be documented. However, there is not much they can do since a lot of these scams are international as opposed to local as to who the suspects are. He noted that you are not a victim unless you have given someone money.

PUBLIC WORKS DIRECTOR – J. Bean reported the rain has pushed them back in their schedule. He further reported they had a road blowout on Chestnut Grove Road, a road washout on Orlando Road and a lot of issues with their sewer pump stations this month. J. Bean reported the four-wheel drive on the 2013 John Deere tractor was destroyed due to all the hills we have to mow. In response to a question from M. Schreiber, J. Bean advised there is not a tractor which is more suitable than the one they already have. In response to other questions from M. Schreiber, C. Lewis advised the cost for the repair was \$4,000.00, and the total cost for the tractor was a little over \$29,000.00. M. Schreiber noted we should probably plan to replace the tractor within five years rather than repair it again. J. Bean also reported they were supposed to have the sewer pump which was being repaired back last week. However, it has not yet been received so he will follow-up on it. C. Lewis advised a letter was received from Lower Pottsgrove Township thanking our public works department for their efforts in setting up and tearing down cop camp. **Dee Smith, 2143 Detweiler Road**, expressed concern regarding the condition of Detweiler Road and asked what is going to be done about the water runoff. C. Lewis explained the township has applied for a low volume dirt and gravel road grant, and we are hoping to hear about the grant later this month. She further explained the township does have a plan to address the storm water concerns if anyone would like to stop by the office and look at the plan. She advised if the grant is received, the plan is to do the storm water work in the fall and then the paving work in the spring of next year. She further advised the road department was scheduled to come out and do some temporary work and patching of potholes, but the rain has prevented them from doing the work. Mrs. Smith noted the side of the road is washing out and the stones are shooting up causing a safety hazard, and expressed concern that patching is not going to take care of the water problems. C. Lewis reiterated the township does have a plan to address the water issues which is a \$300,000.00 project, and the grant money is needed in order to complete the project. In response to another concern expressed by Mrs. Smith, C. Lewis explained taxes pay for road repairs, police and fire services and other services provided by the township. **John McMahon, 1996 Detweiler Road**, noted he was at a meeting last year and

complained about the condition of the road. He further noted, at that meeting, he made it known that if no repairs were completed, we would have major problems and the road along with driveways would wash away. He expressed concern that in the 36 years he has been a resident of Detweiler Road, he has not seen any major repairs to the road. He noted that on July 24, 2018, when we had a heavy rain, the township placed ballast stone at the top of road which has washed away. He advised the ballast stone has now washed down onto his driveway, and he came in and spoke with the secretary about getting it cleaned up. He expressed concern that township equipment and road crew are doing work at the Althouse Arboretum instead of taking care of the safety of Detweiler Road. J. Bean advised the road department did come out and repair the neighbor's driveway, but the ballast stone laid on the road for over a week. Mr. McMahon advised the road needs to be repaired with or without the grant. He also expressed concern there was work done at the top of the road but not where needed. **Albert Alutius, 2112 Detweiler Road**, noted some of the Commissioners voted to close the pipe that took water across the road. He advised there was a dead tree that fell on Detweiler Road, and there are other dead trees on the west side of Detweiler Road that will take out all the wires if they fall down. He noted he called to complain about the trees, but no one has addressed the matter. **Dennis Guzanski, 2185 Detweiler Road**, expressed concern that two busses cannot pass on the road as the sides of the road are washing away.

TOWNSHIP SOLICITOR – C. Garner advised most of the items are included on the agenda. He reported the School District had provided a new contract for the school resource officer which he did review and sent his recommendations for changes to the school district solicitor. He further reported the changes he recommended were included and the agreement is ready for approval. In response to a question from F. Krazalkovich, C. Garner advised the agreement should be approved sooner rather than later as the new school year will be starting soon. In response to a question from M. Schreiber, Chief Wheatley advised the agreement has not yet been approved by the school district. The Board agreed to table action on approval of the agreement for the school resource officer.

TOWNSHIP ENGINEERING AND BUILDING & ZONING – The report was included in the packet. There were no questions on the report.

PLANNING LIAISON – E. Taylor advised there is nothing to report as the Planning Commission did not have a meeting in August.

OPEN SPACE AND RECREATION – Chairman Dennis Elliott reported interns for the Althouse Arboretum made presentations to the Open Space and Recreation Board for a master plan for Sussell Park and a plan for community gardens at Prout Farm Park. He noted the Board was quite impressed but wants to wait on making a recommendation until after they have the public workshop on the open space plan update on September 27th. He further reported the Board unanimously voted to recommend the township continue the circuit rider position for the next five years. He also reported the County Planners presented a master planting plan for Hollenbach Park, the Board made some suggested revisions they would like to see and will have the plan for discussion at the public workshop. He reported Community Day will be held on Saturday, September 22nd at the Pottsgrove Middle School parking lot from 11 a.m. to 3 p.m. He asked residents to please come out and join us and consider getting involved and volunteering to help at the event. He also noted Michael Lane and Lauren VanDyk will be handing out surveys and promoting the public workshop at Community Day. He reported the Board continues to work on updating the long range plan for open space, and

they are focusing on a public workshop on September 27th to obtain input from the residents. He reported the Board is applying for a health and wellness mini grant to install counters in some of the parks, and the data will be vital to assist with planning improvements as well as measuring outcomes. Finally, he reported the Board discussed the need for a second pavilion somewhere in the township with electricity and the ability to seat at least 50 people since Heather Place Park pavilion is booked throughout the spring, summer and fall and sometimes we have to turn residents away. He noted this will be considered during the public workshop as well as during their talks of the long range plan.

SEWER AND WATER – John Bealer reported the Sewer and Water Committee did not have a meeting in August, but the joint sewer meeting was held on August 9th. He further reported the flow meters were tested and are functioning properly, and the new laser beam system for the flow meters has been installed. He noted construction of the new sludge dryer should be completed by January 2019. In response to a question from M. Schreiber, J. Bealer advised the township will receive billings as the project moves along.

FIRE AND AMBULANCE – M. Schreiber reported there were 24 calls last month with 146 year to date. He further reported there were 20 ambulance calls for the month. He noted there was a call in the new Sprigel's Run Development and questioned when the street signs will be installed. C. Lewis advised the signs will be installed after the streets are dedicated. In response to another question from M. Schreiber, C. Lewis advised she will check into whether the fire hydrants in the development are functioning.

OLD BUSINESS

CONSIDER RESOLUTION FOR HAZARD MITIGATION PLAN UPDATE – Motion by F. Krazalkovich, second by M. Schreiber and unanimously carried to approve the resolution adopting the Montgomery County 2017 hazard mitigation plan update.

CONSIDER AWARD FOR SALT SHED – C. Lewis advised the salt shed was bid with the drawings we had, and we received one bid from Penn State Construction in the amount of \$76,655.00. She noted this was approximately \$21,000.00 more than the previous bid. She further advised the difference in the cost is due to the steel tariffs between the United States and Canada as most of the structure is steel and rebar. T. Slinkerd asked if that is the best we can do or if there are any other structures we can consider. C. Lewis advised we could go with a traditional salt shed which is mostly wood and do a design bid which would include the company designing the salt shed and then bidding on what they would charge to build it. She noted this would be a lot cheaper, and you would probably get more bids. However, she noted it would be a more permanent structure. T. Slinkerd expressed concern whether this could be done before the end of November when we definitely need to have a structure in place. C. Lewis advised this should work if we get the bid in September and the footers get completed before the ground is frozen. In response to another question from T. Slinkerd, C. Lewis advised she did check with our engineers, and they did not have any other options. F. Krazalkovich advised that, as a matter of practice, he would hope we would not award a bid when we have only received one bid. He further advised he would like to take a step back and not award the bid this evening. Motion by F. Krazalkovich to reject the bid. M. Schreiber suggested keeping the bid open in case the other bids come in higher. C. Lewis advised the bid is good for 60 days so we could keep the bid open. F. Krazalkovich rescinded his motion. Motion by M. Schreiber, second by F. Krazalkovich and unanimously carried to authorize

staff to advertise for bids for a permanent salt shed big enough to hold 1,000 tons of salt. In response to a concern expressed by E. Taylor, C. Lewis advised the location of the salt shed will not interfere with any future activities on the property.

CONSIDER HIRING OF CONSULTANT FOR BUILDING STUDY – Motion by T. Slinkerd, second by R. Spaide and unanimously carried to accept the proposal of Alloy 5 for a building study in accordance with their letter dated May 30, 2018 in the amount of \$8,000.00. F. Krazalkovich noted the contract is for a municipal planner to study our existing facilities and make recommendations, but we are not approving any bid for repairs or new facilities at this time. In response to a question from **Charles Albright, 1620 Kummerer Road**, T. Slinkerd advised a building study was not done prior to now. Mr. Albright expressed concern that the township wasted a lot of money on a new public works building that never got built. In response to another question from Mr. Albright, C. Lewis advised the salt shed will be located at the corner of N. State Street and Heather Place.

CONSIDER FIRE COMPANY ACTIVITIES - Motion by R. Spaide, second by F. Krazalkovich and unanimously carried to authorize the Fire Company activities as presented.

NEW BUSINESS

FIRE COMMITTEE ORGANIZATION – T. Slinkerd explained under the memorandum of understanding with the fire company, there are several positions to the Fire Committee. He further explained two of those positions, the Commissioner and one other member, are selected by the Board of Commissioners. T. Slinkerd explained he believes there is a conflict of interest with M. Schreiber being a member and Vice President of the fire company, Chairman of the fire committee and a Commissioner. Motion by T. Slinkerd and second by R. Spaide to vacate the other member position and look to fill that position in September. **John DeMichael, 84 Stonehill Drive**, expressed concern that he does not believe it is a conflict of interest and believes it is important to have a commissioner who is also a member of the fire company on the fire committee. M. Schreiber noted the list of appointments which was made in January confirmed appointments for the year and questioned whether the appointments could be changed. C. Garner explained that according to the memorandum of understanding, in paragraph one of the governance section, the Board of Commissioners can appoint one member from the Board of Commissioners and one member by appointment. However, there are no specific term limits on the appointments even though the by-laws may have term limits for other positions on the committee. He further explained the absence of terms means the power to appoint is the power to vacate. E. Taylor expressed concern that he was not provided any information on this matter other than the four words on the agenda. He further expressed concern there was no previous discussion on this matter nor was any information provided on current positions, appointments or current organization of the fire committee. T. Slinkerd advised this matter was talked about previously at the May meeting, and noted that E. Taylor signed the memorandum of understanding. E. Taylor noted he signed lots of things but cannot remember everything and would have liked to have the current organizational structure of the fire committee prior to making any decisions. M. Schreiber expressed concern that Board members were previously in favor to discuss matters at one meeting and then consider at the next meeting and doesn't understand why there seems to be a rush to make a decision on this matter. F. Krazalkovich reiterated this matter was previously discussed back in May. Aye votes: T. Slinkerd, R. Spaide and F. Krazalkovich. Nay votes: M. Schreiber and E. Taylor. Motion carried.

CONSIDER RESIGNATION OF OFFICER CALCAGNI – Chief Wheatley requested this matter be tabled until September as Officer Calcagni was unable to be present tonight.

CONSIDER FOUR YEAR ELECTRIC CONTRACT – C. Lewis explained the township can save money on electricity by contracting with Constellation. Motion by R. Spaide, second by T. Slinkerd and unanimously carried to authorize acceptance of a four year contract with Constellation for electric at .04616/kilowatt hour. All aye votes.

CONSIDER ESCROW RELEASE FOR CROSSROADS – Motion by E. Taylor, second by R. Spaide and unanimously carried to authorize escrow release number 3 in the amount of \$463,132.78 for the Crossroads Development.

2019 BUDGET AND MUNIMUM MUNICIPAL OBLIGATION – C. Lewis advised the first draft of the budget is included in your packet and will be discussed in more detail in September. She further advised she has meetings set up with all the department heads over the next week to go over their budgets, and the committees will review their respective budgets at their meetings prior to the Board meeting in September. She noted current year real estate taxes are down this year due to reassessments, and the cell tower revenue is down due to Hillside Tower losing one of their providers. She further noted we are breaking out more items in the budget related to buildings such as utilities and services. She advised we will be looking to purchase a four-wheel drive vehicle for the police department and a used roller for the public works department in 2019. In regard to the minimum municipal obligation, C. Lewis reported the minimum municipal obligation is down this year. In response to a question from M. Schreiber, C. Lewis advised the non-uniform pension is fully funded by the State, and the uniform pension is 65 percent funded by the State. C. Garner explained this is a certification of the 2019 MMO which is a calculation made by the actuary to keep both pensions fully funded. He further advised no action is necessary tonight, but the Board is required to take action on or before September 30, 2018. C. Lewis noted the calculations went down due to good investment. Motion by F. Krazalkovich, second by R. Spaide and unanimously carried to acknowledge receipt of the 2019 minimum municipal obligation for the non-uniform pension plan in the amount of \$47,251.00. Motion by F. Krazalkovich, second by R. Spaide and unanimously carried to acknowledge receipt of the 2019 minimum municipal obligation for the uniform pension plan in the amount of \$208,849.00. In response to a question from E. Taylor, C. Lewis advised the non-uniform employees contribute two percent to their pension, and the uniform employees contribute the maximum of five percent to their pension.

DISCUSS CHANGES TO CHAPTER 200, GRASS, WEEDS & OTHER VEGETATION

C. Lewis explained Chapter 200 deals with requirements for the cutting of grass, weeds and other vegetation, and we are now adding the requirement for cutting of trees. C. Garner explained the current ordinance does not apply to cutting of trees or shrubs so we are adding a definition of tree and right-of-way. The amendments to Chapter 200 would allow the township to request property owners to remove trees and shrubs that are located in the right-of-way or allow the township to do so and would also provide the township the authority to enforce. In response to a question from E. Taylor, C. Lewis explained the proposed ordinance change would not require property owners to cut their woods back by 200 feet. C. Garner advised he could put this in ordinance form if the Board so desires. However, he noted it is sometimes easier to read when it is on a sheet of paper than try to digest it in ordinance form. F. Krazalkovich suggested we be sure to add language in the

ordinance which spells out the power we are acting under the First Class Township Code. In response to a question from **Carl Specht, 150 Primrose Lane**, C. Lewis advised the property owner is responsible for weeds that grow along the curbing in addition to sidewalk maintenance. In response to a concern expressed by Mr. Specht, C. Lewis advised we have not been able to do weed spraying due to the weather. She further advised it is scheduled but it keeps getting pushed back due to the weather. Mr. Specht noted that, in accordance with Code 301.2, the property owner is responsible for the area between their property line and the cart way including the curbing; however, the property owner is not responsible for the grassy area between the curb and the property line. He noted the code doesn't say the property owner is responsible for the weeds in the street. Mr. Specht questioned why the code enforcement officer is not enforcing the ordinance as it relates to abandoned vehicles and junk on properties. C. Lewis advised the code enforcement officer will address issues as they are brought to his attention, but he does not drive around the township looking for issues.

OTHER PUBLIC COMMENT

John McMahon, 1996 Detweiler Road, noted that the residents of Detweiler Road have presented the problems with the road and questioned when they will find out the plan of action. C. Lewis advised the storm water will occur in the fall and paving in the spring. Mr. McMahon expressed concern that other roads are being paved and maintained yet their road is still in disrepair. T. Slinkerd agreed to meet with Mr. McMahon to take a look at the issues on Detweiler Road and then work with C. Lewis and J. Bean on prioritizing road work.

Keith Kehl, 1941 Gilbertsville Road, thanked M. Schreiber for coming out Friday night to look at the problem on Grandy Road. He noted the public works department placed gravel on Grandy and Mickletz Roads, but it didn't fix the problem as the water wasn't even going through the pipe. He advised he dug a beaver dam out of the pipe and expressed concern that this was not done by the public works department. He expressed concern there was no pipe put under Pascal's new driveway and noted the gravel is washing down Grandy Road and going into the ditch. He also expressed concern regarding the dangerous intersection of Cross Road and West Moyer Road, and noted you cannot see to pull out onto Moyer Road off of Cross Road. M. Schreiber suggested reducing the speed limit in this area.

Charles Albright, 1620 Kummerer Road, expressed concern regarding the milling work done on Kummerer Road. He noted the outfit that was hired and the road crew are not road builders and the work done on the road will need to be redone as the millings are being tore up every time a car goes down the road. He further noted he cleaned up four buckets of millings that had washed off the road onto this driveway. In response to a question from Mr. Albright, C. Lewis advised they are waiting on a price to top coat the road.

Sandy Hasselhan, 1466 Farmington Avenue, questioned whether anything could be done to install gutters northbound on Farmington Avenue past her property. C. Lewis agreed to have the matter investigated to see if there is anything that can be done in this area.

Diane DeLong, 1527 Schwenk Road, expressed concern that driveways are being washed out and the township keeps fixing them, specifically the one at 1579 Schwenk Road. C. Lewis advised the township is trying to get property owners to pave the first 50 feet of their driveways. **Dave DeLong**, noted the driveway at 1579 Schwenk Road had washed all the way across the road which

the public works did clean up the road, but he expressed concern the township put all the stone back in their driveway. In response to a question from Mr. DeLong, C. Lewis advised the property owner is responsible for their driveway, and the township is trying to get property owners to pave the first 50 feet of their driveway. In response to a question from Mrs. DeLong, C. Lewis advised a letter was sent to the property owner at 1579 Schwenk Road concerning their driveway.

COMMISSIONER COMMENTS

M. Schreiber expressed disappointment with the decision to reorganize the Fire Committee. He referenced the June 2011 meeting where he asked for Commissioner Noll to be removed from the committee for not communicating with the Board of Commissioners but was told Mr. Noll would be staying on the committee. He also expressed his disappointment with the purchase of the fire truck being voted down and commissioners questioning which fire company arrived first on the scene at a fire on Hanover Drive.

E. Taylor advised he is not sure whether he is happier here listening to all the water washout complaints, or ten years ago, when we were dealing with wells going dry.

F. Krazalkovich, noted he has enjoyed and appreciated the work done by the Board in his last three years as commissioner and looks forward to the work which will be done in the future.

EXECUTIVE SESSION – The Board adjourned into Executive Session at 8:30 p.m. to discuss litigation, collective bargaining and a matter of real estate with no action to be taken. They reconvened at 8:43 p.m.

ADJOURNMENT – Motion by F. Krazalkovich, second by R. Spaide and unanimously carried to adjourn the meeting at 8:43 p.m.

Respectfully submitted,

Michelle L. Reddick, Township Secretary