

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

January 22, 2019

The regular meeting of the Upper Pottsgrove Township Board of Commissioners was held on Tuesday, January 22, 2019, at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Commissioners Trace Slinkerd, France Krazalkovich, Renee Spaide (participated via telephone), 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 Secretary Michelle Reddick.

MOMENT OF SILENCE – The Commissioners requested a moment of silence in honor of the men and women who have served or are currently serving our country in the armed forces.

PLEDGE OF ALLEGIANCE – Those assembled pledged allegiance to the flag.

SWEARING IN OF NEW FIRE POLICE – Commissioner Slinkerd administered the oath of office to newly appointed fire police Katie Marie Scheuck.

SPECIAL ITEM – Consider Appointment of Michelle Reddick as Township Manager – Motion by F. Krazalkovich, second by R. Spaide and unanimously carried to appoint Michelle Reddick as Township Manager and authorize execution of the employment agreement. In response to a question and concern from E. Taylor, T. Slinkerd advised there is no issue concerning the Township Secretary position as the Board will need to look to fill the position of Township Secretary, and the compensation is separate.

PUBLIC COMMENT – There was no public comment.

APPROVAL OF MINUTES – Motion by E. Taylor and second by F. Krazalkovich to approve the minutes of December 17, 2018 as written. Aye votes: Taylor, Krazalkovich, Spaide Slinkerd. Abstain: Schreiber. Motion carried. Motion by F. Krazalkovich, second by E. Taylor and unanimously carried to approve the minutes of January 7, 2019 with the following changes: (1) change the last sentence under sewer plans discussion; (2) remove the word “small” on page 5 under the pensions discussion; and (3) change the word “increasing” to maintaining and change the word “operations” to “operational leadership” under number 2 of Fire Company Agreement discussion.

BILL LIST – Motion by E. Taylor, second by R. Spaide and unanimously carried to approve the Bill List in the amount of \$286,850.66.

MANAGER’S REPORT – Michelle Reddick noted the Township Administration Report was included in the packet, and this new report includes all departments. She reported there will not be separate reports included in the future, but rather this combined report. There were no questions on the report. She noted the December 31, 2018 financial report is included in the packet. She reported this is not a complete and accurate financial report for year-end 2018 as she is still working with financial consultant Donal Renninger in completing year-end tasks related

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to finances and entering the audit adjustment entries into QuickBooks. She noted she will provide a final December 31, 2018 financial report once it is fully completed.

CHIEF OF POLICE – The Chief noted his report was included in the packet and key highlights were included in the Township Administration Report.

PUBLIC WORKS – J. Bean reported his department has been dealing with ice issues. M. Schreiber suggested investigating a long-term solution for the ice issues along Farmington Avenue and Gilbertsville Road.

TOWNSHIP SOLICITOR – C. Garner explained the issue of mini-towers and the pending litigation in front of the Pennsylvania Supreme Court involving the determination as to whether these mini-towers constitute public utilities. The Commissioners clearly supported the position that these structures are not utilities and should be regulated by local municipalities. C. Garner explained the Township could hire Dan Cohen to prepare an amicus brief to support the position these towers are non-utilities and subject to municipal regulations. The Board is not in support of hiring Mr. Cohen to file a brief but would like to investigate whether there is any formal action needed by the Township. In response to questions from E. Taylor, C. Garner explained he is not sure if any township organizations are doing anything, and the Supreme Court will hear the matter later this year. E. Taylor suggested inquiring of PSATC what we could do jointly. F. Krazalkovich noted he will be attending the Pennsylvania State Association of Township Commissioners meeting where this matter will be discussed and could possibly provide additional information at a future meeting. He also noted the Montgomery County Commissioners Association has discussed this matter, and the Pennsylvania Municipal League is funding part of the expense for Dan Cohen to file the amicus brief.

TOWNSHIP ENGINEERING AND BUILDING & ZONING – T. Slinkerd noted the reports were included in the packet. M. Schreiber expressed concern there are residents living in the Sprogels Run Development, but there are no street signs. Michelle agreed to make a request the developer install street signs.

PLANNING – E. Taylor noted the issues related to planning will be handled under agenda items.

OPEN SPACE AND RECREATION – Chairman D. Elliott noted a representative is needed for the Pottstown Regional Recreation Committee. He reported Green Ailes will be removing approximately 300 ash trees. He further reported Michael Lane will take lead on the Hollenbach tree screening plan. He advised there were no kills reported during the archery hunt. He further advised the Township received a grant for trail sensors which will be ordered, and it was suggested approaching Green Ailes to assist with installation and collecting data from the trail sensors. He expressed concern regarding dumping that has taken place on the Smola property, and noted Mr. Lane is looking for a grant to purchase additional trail cameras to install at this location. He advised J. Bean will be providing an update on required trail maintenance as a

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result of all the rain from last year. He reported the trail at the Dallas property keeps washing out and is suggesting obtaining a quote to pave the trail. He further reported the parking areas in our open space need repaired. He advised the Township is in the process of purchasing the Schwenk property, and we will need to determine if there are any structures on the property and locate any well and septic that might be on the property. He also noted we will post “no hunting” on the Schwenk, but this property will be included in future archery hunts. He provided a brief explanation of chronic wasting disease, and noted the Pennsylvania Game Commission is extremely concerned with this issue. He noted the appointment of a new member is an item on the agenda. He further noted another application was received from John Shantz and suggested inviting him to the next meeting. He reported the Veteran’s Memorial is hoping to piggyback off the 501.C.3 for the Pottstown Veteran’s Island so they can move forward with our project.

SEWER AND WATER – F. Wheatley advised these matters will be handled under agenda items. He further reported the joint sewer meeting was held on January 10, 2019. He noted there is a recorded flow discrepancy, and the matter is being investigated. He noted there will be an open house at the Pottstown sewer treatment plant on February 8th and 9th, and the gryphon dryer is expected to be on-line on February 3rd. M. Schreiber advised there is a resident who lost their job, fell behind in their sewer payments and is making payments to Portnoff; however, the Borough is not allowing him to pay his current sewer bill. M. Reddick explained she has already conversed with Solicitor Garner regarding this matter who advised the Township has the right to establish their own policy regarding collection of their sewer accounts. C. Garner advised the Township has the right to prescribe their own rules regarding collection of sewer accounts and does not have to follow the policy of the Borough of Pottstown. E. Taylor advised the Township does have its own established policy. C. Garner suggested the Township communicate this policy to the Borough and request they abide by the Township’s policy for our sewer accounts. T. Slinkerd asked if there was any public comment regarding this matter. There being no public comments, motion by F. Krazalkovich, second by M. Schreiber and unanimously carried to authorize the Township Manager to notify the Borough of Pottstown to allow our customers to pay their current sewer bill regardless of whether they have collection accounts at Portnoff.

FIRE AND AMBULANCE – M. Schreiber reported he has become the new President of the Fire Company as a result of the resignation of George Harmansky. He noted Darius Lobello has left for the Marine Corps. He noted the fire police traffic unit went out for inspection, and the cost to pass inspection was going to be a minimum of \$1,500.00. He reported, rather than pay the costs for inspection, Fireman’s Relief Association purchased a new vehicle. He reported the vehicle is a Ford F-450 truck which used to be a rescue truck. He noted it will be at least a month until the vehicle is in service as it needs letters, lights and a radio.

OLD BUSINESS

DISCUSS AMENDMENTS TO THE MEMORANDUM OF UNDERSTANDING FOR FIRE COMPANY PER FIRE PROTECTION ORDINANCE – F. Krazalkovich explained the Fire Protection Ordinance was approved in December, and he is now recommending changes

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to the Memorandum of Understanding. He noted they have operated under the MOU since 2005 and in 2016, the MOU was revised concerning representation on the Fire Service Committee. He reiterated the changes he is proposing which were reviewed in detail at the work session meeting. The changes include eliminating the recitals and removing paragraphs one, six and seven. T. Slinkerd questioned whether there would be two different versions of the agreement; one with the Fire Service Committee and one without the Fire Service Committee.

F. Krazalkovich advised it is the will of the Board. R. Spaide advised she does not feel we should eliminate the Fire Service Committee. She explained there is a reason it became a power and substance. E. Taylor noted we are fortunate to have a seat at the table and are intimately involved in what goes on with the Fire Company. He feels the Fire Service Committee is an important part of the Township, and we need to maintain the level of oversight provided for by this committee. M. Schreiber noted both the Fire Company and Fire Service Committee feel it is an integral part of the relationship between the Township and the Fire Company.

F. Krazalkovich noted the Board of Commissioners have only three (3) seats on the Fire Service Committee so any real power remains with the Fire Company. He feels it creates an extra level of bureaucracy that is unnecessary. He further noted the Board of Commissioners still have necessary oversight of the Fire Company by virtue of their duty under the First Class Township Code. E. Taylor advised the Fire Service Committee promotes transparency and has created a bond with the Fire Company. Motion by F. Krazalkovich to authorize appropriate township staff to draft an agreement between the Upper Pottsgrove Township and Upper Pottsgrove Fire Company #1 which eliminates the recitals, eliminates paragraph one and eliminates paragraphs six and seven. Motion failed for lack of a second. Motion by F. Krazalkovich to authorize appropriate township staff to draft an agreement between the parties which eliminates the recitals, eliminates paragraphs six and seven and changes the make-up of the Fire Service Committee to include the Fire Chief, President of the Fire Company, two (2) appointees of the Fire Company, one Commissioner and two (2) appointees of the Board of Commissioners.

F. Krazalkovich explained the current make-up of the Fire Service Committee includes one Commissioner, one appointee of the Board of Commissioners and the Township Manager. He believes this puts the Township Manager in an untenable position to have to vote on policy. He further explained he does not believe an appointee/employee of the Township should be put in such a position. Motion failed for lack of a second. E. Taylor noted he agrees with not putting the Township Manager in an untenable position but is not sure if what has been proposed accomplishes that since he has nothing in front of him to review. He believes the matter concerning the Township Manager being a voting member of the Fire Service Committee does need to be reviewed. Motion by F. Krazalkovich to authorize appropriate township staff to draft an agreement between the parties which eliminates the recitals, eliminates paragraphs six and seven and leaves the rest of the agreement in place. Motion failed for lack of a second.

M. Schreiber noted years ago when the committee was formed, there were two members at-large which were first appointed by the Township, and thereafter, appointed by the Fire Company.

T. Slinkerd agreed we would continue to discuss this matter at an upcoming work session meeting.

DISCUSS THE CREATION OF A BUSINESS AND ECONOMIC DEVELOPMENT

ADVISORY COMMITTEE – R. Spaide suggested we investigate the committee Dennis Elliott was recommending, see if members are still around, and determine whether they would be interested in being part of the committee. C. Garner recommended first establishing the parameters of the committee which include the size, qualifications for committee members, terms of office and define the purpose of the committee so members know what they are required to do. E. Taylor suggested investigating if there is a boiler plate for this type of committee either at the County or State level. F. Krazalkovich to work with the Solicitor Garner on this matter and establish the parameters for the committee. In response to a question from M. Schreiber, C. Garner explained the meetings would need to be advertised. He further explained it could be a blanket ad for all meetings and not ads for individual meetings. D. Elliott suggested not keeping members of the committee confined to only residents from Upper Pottsgrove. He also suggested speaking with PennDOT to make the area for this type of development more attractive.

CONSIDER RECOMMENDATION OF 908 COMMERCE DRIVE ASSOCIATES, LLC –

ZHB #01-18 – Gabe Clark of Catalyst Commercial Development was present to explain their request for a use variance. He noted the business would be Penske Truck Rentals. He further noted there are 16 truck spaces which would be located behind a screened island. He said there would be two (2) of each truck size and eight (8) spaces have been created for their largest trucks. In response to a question from F. Krazalkovich, G. Clark advised the plan does consist of a landscaped island to create a screening buffer for trucks. E. Taylor noted the other purpose of the landscaped island is to provide a divider between the different uses and better define the areas for each use. G. Clark explained a conditional use would permit this type of use, but they were unable to meet the dimensional requirement for a conditional use. Therefore, a use variance is required. In response to a question from M. Schreiber, G. Clark advised there would not be any rental of trailers. He noted the use includes an 800 square foot office space and the hours of operation would be 8:00 am to 4:00 pm Monday through Friday and 7:00 am to 12:00 pm on Saturday. He also noted there was a question at the Planning Commission meeting regarding maintenance and washing of trucks. He advised that none of these activities would occur at the site. C. Garner suggested the recommendation include any conditions related to zoning. Motion by M. Schreiber, second by E. Taylor and unanimously carried to recommend to the Zoning Hearing Board approval of the use variance with the condition that no washing or repairs of rental trucks take place at the site and a landscaped island be provided as a divider for the different uses on the property as well as a screening buffer for trucks.

CONSIDER WAIVER FROM LAND DEVELOPMENT FOR 908 COMMERCE DRIVE, SUITE 200

– The Board of Commissioners reviewed the concept proposal submitted which involves a second tenant at the property identified as Penske Truck Rental along with a waiver request letter dated January 22, 2019. Motion by F. Krazalkovich, second by M. Schreiber and unanimously carried to grant waivers to the following sections of the Subdivision and Land Development Ordinance conditioned upon development of a Plan for the property at 908 Commerce Drive as depicted in the Pavement and Overlay Site Plan Exhibit, last revised

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January 10, 2019: (1) Section 310-20.C(7) to permit the project to utilize parking space 9 feet by 18 feet as opposed to 10 feet by 20 feet; (2) Section 310-20.C(8) to waive the requirements that no screening or landscaping would be installed given the conditions; and (3) Section 310-20.C(5).

**CONSIDER WAIVER OF APPLICATION & PERMIT/INSPECTION FEES FOR
REGAL OAKS PHASE IIA PROJECT**

T. Slinkerd advised this request is outlined in the notes dated January 22, 2019 from Sewer and Water Committee Chairman John Bealer which were included in your packet. T. Slinkerd requested M. Reddick explain the two fees which the residents of Regal Oaks included in the Phase IIA sewer project are requesting the Township consider waiving. M. Reddick explained the \$50.00 fee is a non-refundable application fee which is required at the time you submit a permit application. She further explained the \$79.00 is the fee for the permit to make the actual connection to the sewer. She advised the \$79.00 includes the inspection fee which LTL charges the Township in addition to a small State fee. M. Reddick advised the Township has never waived any fees on past sewer projects. She explained the \$50.00 non-refundable application fee may not have been in place for past sewer projects, but this fee covers our administrative costs to process the permit application and any time involved for LTL to review the permit. T. Slinkerd noted there is no recommendation from the Sewer and Water Committee to waive these fees. He believes we should not set a precedent by waiving these fees when we have already charged other residents for the same fees. In response to a question from F. Krazalkovich, T. Slinkerd advised these are fees which would be paid by the residents of Regal Oaks who are part of the Phase IIA sewer project. F. Krazalkovich expressed concern we are going to force these residents to connect to the public sewer system and then charge them a fee to force them to connect. Motion by F. Krazalkovich and second by M. Schreiber to waive the non-refundable application fee of \$50.00 and the permit fee of \$79.00 for the residents of Regal Oaks who would be required to pay these fees as part of the Phase IIA sewer project. E. Taylor reiterated these fees have not been waived for past sewer projects. He noted the costs for this project are approximately \$450,000 to service 33 homes. He explained the fees collected from these 33 property owners will only cover a small portion of the project costs; therefore, the existing sewer customers are covering the costs of the debt for this project. He also noted the fees being referenced are small in comparison to the cost of providing the infrastructure to these 33 homes. M. Reddick noted the Township is paying LTL for the inspection fees involved with the permit. In response to a question from F. Krazalkovich, M. Reddick advised the property owners will also be charged a tapping and connection fee. In response to a question from T. Slinkerd, M. Reddick advised these are the same fees as have been charged to other sewer customers to connect their properties to the public sewer system. except for there was an increase in the tapping fee over the years. F. Krazalkovich questioned whether it is to the Township's benefit these properties connect to public sewer. E. Taylor explained we want residents to connect to existing public sewer lines, because that pays the debt. He further explained this project involves incurring more debt which is not going to be covered by the fees collected from the 33 properties involved in the project. M. Reddick cautioned the Board on setting a precedent for fees involved on future sewer projects.

T. Slinkerd noted we cannot charge one group of residents these fees and not another group of residents. He further noted the fee structure has been in place for quite some time. He advised he is open for discussion on not having fees at all if that is what the Board desires, but we cannot separate two group of residents just because we have the opportunity to do so at this particular time. Aye votes: Krazalkovich, Schreiber and Spaide. Nay votes: Slinkerd and Taylor. Motion carried.

CONSIDER REQUEST FOR EXTENSION OF TIME TO CONNECT TO PUBLIC

SEWER – T. Slinkerd advised the Sewer and Water Committee is recommending this extension of time. Motion by R. Spaide, second by F. Krazalkovich and unanimously carried to grant an extension until October 31, 2019 for the owner of 2038 Mimosa Lane to physically connect their property to the public sewer system.

CONSIDER RATIFICATION OF AMENDMENT TO SUBDIVISION FINANCIAL

SECURITY AGREEMENT FOR SPROGEL’S RUN – C. Garner noted this involves the existing letter of credit through Beneficial Bank for Phase 1 of Sprogel’s Run. He explained the developer wanted to refinance the existing letter of credit through Mid Penn Bank, and the bank required an amendment to the Subdivision Financial Security Agreement. He further explained the signed Agreement was needed to secure the new letter of credit so he advised T. Slinkerd to sign the Agreement and have it placed on the next Board agenda for ratification. Motion by E. Taylor, second by F. Krazalkovich and unanimously carried to ratify T. Slinkerd’s signature on the amendment to the subdivision financial security agreement for Phase 1 of Sprogel’s Run.

CONSIDER AUTHORIZING THE TOWNSHIP MANAGER AND BOARD PRESIDENT TO EXECUTE ANY & ALL NECESSARY DOCUMENTS TO PURCHASE THE

SCHWENK PROPERTY – Motion by R. Spaide, second by F. Krazalkovich and unanimously carried to authorize the Township Manager and Board President to execute any and all necessary documents to purchase the Schwenk property.

NEW BUSINESS

CONSIDER APPOINTMENT OF GREG CHURACH TO OS&R BOARD – Motion by R. Spaide, second by F. Krazalkovich and unanimously carried to appoint Greg Churach to the Open Space and Recreation Board.

OTHER PUBLIC COMMNETS

Keith Kehl, 1941 Gilbertsville Road, expressed concern regarding water run-off on Moyer Road just passed Ming Drive as it relates to the water seeping out of the detention basin at Sprogels Run. He also expressed concern the Board agreed to waive the fees for residents of Regal Oaks, and noted it is not fair to other residents who had to pay these fees in the past.

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Jim Capinski, 1958 Yarnall Road, referenced a comment made by Trace about the work being completed on Detweiler Road. He further referenced Chief Wheatley’s comments at another meeting that repairs are needed on Detweiler Road. He referenced the minutes concerning the paving of Detweiler Road where it states the paving was supposed to be one half to one inch thick and expressed concern the paving is one-fourth inch thick at Snyder Road. He provided photos to the Board concerning the repairs which are still necessary from the work done on Detweiler Road and showing the thickness of the paving near Snyder Road. T. Slinkerd advised the contractor is coming back to complete the necessary repairs.

COMMISSIONER COMMENTS

Commissioner Schreiber noted the Board meetings were moved to Tuesday due to Monday being a holiday, but suggested reconsidering this going forward as it conflicts with the School Board meetings.

Commissioner Krazalkovich noted he will miss the February 4th work session meeting as his attendance is required at the PSATC meeting.

Renee Spaide commended the police department, fire police and the fire company for a job well done in handling the emergency at her home on January 19th, and she thanked them for their efforts.

EXECUTIVE SESSION – The Board adjourned into Executive Session at 9:00 pm to discuss a matter of litigation with no action to follow. They reconvened at 9:35 pm.

ADJOURNMENT – Motion by M. Schreiber, second by R. Spaide and unanimously carried to adjourn the meeting at 9:36 pm.

Respectfully submitted,

Michelle L. Reddick, Township Secretary