

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

April 15, 2019

The regular meeting of the Upper Pottsgrove Township Board of Commissioners was held on Monday, April 15, 2019, 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 and Township Manager/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.

PUBLIC COMMENT – None.

APPROVAL OF MINUTES – Motion by R. Spaide, second by E. Taylor and unanimously carried to approve the minutes of March 18, 2019 as amended to accurately reflect Mr. Taylor’s comments regarding the increase in the non-uniform pension contributions. Motion by R. Spaide, second by F. Krazalkovich and unanimously carried to approve the minutes of May 6, 2019 as written.

PAYMENT OF BILLS – M. Schreiber expressed concern the legal invoice related to sale of the sewer system is being paid from the Sewer Fund even though the sale of the sewer system, if approved, would also benefit the General Fund. Motion by R. Spaide and second by E. Taylor to approve the payment of bills in the amount of \$230,127.78. Aye votes: Spaide, Taylor, Krazalkovich and Slinkerd. Nay: Schreiber. Motion carried.

REPORTS

TOWNSHIP ADMINISTRATION – M. Reddick advised her report was included in the packet. She reported that our new finance assistant Jeannie is officially on board and getting acclimated with the finances. She noted Jeannie has already offered new ideas on how we can do things more efficiently. M. Reddick noted we are still investigating companies for outsourcing payroll and will provide additional information as it becomes available. She reported Linda has completed submitting paperwork for reimbursement under the Green Light Go Grant for the signal pre-emption invoices. She reported the equitable owners for the Kummerer property have contacted the township regarding a meeting to discuss potential development of that property. She reported the public works and police departments along with Police Specialist Siobhan Klinger completed First Aid and CPR training. She thanked Commissioner Schreiber for instructing this class and noted it would cost the township money if we had to hire someone to instruct the class.

FINANCIAL REPORT – M. Reddick advised the financial report as of April 15, 2019 was included in the packet. M. Reddick advised there were several questions at the last meeting and at the Fire Service Committee meeting regarding the balance of the truck reserve in the Fire Fund; therefore, research was conducted by myself and our financial consultant. She reported the ending fund balance as of December 31, 2017 was \$56,396.00; however, the 2018 budget indicated a cash reserve of \$20,000 and a fire truck reserve of \$60,000. She explained the projected reserve (\$80,000) exceeds the actual cash balance. She further explained the 2018 budget was prepared using an estimated fund balance carryover approximately \$23,604 higher than actual. Therefore, if the 2018 budget would have fell into place from an actual perspective, the Fire Fund would have ended with a shortfall in 2018. She noted the 2018 budget was prepared projecting an operating

deficit equal to \$9,607.00. However, as 2018 year has not been finalized and all numbers have been reconciled, the Fire Fund ended the year with an actual surplus of \$67,194 which is significantly more than expected. She noted there was \$32,000 budgeted for radio equipment, \$20,000 for major equipment purchases and \$10,000 for minor equipment purchases and none of these budgeted expenditures occurred in 2018. Therefore, the ending fund balance at December 31, 2018 is significantly higher than expected, and the carryover to 2019 is \$123,590. She suggested reviewing the 2019 Balance Sheet (equity section), and you will note there is a Retained Earnings Account showing that you are carrying over \$123,590 of fund balance from year 2018. She explained the 2019 budget was adopted projecting to carry forward \$66,000 of fund balance when in fact you are carrying over \$123,590 so the Fire Fund is starting out 2019 with \$57,590 more fund balance than projected. Regarding the Truck Reserve, it was noted to be \$40,000 in 2017, \$60,000 in 2018, and \$70,000 in 2019 per the budget worksheets. Therefore, if you are carrying over \$123,590 as of December 31, 2018, there is enough funds to allocate \$70,000 or more to the Fire Truck Reserve if the Board wishes to do so. The financial consultant advises that if the desire is to truly earmark money for a Fire Truck Reserve, then the township needs to be cognizant of that when doing current budgeting and everyday finances as leaving money that is considered a reserve in the same bank account from which you are operating could lead to spending those funds for operations without realizing it. Our financial consultant strongly recommends if the Board wishes to earmark these funds, they should be moved to a capital projects fund or a new bank account within the Fire Fund.

CHIEF OF POLICE – Chief Wheatley noted his report is included as part of the Township Administration report. He reported there has been an increase in DUI incidents and arrests. He further reported there was a DUI accident in the 1700 block of Farmington Avenue. There was another DUI in the 1300 block of Farmington Avenue where the operator of the vehicle resisted arrest and was found in the possession of drugs. There was a third DUI arrest where the driver was passed out behind the wheel of the vehicle in the 1200 block of N. Charlotte Street. He further reported his department is working on plans for the upcoming P.A.L. carnival in making sure they are prepared for this event. He also noted “no parking” signs will be purchased to erect along township roads.

PUBLIC WORKS DIRECTOR – J. Bean noted his report is also included as part of the Township Administration report. He reported they completed open space maintenance including removal of downed trees along trails and within open space areas. He further reported they repaired and replaced storm drains that collapsed, completing approximately five (5) per day. He noted they have approximately 40 to repair. He reported they evaluated and assessed the fire vehicle to determine if it is worth purchasing and determined it is not worth purchasing.

TOWNSHIP SOLICITOR – C. Garner advised his items will be discussed under agenda items. He reported the public hearing concerning the proposed zoning amendments will be held at the May 20, 2019 meeting.

TOWNSHIP ENGINEERING AND BUILDING & ZONING – The report was included in the packet. There were no questions on the report. M. Schreiber expressed concern the street names in Sprogel’s Run are all the same. J. Bealer explained it is one continuous loop road so the street names would be the same. F. Wheatley expressed concern that it can sometimes be confusing and agreed to investigate whether there is anything that can be done other than proper signage.

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

OPEN SPACE AND RECREATION – R. Spaide reported the annual Easter egg hunt at the Althouse Arboretum was held this past weekend and was a huge success. She reported there will be a farmers market at the Althouse Arboretum once a month on a Friday through the summer. She advised the farmers market will have a soft opening on Friday, May 3, 2019 from 4-7 pm, and the grand opening will be Friday, May 30 from 4-7 pm. She reported there is still a lot of work needed on the trails at the arboretum due to the taking down of ash trees but some of the trails are open. She reported the Veteran’s Memorial is moving forward but construction has not started due to rain. She reported the Pottsgrove Joint Recreation meeting was held and a new director was appointed.

SEWER AND WATER – J. Belaer reported the Sewer and Water Committee did not meet this month, but their next meeting is May 7, 2019. He further reported the joint sewer meeting was held on April 11, 2019. He advised the gryphon dryer is on-line and working at 80 percent efficiency. He further advised the Borough is obtaining pricing on meter leasing to determine if there would be any cost savings to include all three Pottsgroves and the Borough. **Robert Miller, 2115 Gilbertsville Road** advised he needs and wants public sewer. **Steven Toth, 2101 Gilbertsville Road**, advised he wants public sewer and has been waiting over 20 years for it. **Mike Irwin, 2131 Gilbertsville Road**, advised he needs public sewer. **Matt Dailey, 215 Rose Valley Road**, advised he is not opposed to public sewer but is opposed to a grinder pump. He further advised he would prefer a gravity line as opposed to a grinder pump. **Steven Toth, 2101 Gilbertsville Road**, suggested a meeting be held to discuss the sewer. He expressed concern the new development on Moyer Road has public sewer, but he is still waiting. T. Slinkerd explained a private developer installed the sewer for that new development.

FIRE AND AMBULANCE – F. Krazalkovich reported there were 24 calls for the month and 79 calls year-to-date. He further reported there were 71.59 service hours, 109.32 staff hours and 55 training hours. He reported Gilbertville Ambulance had 15 calls and Goodwill Ambulance had 21 calls for the month.

CONSIDER APPROVAL OF FIREWORKS DISPLAY AT P.A.L. CARNIVAL – T. Slinkerd advised this item is being moved up on the agenda as a courtesy to representatives of P.A.L. who are in attendance. S. Lawrence was present to represent P.A.L. C. Garner explained the Board of Commissioners must approve the fireworks display along with the substitution of a check in lieu of a bond. In response to a concern expressed by M. Schreiber, C. Garner advised the company would provide a certified check so there should not be any issues. Motion by M. Schreiber and second by R. Spaide to approve the fireworks display subject to review by emergency service providers and approve the substitution of a certified check in lieu of a bond for the fireworks display. Aye votes: Schreiber, Spaide, Krazalkovich and Slinkerd. Nay vote: Taylor. Motion carried. E. Taylor expressed concerned regarding the level of activity in a residential area as it relates to traffic and noise. **Mike Irwin, 2131 Gilbertsville Road**, suggested taking the \$50,000 for the fireworks and putting it into the sewer system. T. Slinkerd advised this is not a donation being provided to the township but rather a security being posted for the fireworks display.

OLD BUSINESS

CONSIDER AUTHORIZING THE PREPARATION AND ADVERTSIEMENT FOR BIDS FOR THE REGAL OAKS PHASE IIA SEWER PROJECT

– T. Slinkerd advised the project is ready to go to bid as prepared by the township engineer. E. Taylor noted he would like clarification on what is being included in the project. C. Pelka explained all sewer work being done is located within the right-of-way and is known as Part A. He noted that Part B which is the lower section of Mapleleaf Lane was separated out due to the grant received. He further explained that Gilbertsville Road was identified separately in the Act 537 Plan, but he is recommending including the 7 seven connections on Gilbertsville Road as part of the proposed project. In response to a question from E. Taylor, C. Pelka explained there is an existing pressure line between the properties which will be receiving grinder pumps. He further explained that in order to install a gravity line for those properties, the township would need to obtain several easements and there would be significant disturbance needed. **Steven Toth, 2101 Gilbertsville Road**, advised he had a tree cut down in anticipation of the sewer and has been promised more than three times that public sewer was coming. He expressed concern that new developments can get public sewer but not existing residents. **Matt Dailey, 2115 Gilbertsville Road**, advised the proposal for grinder pumps is not easier for owners who must deal with the grinder pumps and the ongoing maintenance costs associated with the grinder pumps. He suggested the Board consider slowing down on the project and completing further investigation. **Lynn Dekleva, 209 Rose Valley Road**, questioned whether there was any study done to determine the cost difference between a grinder pumps versus a gravity line. C. Pelka explained a study was not completed as the study would cost additional money. He also explained there are a lot of assumptions that go into a cost estimate. In response to a question from M. Schreiber, C. Pelka advised all monies involved with the project must be submitted for reimbursement under the grant on or before June 30, 2021. Motion by M. Schreiber, second by F. Krazalkovich and unanimously carried to table decision on this project and send it back to the Sewer and Water Committee for further discussion. T. Slinkerd advised the Sewer and Water Committee meeting is scheduled for May 7, 2019 at 6:00 pm. M. Reddick encouraged residents to provide their email addresses to Linda Coleman at the township administrative office so that they do not miss any important information related to the project. E. Taylor noted that private developers pay for public sewer in new developments.

DISCUSS FIRE SERVICES AGREEMENT IN ACCORDANCE WITH ORDINANCE NO. 502, SECTION 3.B

– F. Krazalkovich explained the new ordinance contains provisions for providing a new agreement with the fire service provider. He explained the township has been operating under the Memorandum of Understanding since the new ordinance was passed but he is recommending a new agreement be considered. He noted the draft agreement was provided via email and the intent is to discuss at this meeting with no action. He reviewed the draft agreement with members of the Board. The new agreement provides for the Board of Commissioners to approve the Fire Chief and Fire Police Captain. It also changes the make-up of the Fire Service Committee and outline the responsibilities of the Fire Service Committee which are to recommend the fire budget, recommend purchases and monitor expenses. The draft agreement clarifies what the ordinance says regarding funding for the fire service provider. He noted the draft should be discussed further at the next work session meeting and at the Fire Service Committee meeting. In response to a question from M. Schreiber, F. Krazalkovich advised he wanted the Board of Commissioners to be the first body to see the initial draft of the agreement. E. Taylor questioned whether the solicitor has reviewed the agreement to determine whether there are any conflicts since the fire company is a private organization. He expressed concern that too much influence would

constitute an employee/employer relationship. He further expressed concern regarding paragraph 2 in the agreement as he does not believe the Board should be involved with removing an officer of the fire company. R. Spaide noted the intent would be to remove an officer for certain infractions and suggested possible revisions to the language in paragraph 2 be considered. F. Krazalkovich advised this item it up for discussion. C. Garner advised there are certain items which need to be added to the agreement such as a description of facilities and apparatus, items related to insurance and additional items. E. Taylor expressed concern the intent of paragraph 8 is to terminate the fire company by withholding its funding. F. Krazalkovich advised that is not the intent of paragraph 8, and noted the township designated Upper Pottsgrove Fire Company #1 as its fire service provider. E. Taylor suggested revisions are necessary to paragraphs 7 and 8.

NEW BUSINESS

CONSIDER APPROVAL OF PFM AS FINANCIAL ADVISOR FOR SEWER SYSTEM EVALUATION

–C. Garner explained the township will be responsible for \$7,500 which amount will be deferred and noted exhibit A defines the scope of work and services provided. T. Slinkerd advised the intent is that the township will not incur any expenses until the actual sale.

F. Krazalkovich advised there are several municipalities that are going down this route to determine the value of their sewer system and have hired a firm such as PFM to assist with the valuation. He believes if there is a private sector that can manage our sewer system better, then we should get out of the sewer business and allow them to do so. He noted there is no obligation to execute the sale of the sewer system just because we are obtaining a value of the system. Motion by

F. Krazalkovich, second by R. Spaide and unanimously carried to authorize execution of the agreement with PFM subject to review by the solicitor and removal of the \$7,500 and the section on reimbursement of expenses. T. Slinkerd outlined the benefits of selling the sewer system which include: (1) debt reduction; (2) eliminate unfunded pension liability; (3) reduction of sewer fees; (4) decrease in connection/tapping fees; (5) provide money for capital improvements; and (6) provide relief from administration and maintenance of sewer system. E. Taylor noted that even though he agreed to evaluate the worth of our sewer system, it does not mean that he is in favor of selling the sewer system. **Dennis Elliott, 576 Evans Road**, expressed concern that residents should have a local place to come if the township sells the system and recommended two people on the Board act as a go-between to the private entity. **Keith Kehl, 1941 Gilbertsville Road**, expressed concern he believes there is an ordinance which states we should not have a private sewer system. **Tyrone Robinson, 1488 Heather Place**, suggested each resident should have a chance to provide their comments concerning this matter. F. Krazalkovich encouraged residents to come to the Sewer and Water Committee and Board of Commissioners meetings. He noted that half of the township's water system is owned by a private entity.

CONSIDER RESOLUTION INCREASING FEES FOR TAX COLLECTOR

– Motion by E. Taylor, second by R. Spaide and unanimously carried to adopt the Resolution amending certain existing township fees associated with the elected tax collector.

CONSIDER APPOINTMENT OF DEPUTY TAX COLLECTOR

– Motion by E. Taylor, second by R. Spaide and unanimously carried to appoint David DeLong as Deputy Tax Collector.

CONSIDER APPROVAL OF STAUFFER SIGN LOCATION

– M. Reddick advised there were questions concerning who would own the sign and be responsible for liability and maintenance of the sign. She further advised the Stauffers are willing to donate the sign to the township, the

township would be responsible for the ongoing maintenance, and the sign would be added to the township's insurance policy. Motion by R. Spaide, second by E. Taylor and unanimously carried to accept the Stauffer sign and approve the location of the sign.

CONSIDER APPROVAL OF \$5,000 DONATION TO GREEN ALLIES – Motion by E. Taylor, second by R. Spaide and unanimously carried to approve the \$5,000 donation to Green Allies. In response to a question from F. Krazalkovich, M. Reddick advised Green Allies will provide a report showing how the funds were utilized.

CONSIDER APPROVAL OF FARMERS MARKET AT ALTHOUSE ARBORETUM – Motion by M. Schreiber, second by R. Spaide and unanimously carried to approve the farmers market being conducted by Green Allies at the Althouse Arboretum property.

CONSIDER WAIVER FOR USE OF VEHICLE ON TRAILS FOR GREEN ALLIES – M. Reddick advised the type of vehicle used will be an electric golf cart. She further advised it will be used on all trails that Green Allies maintains which include Sprogel's Run trail between Prout Farm and Sussell Parks. Motion by E. Taylor, second by R. Spaide and unanimously carried to authorize Green Allies to use a motorized vehicle on township trails.

CONSIDER WAIVER FOR CONSERVATION EASEMENT AT 1478 N. HANOVER STREET – T. Slinkerd noted the Open Space and Recreation Board reviewed this matter and did not recommend approval of the waiver for the conservation easement. **Ron Kohl, potential buyer**, noted that he did not have a chance to present his proposal to the Open Space Committee and requested permission to present to the Board. He presented his proposal and explained they will be improving the property and the proposal for the riding ring for their horses will reduce the storm water runoff. **Patty Smith, 1597 Schwenk Road**, expressed concern they also did not have a chance to discuss this matter at the Open Space and Recreation Board meeting as they were told the matter would be discussed in Executive Session at that meeting. M. Reddick confirmed the Chairman of Open Space did request the matter be discussed in Executive Session and the solicitor confirmed it could since it was a matter of real estate. Mrs. Smith advised she believes there was a lot of misunderstanding with what is being proposed. She explained there is a standard restricted area and a less restricted area on three acres around the barn. She noted what is being proposed is only asking to expand the minimal protected area and does not believe this is asking for too much. **George Smith, 1597 Schwenk Road**, noted they are only asking to increase the restricted area. **Keith Kehl, 1941 Gilbertsville Road**, expressed concern as to whether the riding ring will be public or private use. In response to a question from **Diane DeLong, 1527 Schwenk Road**, E. Taylor explained the township ordinance allows for one horse per two acres in certain areas. The Board agreed to have refer this matter back to the Open Space and Recreation Board for discussion in open session and suggested a possible staff meeting prior to the Open Space and Recreation Board meeting.

CONSIDER APPROVAL OF ESCROW RELEASE NO. 1 FOR SPROGEL'S RUN PHASE 2 Motion by E. Taylor, second by R. Spaide and unanimously carried to approve escrow release number 1 for Sprogel's Run Phase 2 in the amount of \$87,847.56.

OTHER PUBLIC COMMENT

Keith Kehl, 1941 Gilbertsville Road, expressed concern there is no drain at the entrance to Sprogel's Run. He also questioned whether the detention pond on the Pascal property was going to

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be installed. He noted he was advised by the former township manager that this would be completed in the spring.

COMMISSIONER COMMENTS

M. Schreiber advised the Easter egg hunt will be held on April 20, 2019 at 10:00 am at Heather Place Park. He further advised if it rains, the egg hunt will be held inside the fire company. He noted there was a recent incident where we could have used a fire marshal and suggested we move forward to resolving this issue.

F. Krazalkovich advised that April 22 is the last day to register to vote. He further advised the last day to apply for an absentee ballot is May 14, and the last day to submit an absentee ballot is May 17. He noted the absentee ballot must be received by that date as they will not accept postmark.

EXECUTIVE SESSION – The Board adjourned into Executive Session at 9:00 p.m. to discuss personnel and litigation with no action to be taken. They reconvened at 9:30 p.m.

ADJOURNMENT – Motion by R. Spaide, second by M. Schreiber and unanimously carried to adjourn the meeting at 9:31 p.m.

Respectfully submitted,

Michelle L. Reddick, Township Secretary