

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

July 15, 2019

The regular meeting of the Upper Pottsgrove Township Board of Commissioners was held on Monday, July 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 Manager Michelle Reddick, Solicitor Charles D. Garner, Jr., Acting Chief of Police/Corporal Albert Werner, Public Works Deputy Joseph Alessi and Township Secretary Jeannie DiSante.

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.

T. Slinkerd awarded E. Taylor with the PSATC Award for 20 years of service to the Township and E. Taylor said it has been a pleasure to serve and thanked the Board of Commissioners.

PUBLIC COMMENT – T. Slinkerd noted the Commissioners held an Executive Session prior to tonight’s meeting and no action was taken.

APPROVAL OF MINUTES – Motion by M. Schreiber, second by R. Spaide and unanimously carried to approve the minutes of June 17, 2019 as amended to correct the spelling of Corporal Albert Werner’s name noted by F. Krazalkovich.

PAYMENT OF BILLS – Motion by R. Spaide and second by T. Slinkerd to approve the payment of bills in the amount of \$362,721.84. M. Schreiber questioned the two phone lines on the Verizon phone invoice. M. Reddick explained one is for the PD vehicle computers, the other for a pump station. He asked that the cost be split between Sewer and General Fund accounts. M. Schreiber also reiterated his comment that the legal fees for the sale of the sewer system being paid from the Sewer Fund should be paid from the General Fund. Aye votes: Spaide, Taylor, Krazalkovich and Slinkerd. Nay: Schreiber. Motion to pay the bills carried 4-1.

REPORTS

TOWNSHIP ADMINISTRATION/FINANCE – M. Reddick advised her report was included in the packet. She noted the final audit report will be submitted soon. The finance department is investigating companies for outsourcing payroll. With the fund account changes made to the Verizon invoice the ‘do to’, ‘do from’ items in the financial report will change as well. M. Reddick informed the Board that reimbursement has been received for the Green Light Go grant in the amount of \$16,632.00. She told the Board preliminary plans were submitted July 3, 2019 for an age-qualified community of the Kummerer property with the proposal for 143 single family dwellings on 59.78 acres.

CHIEF OF POLICE – Acting Chief Werner submitted his report announcing the hiring of Stephen Recchilongo as a part time patrol officer on June 21, 2019. He is in the FTO (field training) stage of employment. He informed the Board the approved 2019 Dodge Durango was purchased. M. Schreiber commented he attended the Cop Camp graduation event and expressed his delight in that the magistrates, school communities and municipalities work together and he hopes it can continue.

PUBLIC WORKS DIRECTOR – J. Alessi stated his report is in the packet for the Commissioners and would answer any questions.

PUBLIC HEARING – VERIZON CABLE FRANCHISE AGREEMENT – Solicitor Garner announced this is a Public Hearing of the Board of Commissioners regarding the Verizon cable franchise renewal agreement. It is held pursuant to Section 626 of the Federal Cable Act. The Township's current agreement with Verizon expired in November of 2018 and are in the process of negotiating renewing the agreement. This hearing is part of the preliminary portion of franchise renewal and the Township is permitted to review the cable operator's past performance and identify the Township's future cable related community needs. As part of the hearing, anyone who wishes to provide comment to the Board on those topics will be given the opportunity. There are benefits in return for granting cable operators the right to use the public rights-of-ways of the Township such as state-of-the-art cable systems, strong customer service standards, free services to community facilities, maximization of franchise fees, education and governmental channels and capital support for those channels and legal protection of the rights-of-ways of the Township.

The Solicitor asked for comments from the public. Keith Kehl commented that Verizon stopped providing channels it used to provide, now they want the customer to pay more to get them back. Another resident asked if the educational and governmental channels will be included. C. Garner said those are already provided for in the agreement and made available to all municipalities. There was a discussion concerning PCTV and its availability if a cable operator wishes to carry it. A channel is already provided to the municipality if the Board wishes to provide programming to it. There were no other comments.

The Solicitor told the Commissioners this is a procedural requirement, they now have had the hearing and he and the Township Manager have been talking with Verizon representatives and they were diligent in getting documents to us and there is now a draft for review. C. Garner closed the hearing.

TOWNSHIP SOLICITOR – The Township received a preliminary plan submission for the Kummerer Tract, a large age-restricted project. The Staff is looking to identify issues that will eventually come before the Board and Planning Commission in the near future.

Discussions are moving ahead with PFM and the potential sale of the Township sewer system. The next step will be for the Board to hire special council who would work with the PUC in developing an asset purchase agreement, if it gets to that point.

TOWNSHIP ENGINEERING AND BUILDING & ZONING – M. Reddick commented she did not see in the Engineer's report the issues involving the paving of roads in Sprogel's Run Phase 2 though noted it is included in the escrow release that you will be reviewing.

COMMITTEE CHAIR REPORTS

PLANNING LIAISON – M. Reddick informed the Board, at the Planning Commission meeting, the developer for the Kummerer Tract provided an update of the status of their project. The plans were submitted prior to the meeting and this was not a preliminary plan review. The PC had some concerns about the realignment of Chestnut Grove and Pine Ford Roads and roadway widths within the development. It is her understanding there will be two different plans and both plans were expected to be submitted at the same time. The Kummerer Tract will be 143 age-restricted homes. C. Garner confirmed the developer had the engineering completed for the Kummerer Tract and did

not want to hold up submission of that plan while agreements are being worked on for the Evans Road plan.

OPEN SPACE AND RECREATION – D. Elliott reported they recommended closing Sunset Park and installing barricades at Rt. 663 as folks are still ignoring the ‘trail closed’ sign and accessing the trail which is a safety concern. The Committee would like LTL engineers to look at the trail washout and the soil erosion on Fox Run Trail. The Committee hopes to have the open space plan finished by the end of the year and start the New Year with all in place to apply for grants. They continue looking into more farming of the open space lands.

SEWER AND WATER – J. Bealer reported the July meeting was cancelled, the next meeting will be August 6th and he read the flow report details. He discussed items addressed at the Joint Sewer meeting at Borough Hall, stated the Township’s portion of the capital improvements projection for 2020 are \$18, 338.00 on one project right now. They are looking at a five-year plan and the Board will be updated as it progresses.

FIRE AND AMBULANCE – F. Krazalkovich reported the committee did not meet this month for lack of a quorum. The reports for the Board are included in the packet and he noted the stats. R. Spaide asked if all fire equipment is being maintained and are there records available. M. Schreiber said yes. F. Krazalkovich discussed “buddy boxes” where Engine 79 and 57 work in tandem on all calls. He suggests the Board look into the “boxes” at some point.

NEW BUSINESS

CONSIDER SPROGEL’S RUN PHASE 2 ESCROW RELEASE NO. 3 – M. Reddick explained the request for the release stated in the engineer’s letter dated July 11, 2019. There was a motion by F. Krazalkovich, seconded by R. Spaide to approve the escrow release of \$169,768.63 as recommended in the engineer’s letter of July 11, 2019 subject to the applicant satisfying the conditions of approval and payment of inspection fees as noted in the letter. Motion unanimously carried.

CONSIDER ACCEPTANCE OF ELIGIBILITY LIST FROM CIVIL SERVICE –

M. Reddick submitted an eligibility list, for a part-time police officer, from the Civil Service Commission for approval by the Board of Commissioners. On a motion by R. Spaide, seconded by F. Krazalkovich the certified eligibility list from the Civil Service Commission was unanimously approved.

CONSIDER AUTHORIZING BOARD PRESIDENT TO EXECUTE STORM WATER CONTROLS & BMPS OPERATION AND MAINTENANCE AGREEMENT WITH HACKER PROPERTIES, LLC FOR LOTS 2 & 3 OF LURIO SUBDIVISION ON GILBERTSVILLE ROAD

– Solicitor Garner explained this agreement is for a small subdivision on Gilbertsville Road creating two single family lots. This subdivision was approved in 1998 and the plan was recorded at that time. The developer has pulled building permits and with the new storm water regulations in place this type of agreement is required. This approval is to allow the Board President to sign the agreement that has been prepared and signed by the property owners. It will then be recorded. F. Krazalkovich made a motion to authorize President Slinkerd to execute the agreement as stated, seconded by E. Taylor. Motion unanimously carried. There was a question by Sewer Committee Chairman J. Bealer as to who is responsible for maintaining storm water

runoff. Solicitor Garner said the homeowner is responsible for maintenance of storm water as stated in the agreement. The Township has the right to go onto the property for inspections.

CONSIDER AUTHORIZING BOARD PRESIDENT TO EXECUTE STORM WATER BMPS & CONVEYANCE OPERATION AND MAINTENANCE AGREEMENT WITH SHADELAND DEVELOPMENT CORP. FOR SPROGEL’S RUN – The Solicitor explained this storm water controls & BMPs operation & maintenance agreement is for the Sprogel’s Run project and is a condition of the approval of this plan. It is prepared, signed and awaiting a signature of President Slinkerd. F. Krazalkovich made a motion to authorize President Slinkerd to execute the agreement as stated, seconded by E. Taylor. Motion unanimously carried.

CONSIDER APPROVAL OF RESOLUTION AUTHORIZING THE CONVERSION TO A NEW FIXED RATE FOR G/O NOTES, 2005B SERIES – T. Slinkerd explained the Township has five security bonds and debt management is critically important. He submitted information showing the current interest rate of 2.75% and the reduced rate of 1.746% on the Series B bonds. As of June 25, 2019, there is available the option to convert to the lower rate, at no cost to execute the option, to terminate the current fixed rate and convert the bonds to a new lower fixed rate. On a motion by F. Krazalkovich to execute the Resolution to convert to the lower fixed rate on all or part of Series B bonds, seconded by M. Schreiber, the approval is unanimously carried.

DISCUSSION ON COMMISSIONER ROLES AND COMMITTEE ROLES – T. Slinkerd said this item is something that has been discussed for quite a while. F. Krazalkovich explained the draft Resolution prohibiting any member of the Board of Commissioners from serving on any Township Board, Commission or Committee of Upper Pottsgrove Township or any non-profit organization that receives monetary contributions from Upper Pottsgrove Township, as long as the prohibition does not conflict or supersede any provisions of State law to the contrary.

T. Slinkerd noted some Commissioners are currently serving on Township Committees and it is his perspective that it should be a separation from what the Commissioners vote on those Committees’ recommendations. He noted the regulations in the First-Class Township code as to who can and cannot run for the position of Commissioner. This is open for discussion at this meeting and revised drafts can be made.

E. Taylor commented on the perceived problem of the overlap of responsibilities between the different Boards and Committees. He says this draft proposes restricting committee appointments to avoid conflicts of interest and undue influence, stating conflicts of interest refer to personal gain suggesting the public senses that the Board is pocketing money based on decisions it makes.

E. Taylor, making it personal using himself as an example, feels the Resolution is directed at him. Ironic that he is presented with a plaque for outstanding service to a Township that now wants to change the process of his service for the past 20 years by saying he cannot serve on the Planning Commission because he is on the Board of Commissioners. He is offended and takes personal slight of this resolution as it denies him membership in the Green Allies Group and local library Board as well.

T. Slinkerd said E. Taylor should not make this personal, it has nothing to do with slighting him. It has nothing to do with violating any laws or impeaching anyone. It is merely about this group people serving only on the Board of Commissioners and avoid any perception of conflict of interest.

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As an example, F. Krazalkovich showed a conflict of interest if a non-profit organization board member was a Commissioner and the organization approached the Township for a donation.

The Board members further discussed undue influence, merits and legalities of the resolution, members serving on the fire services committee, recreation board, civil service and MOU. When asked, the Solicitor said what is stated in the resolution is legal however, it is a draft. T. Slinkerd noted this will be addressed again in the October timeframe and make it applicable in November before the Township reorganization the first of the year.

OTHER PUBLIC COMMENT

Keith Kehl, 1941 Gilbertsville Road – there is still high grass on the property across from the Strogus property and the need for two retention ponds in the area.

COMMISSIONER COMMENTS

M. Schreiber said residents have commented to him about the mowing weeds at Turnberry Farms entrance and the light not working. M. Reddick confirmed the light was reenergized and the Township has been receiving bills. J. Bean commented that the sight-distance is handled by PennDOT however, he can cut it back.

M. Schreiber inquired about the RFP for the pension and T. Slinkerd said he sent the draft to Township Manager and it will be sent out in the near future.

R. Spaide thanked the road crew for their work cleaning up after the storm last week.

F. Krazalkovich commented that he, T. Slinkerd and M. Reddick attended the PSATS conference in Gettysburg and it was very informative. He also noted last month staff was asked to send letter to the General Assembly opposing HB1400 the wireless facilities Bill. Representative Toepel sent communication in defense of the Bill and since that time it was defeated in committee and he hoped the Township would continue to take action in opposition on that issue. F. Krazalkovich also discussed the issue that PA is the only State that does not allow the police to use radar to enforce speed. The Township has sent letters to the Representative and he asked the residents to contact the local representatives in support of public safety through the use of electronic devices by our police department.

T. Slinkerd commented on the RFP, Kummerer Tract proposed subdivision and that the bids for the sale of the sewer system should be submitted in September or October.

EXECUTIVE SESSION – T. Slinkerd announced the Board will go into Executive Session after adjournment to discuss personnel, real estate and possible litigation with no action to be taken.

ADJOURNMENT – The meeting was adjourned at 8:40 p.m.

Respectfully submitted,



Jeannie DiSante
Township Secretary