

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

**October 21, 2019**

The regular meeting of the Upper Pottsgrove Township Board of Commissioners was held on Monday, October 21, 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 Manager Michelle Reddick, Solicitor Charles D. Garner, Jr., Chief of Police James Fisher, Public Works Director Justin Bean, Township Engineer Peter Eisenbrown and 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.

**APPROVAL OF MINUTES** – After a short wait to allow the Commissioners to review the minutes there was a motion by F. Krazalkovich, seconded by R. Spaide and unanimously carried to approve the minutes of September 16, 2019 with two corrections; page 1, include F. Krazalkovich's statement that Chief Fisher was given a Civil Service examination and page 7, the unnamed person was Tyrone Robinson, 1488 Heather Place.

**PAYMENT OF BILLS** – M. Reddick explained this is a revised bill list. Motion by R. Spaide and second by T. Slinkerd and unanimously carried to approve the payment of bills as revised, in the amount of \$505,459.39. M. Schreiber questioned the legal bills in the Sewer Fund.

**REPORTS**

**TOWNSHIP ADMINISTRATION/FINANCE** – M. Reddick advised her report was included in the Commissioner's packets. She noted that going forward, the Township Admin Report will include only Administration items. The Police and Public Works will submit their own reports. She advised that a new heater/boiler is needed at the Township building as winter season approaches and submitted quotes are being reviewed.

The 2020 draft budget was submitted to the Board and any questions can be addressed to the Manager. The 2018 Liquid Fuels audit is completed with no findings however, it needs to be further reviewed before being finalized.

**CHIEF OF POLICE** – Chief J. Fisher submitted his report to the Board. Concerning the issue at the Crossroads Development, the Chief met with the property management people and they plan to have someone there full-time by the beginning of November and hoping to hire a maintenance person on-site 24 hours a day who would reside in the development. The Chief plans to have open communication with them in dealing with any issues as they arise. There was a discussion comparing the number of calls for service at the Crossroads Development vs. other Township developments. Chief Fisher said calls run about average.

**PUBLIC WORKS DIRECTOR** – J. Bean stated his report is in the packet for the Commissioners and would answer any questions. M. Reddick reported that the PW crew got the lights at the Turnberry Farm development working properly.

**TOWNSHIP SOLICITOR** – C. Garner noted several items to discuss later in the meeting.

**TOWNSHIP ENGINEERING AND BUILDING & ZONING** – M. Reddick noted the report is in the Commissioner's packets. There were no questions.

**COMMITTEE CHAIR REPORTS**

**PLANNING LIAISON** – E. Taylor submitted a report on the Regional Planning Committee's completed Pottstown area traffic analysis. He noted their recommendations on Upper Pottsgrove Township roads, most specifically Farmington Avenue where the Township is aware of issues.

**OPEN SPACE AND RECREATION** – D. Elliott reported on the discussion of returning the Township's open space farmable land back into production. Michael Lane, the Regional Recreation Coordinator spoke to the park supervisor at Norristown Farm Park and learned the farmers have to bid on the County RFP. Current fees paid for tillable land is \$150/acre and \$30/acre for hay. The fees are thought to increase up to \$200-300/acre as there is less private land for farmers to lease. Prout Farm field could be returned to production.

The revised Open Space plan will be completed by the end of this year. The Board would like to keep the Open Space fund in a separate bank account in order to watch the flow of expenses and income. They would like confirmation that if they exceed their budget, can they borrow from the General Fund to make necessary repairs in the open space areas.

The Open Space Board recommends approval of Kummerer Road Phase I open space with minor conditions on fencing, trees, adding additional recreational items and extending the trail. The Board was informed that testing and conservation was completed with no endangered species; however, no report was submitted to the Board.

The Arboretum received 14,000 visitors to-date with many more expected for upcoming events. The Veteran's Memorial can now receive donations for the purchase of a marble stone. Donations can be made to The Veterans Island Project, c/o Upper Pottsgrove Veterans Memorial. D. Elliott asked that this be posted on the Township's social media page.

The Green Allies September and October highlights was submitted. There was a discussion on the location for the handicapped playground.

**SEWER AND WATER** – J. Bealer reported the Committee met on October 1<sup>st</sup> and read the flow report. They reviewed the 2020 draft sewer budget. The PA Small Sewer & Water Grant program is being instituted again in 2020. Applications for projects ranging from \$30-500K in projected costs are being accepted and must be submitted by December 13th. It is suggested the Township seek funding for Regal Oaks 2B sanitary sewer extension with a rough cost estimate of \$400K.

The committee looked at the sewer connection at 171 Moyer Road to be discussed later. The Joint Sewer Committee met on October 10<sup>th</sup> and the report was read. It was reported that the Pottstown Borough Authority is still working on their 5-year capital improvement plan and no figures were available.

**FIRE AND AMBULANCE** – D. Raudenbush noted the Fire Chief's report with the run numbers and training hours was submitted and would answer any questions. He recited all the fire prevention expo events and parades the fire company attended in September and October.

The fire services agreement was examined in October by the fire company and as this was the first time they saw the complete agreement, they voted a no-vote to have time to review it further. Copies of the agreement with minor word changes, and a signed copy of the document, were given to the Commissioners. After discussing and agreeing on changes, D. Raudenbush will bring the agreement back to the fire company for approval and signatures and submit it to the Commissioners at their next meeting.

The Commissioners were informed that Engine 3 was permanently taken out of service because the NFPA certified mechanic listed many items failed, many unfixable and it is unsafe. The fire company currently has only one truck to operate. They are looking at some options.

### **OLD BUSINESS**

**DISCUSSION CONCERNING THE CONNECTION TO PUBLIC SEWER AT 171 W. MOYER ROAD** – C. Pelka, LTL Consultants, gave a summary of the issue explaining the owner has an urgent need to sell the property and will need to connect to the recently completed sewer line to Spregel's Run. There are a number of failing properties in the Ming/Moyer area and the Township's 537 Plan includes this area of approximately 30 properties that are to be connected to public sewer sometime in the future.

Steve Tabakelis, All County Associates Engineer for the owner was in attendance and submitted a letter to the Township dated October 18, 2019 outlining their application to connect the public sewer. They will pay the costs to have the line installed and request reimbursement of approximately \$30K as other property owners in the future connect to the line. The Board discussed taking ownership and maintenance of the line. C. Pelka explained the unique design of a 1½ " pipe inside a standard 3" pipe and noted there would be no maintenance required of the smaller enclosed pipe within the standard line. The smaller pipe will be removed after additional connections. Solicitor Garner used the estimated \$30K example, outlined the reimbursement to be approximately \$1,000 per property owner, assuming 30 properties to connect to the main sewer line, in addition to their design and construction costs to get to the line. There will be no reimbursement from the Township. The Solicitor was provided a draft agreement which is still under review.

Greg Herb, realtor for the owners of the property addressed the Board and introduced the property owners. He assured the Commissioners that the owners are aware that they will not receive reimbursement from the Township if no other property owners connect to the line. The owners shopped for the best price and contractor to do the work and were happy to answer any questions from the Board.

As there is no final agreement, the Solicitor suggested the Board move to authorize the drafting and execution of an agreement to allow this connection with reimbursement under a design approved by Engineer Pelka with the understand that the agreement will state that the Township will accept dedication of this line when completed. This is the concept the owners are requesting tonight and is a similar type of agreement has been done in the past.

There was a motion by F. Krazalkovich, seconded by R. Spaide and unanimously approved to authorize the drafting and execution of an agreement for connection, with reimbursement, to public sewer at 171 W. Moyer Road under a design approved by Engineer Pelka and with the understanding that the agreement will state the Township will accept dedication of this line when completed.

**CONSIDER PRELIMINARY/FINAL PLAN APPROVAL FOR KUMMERER PARCEL SUBDIVISION #01-19** – John Benson and Bo Erixson from the Artisan Construction Group addressed the Commissioners noting a package was delivered to the Board with a letter dated October 16, 2019 of updated waiver requests, a response letter to LTL's review letter #2 dated October 15, 2019 (updated after attending the PC meeting) and an offsite traffic improvements offer letter. To satisfy #14 of LTL's review letter concerning the Village Green the developer asked the Board if the design met the spirit of the Ordinance. The second issue that needs clarification from the Board is #24, the traffic study. As a zoning issue, a waiver cannot be requested. The developer feels they did comply when submitting a full traffic study with the application. This Plan, Phase I supplies 143 homes and the traffic study took in all the phases in consideration of 279 homes. Another issue to discuss were easements and offsets from storm water basins.

The Commissioners, Engineer and developer discussed these and numerous other comments at length. Mr. Benson in the end asked if the Commissioners would give Final Plan approval. The Commissioners asked Engineer Eisenbrown for his recommendation and were told there is still much engineering to be complete due to the size and complexity of the project along with new input/comments from the various Boards and Committees that have reviewed it. He feels the review process has proceeded much faster than is customary for a plan of this size and for the Commissioners to digest the amount of information provided over a very short period of time. He needs a new revised preliminary/final plan that includes all agreed upon revisions as well as time needed to prepare agreements. Solicitor Garner, when asked for input said he put together a working draft resolution addressing the conditions and waivers of the plan approval trying to incorporate all the items that have been noted in all the letters and paperwork submitted thus far. He read the agreement noting some of the 25+ conditions to which the developer must comply in accordance with SALDO and zoning. These are the things the Solicitor felt still need to be discussed. He too commented on the speed at which this plan has progressed noting the dates of submissions, approvals, resubmissions and numerous staff meetings to try to work out the issues. The Commissioners were not comfortable with giving approval until Engineer Eisenbrown has had enough time to address the plan revision issues discussed tonight and, the Solicitor has time to work though the language of the conditions of the resolution. Mr. Benson read the resolution, believes it is all encompassing and is in complete agreement with it. The Board asked the developer for a 30-day extension of time for review and after much discussion, Mr. Benson agreed to an extension until the next Board of Commissioners meeting on November 18, 2019.

## **NEW BUSINESS**

**CONSIDER APPROVAL OF ESCROW RELEASE NO. 8 FOR SPROGELS RUN, PHASE 1** – M. Reddick informed the Board the developer for Sprogel's Run, Phase 1 has requested escrow release #8 for \$45,700.00 and the engineer recommended the release conditioned upon payment of any outstanding inspections and legal fees by the developer.

E. Taylor made a motion, seconded by T. Slinkerd and unanimously approved Escrow Release No. 8 for \$45,700.00 for Sprogel's Run, Phase 1. Questioned if the drainage at the entrance has been resolved, Engineer Eisenbrown said it has not however, no funds are being released for the drainage issue.

**CONSIDER APPROVAL OF ESCROW RELEASE NO. 4 FOR SPROGELS RUN, PHASE 2**

- M. Reddick informed the Board the developer for Sprogel's Run, Phase 2 has requested escrow release #4 for \$5,481.03 and the engineer recommended the release which includes payment of inspection fees. M. Schreiber made a motion, seconded by R. Spaide and unanimously approved Escrow Release No. 4 for \$5,481.03 for Sprogel's Run, Phase 2.

**CONSIDER APPOINTMENT OF TOWNSHIP FIRE MARSHAL**

– M. Reddick explained the Township received two applications for the position of Fire Marshal, she interviewed both candidates who were both very qualified. One applicant emailed the Manager to inform her he was no longer interested in the position. The Manager recommends the Board appoint Charles Ritschard as Fire Marshal. F. Krazalkovich made a motion, seconded by R. Spaide and unanimously approved to appoint Charles Ritschard to the position of Fire Marshal.

**CONSIDER A MOTION TO ELIMINATE ELECTION DAY FROM THE LIST OF PAID HOLIDAYS**

– R. Reddick ask the Commissioners to eliminate Election Day from the Township approved list of paid holidays in the personnel policy for the non-uniformed employees. In previous years when the Township building was used as a polling place, the offices were closed. Since the change in polling places to the middle school, the paid holiday should have been taken out. R. Spaide made a motion, seconded by M. Schreiber to eliminate Election Day from the list of paid holidays in the personnel policy for the non-uniformed employees. R. Spaide, M. Schreiber, E. Taylor, T. Slinkerd: aye. F. Krazalkovich: nay. Motion carried 4-1.

**CONSIDER APPROVAL OF THE EXTENSION OF TRANSFER OF CAPACITY RIGHTS AGREEMENT**

– Solicitor Garner submitted a renewal agreement and explained, in 2009 the Borough made capacity available to all three Pottsgrove Townships and based on its needs, Upper Pottsgrove agreed to purchase up to 230,000 gallons. When that agreement expired it was renewed for an additional five years and now it is up for renewal again. To-date the Township has purchased approximately 70,000 gallons. The agreement has been approved by the Borough Authority and extends the agreement to April 2022. M. Schreiber made a motion, seconded by E. Taylor and was unanimously approved to authorize execution of the Extension of Transfer of Capacity Rights Agreement.

**CONSIDER AUTHORIZING REPAIRS TO HOLLENBACH PARK TO CLOSE OUT NPDES PERMIT**

– M. Reddick explained this is an outstanding item from the previous Manager on the Hollenbach Park expansion project which required an NPDES permit. There are outstanding issues with the MCCD, and the Commissioners were asked to authorize the work to be outsourced and finished in order to close out the permit. Township Public Works does not have the equipment to handle the work as indicated by the Township Engineer however, two of the crew will provide assistance on the project. R. Spaide made a motion, seconded by E. Taylor and unanimously carried to authorize the work to be complete at Hollenbach Park for \$8,920.00 by Hopewell Trucking & Excavating.



**OTHER PUBLIC COMMENT**

None

**COMMISSIONER COMMENTS**

F. Krazalkovich reminded everyone that November 5<sup>th</sup> is Municipal Election Day and encouraged everyone to go out and vote and to encourage family and friends to do the same.

**ADJOURNMENT** – The meeting was adjourned at 9:40 p.m.

Respectfully submitted,



Jeannie DiSante, Township Secretary