

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

September 21, 2015

The regular meeting of the Board of Commissioners was held on Monday, September 21, 2015, at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Commissioners Elwood Taylor, Herbert Miller, Jr., Martin Schreiber, Renee Spaide and France Krazalkovich present. Also present were Township Solicitor Charles D. Garner, Jr., Public Works Director Frank Quinter, Officer-in-Charge Steve Sigoda and Township Manager Carol R. Lewis. The meeting was called to order at 7:00 P.M.

MOMENT OF SILENCE - Mr. Taylor 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:

JANET BRANDEL – 1757 Yarnall Road – Advised the Board as to what is going on between her and her neighbor. She needs to be able to get to the fence to clean away the leaves and debris that the neighbor is putting there. She explained that she has a foot on the neighbor’s side of the fence, but that he will not let her over there to clean it out. She also outlined other problems that were going on. C. Garner advised that it seems to be a neighbor dispute and that she needs to seek the advice of an attorney. He further explained that there is nothing the Township can do as the neighbor is not violating any ordinances.

RICHARD KUMMERER -1303 Farmington Avenue – Told the Commissioners that Farmington Avenue is turning into a race track. He noted that cars are passing other cars, and that the other day, a school bus was passed. Responding to a question from Officer-in-Charge Sigoda, R. Kummerer explained that it seems to be the times when people are coming home from work. The police will look into the matter.

MICHELLE O’CONNOR – 1975 Yarnall Road – Advised that she is speaking for Janet Brandel and herself. She feels attorneys are too expensive for the regular person, and she cannot afford one. She advised that the dogs are still at her neighbor’s, and that Mr. Kendrick is still harassing her, although the puppies are no longer there. She asked the Board what they are going to do about the situation. C. Garner explained the time frame for the court and what could happen. E. Taylor explained that the legal process is long, and that the Township is working within the system we have. C. Garner explained that the police have been in touch with the District Attorney’s office and animal control. Mr. Kendrick has been found guilty of zoning violations, but they are monetary judgements. The Township does not have the right or ability to seize the animals. J. Brandel also commented that, not only does an attorney cost money, but they had to expend money to put up cameras and have their property surveyed. M. Schreiber explained that the Township has been incurring a lot of fees to fix this issue as well. C. Garner explained that all 48 citations relate to the barking of dogs. He further explained that no one is denying that they have dogs, but there is no proof that they are selling dogs.

RICHARD KUMMERER, - 1303 Farmington Avenue – Complained about the letters that are being sent by the Township Code Enforcement Officer. He noted that there are no time frames in

the letters as to when the owner(s) need to become compliant. He also complained about another building that is underway without permits. He feels that they should have been issued a stop work order. C. Lewis will look into the situation.

REPORTS:

FIRE COMPANY LIAISON – M. Schreiber presented the fire company report. There were 12 emergency services calls and 12 fire calls, for a total of 135 calls for this year. There was a fire on Farmington Avenue with a large loss. A collection has been set up for the Bedell family at Fulton Bank. The Fire Company used the three fire hydrants on Farmington Avenue, and it went well. R. Spaide commended the Fire Company and noted that she has heard many positive things, and that they were very professional. M. O'Connor asked what the burn rules were in the Township. M. Schreiber reviewed them with her.

NEW BUSINESS:

#2-15 KUMMERER TRACT MINOR SUBDIVISION – Consider Final Plan Approval –

E. Taylor explained that the Planning Commission has reviewed the plans and recommends approval. Lee Mauger explained that they are trying to fulfill Mr. Kummerer's mother's will in that Robert Kummerer gets five acres. The subdivided lot does span the road. C. Garner explained that this is a minor subdivision, and that there are review letters from the Township Engineer and the Montgomery County Planning Commission. The applicant will comply with all issues. There is also a recorded agreement for the Township to realign an intersection when the times comes that they are able to do so. The Planning Commission recommends six waivers which are outlined in the plan approval resolution. H. Miller pointed out that one of them was only a partial waiver which point was acknowledged by the Board. Motion by M. Schreiber seconded by R. Spaide and unanimously carried, to adopt Resolution 663 which includes the conditions and waivers. Motion by M. Schreiber seconded by R. Spaide and unanimously carried, to approve the non-building waiver.

POLICE DEPARTMENT LIAISON – H. Miller presented the Police Report. There were six attempted thefts from unlocked automobiles and various attempted thefts and burglaries. He read two letters of commendation for our police force – one in general and one for Officer Jason Zoski who assisted in a drug overdose and was able to save the life of the victim. M. Schreiber expressed his gratitude that the victim survived, and explained that our officers are now able to distribute Narcan themselves and should work on that. H. Miller explained that officers have not been able to get training as they are short staffed, but that they are in the process.

PARKS, RECREATION AND OPEN SPACE - H. Miller presented the Parks and Recreation Report. The handicap pad on Gilbertsville Road is now in place and the ribbon cutting for the Sprogel's Run Trail at the Althouse Arboretum will take place on Saturday, September 26th along with a 5K Run/Walk. All trails in the Township look great, and Green Allies volunteers have helped keep up with the trails within the arboretum. He met with the Pottsgrove School District athletic director to discuss the Middle School cross country team who would like to use Hollenbach Park for all their practices and meets.

PUBLIC WORKS REPORT – R. Spaide reported that the public works department has been completing a lot of work on open space areas and trails. The line painting has been completed, and they are working on patching the roads. They are also addressing various trees that are dying and falling down.

TOWNSHIP MANAGER – C. Lewis read the letter of resignation from Chief Moffett. Motion by F. Krazalkovich seconded by H. Miller and unanimously carried, to accept the resignation of Chief William Moffett and grant an honorable discharge from service E. Taylor explained that the Chief has been distressed over what he has not been able to do in the Township. He read the commendation from the Board of Commissioners to Chief Moffett. C. Lewis advised the Board and the public that they are putting together a card shower for the Chief, and if anyone would like to participate, please drop your card off at the Township office by Friday. The Township has advertised for a new chief, and so far, 45 applications have been received. The draft of the 2014 audit has been received so the Board should have the final audit by the end of the month. C. Lewis met with the actuaries Larry Brisman and Marie Tepes to process the 2016 minimum municipal obligation. The reason that the amount has gone up so drastically is due to the fact that the old actuary was using an outdated mortality table. This has happened in four or five other townships in Montgomery County as well. The inspection report on the public works building has been received, and estimates are being gathered for repairs and upgrades. C. Lewis reported that about half of the Farmington Avenue sewer lateral repairs have been completed. A letter will be sent out this month to those property owners that have not yet completed their repairs. The grant documents for the On Your Park Get Set Go program have been executed, and the Open Space and Recreation Board are working on upgrades for Hollenbach Park. C. Lewis is also working on a Pottstown Health and Wellness mini grant application for Chestnut Grove Park. The grant application is due October 30th. C. Lewis is working with the contractor to get the trail washout issues resolved. A solution is installed which is used in many state and federal parks. If the solution does not work, an estimate was received in the amount of \$10,000 to pave that portion of the trail. The procurement cards have been received, and we will start using the program next month. Cindy Saylor and C. Lewis attended an information conference with Riyadh Khan from BMO concerning the procurement card program. C. Lewis and Michelle Reddick attended the first Mercury Mile walk at the Althouse Arboretum. The last walk will be held this coming Wednesday at noon, and participants will be hiking the Prout trail. C. Lewis advised the Board that they need to decide whether or not to renew the J. P. Mascaro trash contract, which is eligible for a one-year renewal, so that notification can be sent to them. **Diana Updegrove, 1404 Farmington Avenue**, commented in favor of having one hauler. The Board discussed the pros and cons of having one hauler or allowing residents to choose their own hauler. Motion by R. Spaide, seconded by E. Taylor to renew the contract with J. P. Mascaro for one year. M. Schreiber and F. Krazalkovich voted nay. H. Miller abstained. C. Garner advised H. Miller that unless he has a conflict, he needs to vote. H. Miller voted nay. An education outreach program will be done for the residents, and a copy of our ordinance will be sent to all haulers in the area advising them of all the rules and regulations for Upper Pottsgrove Township. E. Taylor cautioned everyone that the Township can require recycling and yard waste pick up but not bulk pick up. There will now be a charge for that when previously it was included in the contract.

DISCUSS OFFICIAL MAP – E. Taylor reviewed the goals of an official map. The Planning Commission recommends the Township look into developing an official map to coordinate future sewer needs, park and open space and possible road realignments. Motion by F. Krazalkovich seconded by M. Schreiber and unanimously carried, to move forward with developing an official map.

CONSIDER 2016 MINIMUM MUNICIPAL OBLIGATION – Motion by F. Krazalkovich, seconded by H. Miller and unanimously carried, to accept the 2016 MMO in the amount of \$44,471.00 for non-uniform and \$122,329.00 for the police. F. Krazalkovich suggested that the Board work on a resolution to the legislature to encourage them to work on pension reform.

CITADEL FEDERAL CREDIT UNION – Discuss Release of Letter of Credit/Waiver of Maintenance Bond – Motion by M. Schreiber seconded by F. Krazalkovich and unanimously carried, to authorize the release of the letter of credit for Citadel and to waive the maintenance bond for this project.

OLD BUSINESS:

FIRE POLICE ACTIVITIES – Motion by M. Schreiber, seconded by R. Spaide and unanimously carried, to authorize the Fire Police activities for the month.

2016 BUDGET – C. Lewis presented an updated budget for the Board to consider. It includes the year-to-date expenditures for 2015 for comparison purposes as well as the amounts for a new truck and for the 2016 road projects. F. Quinter provided suggested projects for 2016 which were prioritized for the Board to consider. It was noted that \$65,000 would come out of the State Fund with the remainder to come out of the General Fund. C. Lewis advised the Board that a new building is estimated at \$79,000 a year for ten years based upon four percent interest through a PIB loan. She advised that four percent is very conservative, and that the actual loan would come in considerably lower than that. F. Krazalkovich questioned if the Township is in jeopardy of not receiving some of its funding since the State has not passed a budget. It was noted there could be a delay in some State funding that is due in October. Motion by F. Krazalkovich seconded by M. Schreiber to send a letter to Representative Toepel, Senator Robert Mensch and Governor Tom Wolf that they pass a timely budget. The motion carried with R. Spaide abstaining due to the fact that she does not think the letter will make a difference. M. Schreiber noted that the per capita tax only nets the Township \$5.00. He would like the Board to consider eliminating this tax. It only generates approximately \$10,500 in revenue. The Board discussed what costs were associated with it. C. Note asked when the budget would become available for public review. He was advised it would become available in November, and it would be posted on the website.

OTHER PUBLIC COMMENTS:

JOHN BEALER, 1521 Farmington Avenue, Advised the Board he attended the Borough of Pottstown Authority meeting due to the fact that our Township Manager had to attend the Township budget meeting which was held the same night. He feels it is important that the Township keep attending these meetings, and advised that the Borough is working on their sewer budget.

CHARLES NOTE, 2137 Horseshoe Drive, Asked about the new Township website and was advised that it is up and running, and the new address is www.uptownship.org. He was further advised that the old website is still up and running and they are running congruently for now. At a point in the near future, the old website will contain a landing page that will automatically redirect to the new website. C. Note advised that Community Days is coming along and will be held on October 3rd.

COMMISSIONER COMMENTS – E. Taylor advised the public that the Althouse Arboretum will be having their 5K Run/Walk this coming Saturday, September 26th as well as a ribbon cutting ceremony. M. Schreiber advised the Board that Pottstown Plaza has a new owner, and suggested bringing up the Commerce Corner project to them to see if they would have an interest in developing it. F. Krazalkovich thanked the manager and public works director for their orientation of the township and the tour of the township infrastructure.

APPROVAL OF MINUTES - Motion by F. Krazalkovich, seconded by M. Schreiber and unanimously carried, to approve the minutes of the August 17, 2015, with one correction recommended by the Township Solicitor.

PAYMENT OF BILLS – M. Schreiber asked if we were under contract for the floor mats such as we were for Pitney Bows. He asked the township manager to see what it would take to get out of the contract and purchase the floor mats out right as it would save the Township money. R. Noll questioned the payment on the bill list for mailing of the per capita tax bills. Motion by F. Krazalkovich, seconded by H. Miller, and unanimously carried to approve the amended bill list.

EXECUTIVE SESSION – C. Garner advised that an Executive Session will need to be held to discuss matters of litigation and personnel with no decisions to be made. The Board adjourned to Executive Session at 9:20 p.m.

ADJOURNMENT – Motion by R. Spaide, seconded by M. Schreiber and unanimously carried, to adjourn the meeting at 9:38 p.m.

Respectfully Submitted,

Carol R. Lewis, Assistant Secretary