

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

July 16, 2018

The regular meeting of the Upper Pottsgrove Township Board of Commissioners was held on Monday, July 16, 2018, at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Commissioners Trace Slinkerd, France Krazalkovich, 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 Manager Carol R. Lewis and Township 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.

PRESENTATION TO POTTS GROVE FOOTBALL TEAM – T. Slinkerd and C. Lewis commended Coach Hawthorne and the Pottsgrove High School football team on a job well done with assistance in spreading of mulch in our parks and playgrounds. They presented a certificate of appreciation to the entire football team and each individual member that assisted with the project.

SENATOR BOB MENSCH – Senator Bob Mensch and his assistant Lisa Walters were present at the meeting. Senator Mensch presented the draft budget for 2018-19 and provided a brief explanation of the budget. He noted a large part of the budget is for education costs. He also discussed property taxes and 21st century manufacturing. The 21st century manufacturing program rewards companies for investments in manufacturing. He noted one of the issues with attracting business to Pennsylvania is there are no tax credits. He also noted we are losing young folks due to lack of new jobs. He advised we need to bring jobs back to Pennsylvania by figuring out ways to attract young folks and bring jobs here in order to grow the economy. He noted that decades ago, Pennsylvania was the fifth largest economy in the world. However, it's not the case anymore, but we are spending like we are still the fifth largest economy. **Dennis Elliott, 576 Evans Road**, noted that T. Slinkerd and F. Krazalkovich are working with Senator Mensch to develop commercial business along Commerce Drive. **Keith Kehl, 1941 Gilbertsville Road**, expressed concern regarding education costs when he thought the gambling revenues were supposed to help defray the costs for education. He noted every state does not use property taxes the same way and expressed concern that senior citizens are losing their homes due to the fact they cannot afford the school property taxes. Senator Mensch advised there was a small question on the ballot concerning property taxes, and the voters made the choice to keep property taxes. F. Krazalkovich asked for an explanation of spending and how that occurs. Senator Mensch advised the state did adopt a budget program which will start in 2019 where every line item will be reviewed over the course of five (5) years. F. Krazalkovich noted Upper Pottsgrove Township adopted resolutions in support of local radar use, Act 111 reform, the Sterling Wage Act and pension reform and asked Senator Mensch to provide updates. Senator Mensch provided the following responses: (1) local radar use is an issue every year, and it never goes anywhere; (2) Act 111 reform is very difficult; (3) the Sterling Wage Act has been around since 1932 which is a Philadelphia wage tax that is paid but we get nothing back in return; and (4) there is not much going on behind the scenes with pension reform. In response to a question **Dennis Elliott, 576 Evans Road**, Senator Mensch reiterated that voters made the choice to keep property taxes, but the state is working on some property tax reductions. T. Slinkerd thanked Senator Mensch for his attendance and presentation.

SWEARING IN OF FIRE POLICEMAN BRYAN FLOYD – T. Slinkerd administered the oath of office to newly appointed fire policeman Bryan Floyd.

PRESENTATIONS BY ALLOY 5 & KCBA - Ed Mangold of KCBA Architects, Kevin Selger of Gilmore and Associates and Tony Ganguzza of Boyle Construction were in attendance to represent KCBA. Ed Mangold advised he would be the lead on the project and the person for day-to-day contact. Kevin Selger advised he would be the site/civil project manager. Tony Ganguzza advised he would be the cost estimator for the project. Ed Mangold noted they have been in business since 1972 and have over 40 in house professionals. He advised they are located in Montgomery County which is where they do most of their work. He further advised they have eight (8) currently active local projects and outlined some of those projects. He explained their project approach would include an existing conditions analysis, a stakeholder workshop and program development, an existing buildings maintenance program, a project budget/schedule analysis and a final report along with a presentation. In response to a question from F. Krazalkovich, Ed Mangold advised they did play a part in the Pottsgrove High School renovations and are working to resolve issues with the project. In response to another question from F. Krazalkovich, Ed Mangold explained their understanding of the scope is to assess the existing facilities, develop an existing conditions evaluation including interviewing department heads and develop options which include maintenance on existing facilities as well as options for new facilities. In response to a final question from F. Krazalkovich, Ed Mangold advised their company has executed studies without being involved with building the project. In response to a question from T. Slinkerd, Ed Mangold advised they would prioritize items of concerns regarding maintenance issues and indicate which items are critical tasks and make recommendations on those items. T. Slinkerd thanked them for their time and presentation. Randy Galiotto and Michael Metzger were in attendance to represent Alloy 5 Architecture. Mr. Metzger provided a brief overview of their firm and team members. He noted the firm was founded on three true principles which include healthy design, honest collaboration and hard work. He advised they have over 70 years of experience between all their team members. He noted their staff includes a mechanical, electrical and structural engineer as well as a staff accountant and a fulltime grant coordinator. He further noted they have done large iconic projects to small capital projects. He explained they are capital action planners and will be doing a cost loaded analysis of the project. He further explained they will complete the facility assessment piece, develop a list of deficiencies and improvements, prioritize those items and develop a plan and recommendation based upon those items. Mr. Metzger explained they would ask the township to put together a leadership team and have bi-weekly meetings with the leadership team to discuss progress. In response to a question from T Slinkerd, Randy Galiotto advised they would provide a list of deficiencies with the existing facilities, costs associated with the deficiencies, and options which would include maintenance on existing facilities as well as options for new facilities. In response to a question from F. Krazalkovich, Randy Galiotto advised their company has executed studies without being involved with building the project. T. Slinkerd thanked them for their time and presentation.

APPROVAL OF MINUTES – M. Schreiber pointed out the misspellings along with a missing comma in the minutes. He also expressed concern there was some wording that was incorrect. F. Krazalkovich disagreed and noted the wording was correct. Motion by F. Krazalkovich and second by T. Slinkerd to approve the minutes of June 18, 2018 as amended to correct the two misspelled words and add the comma where necessary. Aye votes: Slinkerd, Krazalkovich and Taylor. Nay vote: Schreiber. Motion carried.

PAYMENT OF BILLS – In response to a question from T. Slinkerd, C. Lewis explained the payment to the IRS was for fees for late payments. She further explained our finance assistant has

documentation the taxes were submitted prior to the due date, and she is working with QuickBooks and the IRS to straighten out the matter for which a refund is anticipated. However, rather than incur additional fees and penalties, we are going to pay the fees now, and we will keep you posted on this matter. M. Schreiber questioned why the bill from Occupational Health is being charged to the sewer fund and why it is not covered by the health insurance. C. Lewis explained this bill is charged to sewer as it is required for all new employees since they will be working on the sewers. She further explained only a portion is covered by health insurance, and the bill represents the balance not covered. In response to another question from M. Schreiber, C. Lewis explained the bill for fire hydrants does come out of the fire fund. She further explained the items questioned at fire committee meeting, which included the fire marshal and telephones, were adjusted to come out of general fund instead of fire fund. Motion by T. Slinkerd, second by F. Krazalkovich, and unanimously carried to approve the payment of bills in the amount of \$425,011.08.

PUBLIC COMMENT – Kelly Richards, 1411 Meadowview Drive, referenced item A under old business and advised she feels it is necessary that we have a fully staffed police department.

REPORTS

TOWNSHIP MANAGER – C. Lewis reported she attended the cop camp at the high school. She commended the three police chiefs and respective departments on a job well done. She also noted this was a fantastic program which didn't cost the townships a lot of money and applauded the commissioners of all townships for their support of the program. She also reported she organized and attended the conference call with the Department of Community and Economic Development and the consultant for the fire study and met with Ken Hamilton and his interns on their plans for Sussell Park and Prout Farm Park. She noted they will be making presentations to the Open Space and Recreation Board in August. She further reported she worked with staff to finalize to date reconciliation to separate the bank accounts. She noted it is a work in progress but hopes to have all the budget comparisons for next month. She further reported she researched an addition to our Code which would require property owners to be responsible for the maintenance and removal of trees overhanging in the right-of-way. She noted the matter was discussed with our code enforcement officer and solicitor and would like approval to move forward with an amendment to Chapter 200 of the Code. E. Taylor noted we have had and continue to have issues with trees overhanging in the right-of-way, and he believes it is important to identify in the Code who is responsible for the maintenance and removal of those trees. T. Slinkerd requested items which require action be listed on the agenda. C. Lewis requested authorization to sign the articles of agreement with the Department of Community and Economic Development and the consultant for the fire study. C. Garner explained it is a tri-party agreement for DCED and the consultant to move forward with the study. Motion by F. Krazalkovich, second by T. Slinkerd to authorize township staff to execute the articles of agreement for the fire study. All aye votes. M. Schreiber expressed concern that he was not included in the conference call with DCED. He further expressed concern the conference call with DCED may have been a violation of the Sunshine Act as there was a quorum of the Fire Committee present. C. Garner advised that if three (3) or more members are present to discuss township business, it is considered a meeting. In response to E. Taylor's question on item 9 on the manager's report, C. Lewis advised she and J. Bean are working with our code officer concerning enforcement of driveway washouts along Farmington Avenue and would see whether we could require paving of the driveways. In response to another question from E. Taylor concerning item 12 on the manager's report, C. Lewis advised they are working on the problem, and a solution will be forthcoming.

FINANCIAL REPORT – The financial report was included in the packet. C. Lewis advised all budget comparisons should be available on next month's report.

CHIEF OF POLICE – Chief Wheatley reported an active shooter drill was held on June 11th with members of the Lower, Upper and West Pottsgrove police departments along with members of the Pottsgrove School District faculty. He noted this was the first active shooter drill which included the teachers, the drill was well organized, and it was a great learning tool for all involved. He further noted they will continue to work with the school and possibly have a drill next year involving some students. He reported there was a road rage incident which resulted in one driver striking the other driver with his car after the other driver exited his vehicle, and this resulted in an assault charge and hit and run charges. He further reported there was a theft of a motor vehicle at gunpoint in the parking lot at Fujiyama. However, after an investigation, it was determined the theft of the vehicle was over a drug debt. He thanked C. Lewis for her comments regarding the cop camp program. He noted this was not an easy task for small police departments like those involved to pull off such a program. He reported the cop camp was a success, and noted it was about establishing relationships with our community, particularly our youth. He commended Lower, Upper and West Pottsgrove police departments and their respective Police Chiefs, staffs and Boards for supporting such an important program. He further reported the program costs, including start-up fees, totaled a little less than \$1,500.00 which equates to \$500 per township, and noted this is a minimal cost for such an important program. He noted they are hopeful to continue the program again next year. He reported the Montgomery County ALEIS (Record Management System) went live on June 25th. He explained this is a new data reporting system which allows data to be received immediately by police officers which is shared with the Montgomery County Correctional facility, the Montgomery County District Attorney's office, the County courthouse and emergency services. He noted this data information sharing allows our department to see what is happening in the communities around us. He further reported only 33 out of the 50 police departments in Montgomery County have committed to the program. In response to a question from C. Lewis, Chief Wheatley explained the County offered incentives to police departments for their commitment to the program which included scanners and citation printers for their cars. He noted our department did receive the citation printers and scanners which will be installed this week. He further explained these devices will allow the officers to print citations and accident reports in their cars and be able to scan a person's driver's license into the computer which will be a time saver and allow the police department to be more efficient. F. Krazalkovich thanked Chief Wheatley for his professional and thorough report which he provides each month. He also thanked Chief Wheatley for allowing him to attend the mock trial which was part of the cop camp, and noted it was amazing to see how the children performed at the mock trial. He commended Chief Wheatley and the other departments for a job well done, and noted he is hopeful this program will continue to be supported in the future. In response to a question from M. Schreiber, Chief Wheatley explained West Pottsgrove police department does a community water ice truck and gets a tremendous amount of community support for this program along with support from the Upland Square shopping center. Chief Wheatley agreed that a program like this is priceless and agreed to investigate whether this is something our police department could provide.

PUBLIC WORKS DIRECTOR – J. Bean reported he replaced the fuel pump and the alternator in the 2009 Chevy Impala which was supposed to be sold on Municibid, and now it is a working vehicle. He further reported they finished laying the millings and digging ditches on Kummerer Road. He recommended the Commissioners take a drive along Kummerer Road and noted it is much better than it was. F. Krazalkovich, noted there were some recent issues with closure of a

road and some pump issues at the Regal Oaks pump station. J. Bean reported they had to close a portion of Chestnut Grove Road to repair the road which was washed out due to the pipe not being able to handle all the water from all the rain. He further reported the road has been repaired and is now open. He reported the pump at Regal Oaks is going to take some time to repair, and he spoke with a representative from J.T. Sealey who is recommending the pump be rebuilt. He noted the cost for a rebuild of the pump is approximately \$30,000.00. C. Lewis noted there is money included in the sewer fund budget for such repairs. In response to a question from F. Krazalkovich, C. Garner noted action should be taken to authorize preparation and advertising for bidding of the repair since it is over the threshold. He further advised he will work with Carol and Justin to see if the bidding may not be necessary due to an emergency situation. E. Taylor noted he remembers some type of emergency doctrine which might apply in this situation. In response to a question from M. Schreiber, J. Bean advised it was recommended to rebuild the pump rather than replace the parts and rebuild the pump later. Motion by F. Krazalkovich, second by E. Taylor and unanimously carried to authorize advertisement of the bidding to rebuild pump two (2) in Regal Oaks at a cost not to exceed \$30,000.00 with the costs being paid out of sewer fund. In response to a question from **Keith Kehl, 1941 Gilbertsville Road**, C. Lewis advised if the other pump goes prior to pump two (2) being repaired, a portable pump would have to be installed.

TOWNSHIP SOLICITOR – C. Garner advised issues he has will be under the agenda items.

TOWNSHIP ENGINEERING AND BUILDING & ZONING – The report was included in the packet. C. Lewis noted there have been several grass complaints. There were no questions on the report.

PLANNING LIAISON – E. Taylor advised issues he has will be under agenda items.

OPEN SPACE AND RECREATION – C. Lewis reported interns for the Althouse Arboretum will be making presentations to the Open Space and Recreation Board and the Board of Commissioners in August for a Master Plan for Sussell Park and community gardens for Prout Farm Park. She further reported there will be a presentation to the Board of Commissioners in August regarding the Circuit Rider program and moving it forward, and the County Planners are working on a Master Tree Planting Plan for Hollenbach Park which will be presented to the Open Space and Recreation Board in either August or September. She also noted the Open Space and Recreation Board is continuing work on the long-range plan for open space along with the community workshop for the open space plan update which is scheduled for September 27, 2018 from 5:30 to 7:30 pm at the township building. They will also be promoting the workshop and the open space plan update at Community Day which is scheduled for September 22, 2018.

SEWER AND WATER – John Bealer reported the Sewer and Water Committee meeting was canceled for the month of July, but the joint sewer meeting was held on July 12th. He further reported the shop drawings for the sludge dryer have been received and are under review, and the Borough installed the new laser beam system for their flow meter. He advised the 2017 audit has been completed, and there were no issues. He further advised the township received approximately \$9,000 in return for 2017.

FIRE AND AMBULANCE – M. Schreiber reported there were 18 calls last month with 122 year to date. He noted this has been the busiest year since has been involved with the fire company. He further noted the report from Gilbertsville Ambulance was included in your packet, and he did

receive a report from Goodwill Ambulance if anyone would like a copy. He advised Goodwill swapped out the AED pads for us which is an expense the fire company did not have to incur. He noted the Fire Committee expressed concern the fire tax credits had not been approved yet. He also noted there was a gas leak call at the public works building.

OLD BUSINESS

CONSIDER HIRING OF NEW OFFICER TO REPLACE STEVE SIGODA – Motion by M. Schreiber, second by E. Taylor and unanimously carried to extend a conditional offer of employment to Quinn Gauger as a police officer for the township subject to satisfactory completion of medical and psychological examinations and a drug screening test. F. Krazalkovich noted the police department is the biggest part of the budget and thanked Chief Wheatley for his report last month which was well prepared with the data necessary for the Board of Commissioners to make an informed decision regarding replacing retired Officer Sigoda. M. Schreiber noted the police department is a large part of our budget, and he believes it is important for both the Commissioners and the residents to realize the cost benefits of certain items and the difference between the wants and needs of the community.

CONSIDER BIDDING OF THE SALT SHED – C. Lewis advised there is no NPDES permit required for the salt shed as there is minimal ground work, and the bid would not include any fencing. In response to a question from E. Taylor, C. Lewis advised the issue with PennDOT concerning the right-of-way is being resolved. Motion by E. Taylor, second by T. Slinkerd and unanimously carried to authorize preparation and advertisement of the bidding for the salt shed. In response to a question from M. Schreiber, C. Lewis advised the scope of work includes the blacktop, but the salt shed will still be portable.

CONSIDER HIRING OF CONSULTANT FOR BUILDING STUDY – T. Slinkerd noted the majority of the Planning Commission recommended Alloy 5. E. Taylor advised he and J. Bealer were the minority in recommending KCBA. E. Taylor noted, however, he believes the township will obtain what they need from either company. In response to a question from T. Slinkerd, C. Lewis advised the quote from Alloy 5 was slightly lower than that from KCBA. T. Slinkerd advised he would like to have a few more questions answered, and therefore, a vote would be considered in August on this matter. T. Slinkerd suggested the Commissioners consider calling either firm if they have questions.

CONSIDER FIRE COMPANY ACTIVITIES - Motion by M. Schreiber, second by F. Krazalkovich and unanimously carried to authorize the Fire Company activities as presented.

CONSIDER RECOMMENDATION OF PLANNING COMMISSION FOR AN AMENDMENT TO THE TRAFFIC ORDINANCE TO ALLOW ENFORCEMENT OF THE NO LEFT TURN SIGN FOR TRUCKS – C. Garner explained that based upon the request made by the Board and the recommendation made by Chief Wheatley, an ordinance has been prepared and advertised to allow the enforcement of the sign prohibiting vehicles traveling on N. State Street in a northerly direction from making a right hand turn onto Farmington Avenue. C. Garner noted it applies to vehicles over 25 feet in length. Motion by F. Krazalkovich, second by E. Taylor to adopt the amendment to our traffic ordinance to allow the enforcement of the sign prohibiting vehicles over 25 feet in length traveling on N. State Street in a northerly direction from making a right turn onto Farmington Avenue. In response to a question from M. Schreiber, C. Garner advised there is

nothing in the ordinance that addresses billing for man hours for the fire company to those drivers who get stuck at the intersection. C. Garner further advised he is not certain whether this is something that can be added to the ordinances but would research if so directed.

NEW BUSINESS

CONSIDER RECOMMENDATION OF PLANNING COMMISSION FOR WAIVER FOR 908 COMMERCE DRIVE – E. Taylor explained the applicant is proposing to add a second tenant to the building and is requesting a waiver from land development along with additional waivers related to parking space dimensions and landscaping buffers. He noted there is no increase in impervious coverage, and the waivers requested are the same waivers which were approved for the original project. He further noted the planning commission has recommended approval of the waivers. Motion by M. Schreiber, second by F. Krazalkovich and unanimously carried to waive the formal land development process, to grant a waiver from Section 310-20.C (7) allowing the size of the parking spaces to be reduced from 10 feet by 20 feet to 9 feet by 18 feet, and to grant a waiver from Section 310-20.C (8) to waive the requirement for screening and landscaping. C. Garner noted the applicant would be required to comply with all other ordinance requirements.

CONSIDER CODDINGTON VIEW ESCROW RELEASE – Motion by F. Krazalkovich, second by E. Taylor and unanimously carried to authorize escrow release #4 for Coddington View Phase 3 in accordance with the letter from LTL Consultants dated July 13, 2018, subject to payment of all outstanding legal and engineering fees and subject to the retainage of \$1,000.00 for replacement of several trees. E. Taylor expressed appreciation to Arcadia Land Company for coming into a difficult situation and circumstances and working diligently and professionally with the township to make the most of the project for the township and the community. F. Krazalkovich also expressed appreciation to both Arcadia and the township for their efforts in getting the community completed. He noted the completed project is beautiful, and he is proud to be a resident of Coddington View and Upper Pottsgrove Township. E. Taylor also thanked C. Garner for his efforts in working diligently to resolve the legal issues related to the project.

CONSIDER UPGRADES FOR THE SERVER – C. Lewis explained upgrades are currently needed for our server, and the list of upgrades along with the cost estimate was included in your packet. Motion by F. Krazalkovich, second by M. Schreiber and unanimously carried to authorize upgrades to the server at a cost not to exceed \$5,000.00.

CONSIDER ASSISGNMENT AND ASSUMPTION OF LEASE FOR THE BILLBOARD – C. Garner explained the current tenant for the billboard had the right under our agreement to sell the lease to another tenant. He further explained the entity is very similar to if not better than the current tenant. Motion by F. Krazalkovich, second by M. Schreiber and unanimously carried to authorize appropriate township staff to execute the agreement for the assignment and assumption of lease by Landmark Infrastructure Holding Company, LLC.

CONSIDER RECOMMENDATION OF PLANNING COMMISSION FOR FINAL PLAN APPROVAL FOR SPROGEL’S RUN PHASE 2 – E. Taylor advised the Planning Commission is recommending final plan approval for Phase 2. He noted preliminary approval was given to the entire plan, final plan approval was given for Phase 1 and now Phase 2 is ready for final plan approval. C. Garner reiterated the consideration is for final plan approval for Phase 2 which is for 29 single family dwellings. He referenced the township engineer’s review letter dated July 5, 2018

which contains most of the items that need to be completed. He also referenced the final plan approval resolution and outlined all other items which must be completed. He explained the plan approval is also subject to the curative amendment settlement agreement from 2013. Motion by E. Taylor, second by M. Schreiber and unanimously carried to approve the resolution granting final plan approval for Phase 2 of Sprogel’s Run. **Keith Kehl, 1941 Gilbertsville Road**, expressed concern that each time a development is approved, it causes water runoff and erosion problems with the Sprogel’s Run stream.

DISCUSS RESOLUTION FOR HAZARD MITIGATION PLAN UPDATES – C. Lewis explained that Montgomery County has updated their hazard mitigation plan, and they require each municipality to adopt it. She further explained this allow the township to apply for state and federal funding in case of emergencies. In response to a question from T. Slinkerd, C. Lewis advised this is not a time sensitive matter. It was agreed to table this matter until next month.

OTHER PUBLIC COMMENT

Russell Noll, 573 Mervine Street, congratulated Upper Pottsgrove Township on being well represented at the Pennsylvania State Association of Township Commissioners convention. He presented T. Slinkerd, F. Krazalkovich and C. Lewis with photos which were taken at the convention

Keith Kehl, 1941 Gilbertsville Road, questioned whether anything is going to be done to protect his property from all the water runoff from development which is adjacent to his property. C. Lewis explained when a development is approved, the developer is required to keep water on their property by installing the proper storm water controls. She further explained the township is trying to manage storm water and doing everything within their ability to protect properties. C. Lewis agreed to assist Mr. Kehl with the Department of Conservation and Natural Resources to see what can be done regarding the water problem at his property.

Jim Crawford, 1115 Autumnview Lane, thanked the police department for what they do for the community. He would like to see more community projects and advised he would be glad to be part of a committee to make that possible.

COMMISSIONER COMMENTS

F. Krazalkovich thanked Senator Mensch for his attendance and presentation.

EXECUTIVE SESSION – The Board adjourned into Executive Session at 9:35 p.m. to discuss litigation, collective bargaining and a matter of real estate with no action to be taken. They reconvened at 10:10 p.m.

ADJOURNMENT – Motion by T. Slinkerd, second by M. Schreiber and unanimously carried to adjourn the meeting at 10:10 p.m.

Respectfully submitted,

Michelle L. Reddick, Township Secretary