

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

June 18, 2007

A meeting of the Board of Commissioners was held on Monday, June 18, 2007, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners Dolan, Iatesta, Noll and Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., Township Engineer John Theisen, Township Manager Jack P. Layne, and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:02 P.M. There were 12 people present in the audience. Commissioner DeLena was absent.

MOMENT OF SILENCE - Mr. Taylor requested a moment of silence in honor of the men and women who are currently serving and those who have served our country in the armed forces.

PLEDGE OF ALLEGIANCE - Those assembled pledged allegiance to the flag.

PUBLIC COMMENTS:

CARL SPECHT - 150 Primrose Lane - Questioned when his house would be connected to the public water system and stated he has been waiting since the beginning of April. Mr. Layne addressed Mr. Specht's concern and stated that Bartman's will be making the connection; however they are finishing up with the Central Farmington Avenue project right now. Mr. Layne noted the connection will be made in accordance with Mr. Specht's agreement with Bartman's Plumbing. Mr. Specht referenced an April letter, he previously sent to the Board, whereby he stated that his workshop has been "apart" since December and he needs to have access to his workshop. Mr. Layne stated he is hoping to have closure on the project by the end of June and advised he would try to get a completion date for Mr. Specht's water connection.

RECOGNITION - Commissioner Taylor presented a "Certificate of Excellence" to Cynthia Saylor who recently celebrated twenty five years of service with Upper Pottsgrove Township.

REPORTS:

EMERGENCY SERVICES - POLICE REPORT - Commissioner Noll provided a brief summary of the monthly police activities.

FIRE REPORT - Commissioner Noll reported June's Fire Committee meeting has been postponed; however, they will meet in July. Mr. Noll noted a light has been installed on the flagpole at the firehouse. Mr. Noll reported there will be an Emergency Training/Laptop Exercise on Wednesday June 27th at 1:00 P.M and expressed his appreciation to the Township Manager for all his efforts involved with the preparation for the Limerick Drill scheduled in August. Mr. Noll advised the members of the Board with regards to Senate Bill 23 which would provide for a \$250 state income tax credit for active volunteer fire fighters and volunteer ambulance service personnel. A motion by Noll, seconded by Iatesta, authorizing the Manager to address a letter to our local legislators in support of Senate Bill 23. All aye votes.

PUBLIC WORKS REPORT - Commissioner Iatesta reported the Farmington Avenue paving was completed on June 7, 2007 and the line painting was completed on Friday June 5, 2007. All incidental shoulder repair and landscaping work required along Farmington Avenue will begin in the next few weeks.

PUBLIC WORKS REPORT CONT'D - The Public Works Department is in the process of reconstructing a storm inlet that collapsed in Regal Oaks and has begun to repair sink holes on Mickletz Drive in the Cherrytree Farms Development. Pothole patching will take place in Regal Oaks when reconstruction to the storm inlet has been completed. Detention basins in Cherrytree are in the process of being mowed. The Public Works Department continues to provide inspections for main water line installation and individual house connection. The first round of vegetation control has been completed. The installation of electric to the Heather Place Park pavilion has been completed. The sidewalk from the parking area to the existing sidewalk at the pavilion was completed and the Highway Department will perform all restoration required.

COMMISSIONER NOLL - Expressed his thanks and appreciation to the Highway Department as well as Public Works Director Frank Quinter and Jack Layne for all their "efforts" involved with the Farmington Avenue project.

COMMISSIONER DOLAN - Reported he received a call from a resident, who wishes to remain anonymous, regarding the professionalism from the Township Road Crew. Commissioner Iatesta asked Mr. Dolan to "pass on" the compliment to the Public Works Director since he received the phone call.

PARKS AND RECREATION REPORT - Commissioner Dolan stated the Township is looking to acquire a conservation easement from the Stewartz property and noted that Natural Lands Trust is handling the matter. He further stated that Natural Lands Trust has applied for a \$100,000 grant from DCNR which was recently approved. Mr. Dolan explained the next step would be to go before the Montgomery County Open Space Committee and Montgomery County Commissioners.

TOWNSHIP ENGINEER - Township Engineer John Theisen reported the water main installations within the Wolf Run Project are just about finished. Mr. Theisen stated Superior Water will begin water installations along Commerce Drive.

ROBERT SLOSS - 2097 NEEDHAMMER ROAD - Addressed the Township Engineer and requested an update with regards to the Highview II Subdivision. Mr. Theisen reported he is waiting for a return phone call from the Developer's Engineer regarding the revised design of the detention basin and calculations to assure compliance with the approved plan and applicable ordinances. Mr. Theisen explained that he has called the Engineer numerous times and has expressed the urgency of the matter. Attorney Garner explained that he has not been involved in the matter due to a conflict of interest. He further explained that the Township has contracted Attorney Baldwin, as Special Council, to handle this matter. After a brief discussion, it was agreed that the Township Manager would contact the Developer's Engineer and advise him that if there is no information available by the next meeting the Board will be taking further action. Commissioner Dolan noted the original plan was for sixteen (16) homes and suggested the members of the Board take that under consideration before taking further action. Commissioner Taylor stated the Planning Commission was very happy with the design; however, a return phone call from the Engineer is not too much to ask.

DIANA UPDEGROVE - 1404 Farmington Avenue - Suggested the Township notify Stern Nester, who is the owner of the property and not John Aston the Engineer for the project.

TOWNSHIP SOLICITOR'S REPORT - Mr. Garner reported the Township is making "good progress" with regards to the Wolf Run Water Line Project and noted the only outstanding issue is the water installations along Coolidge Avenue. He further reported he has been working with John Theisen regarding updating and increasing the amount of financial security under the Township's Developers Agreement for various projects that have been "in the works" for more than a year. Mr. Garner explained the Developers Agreements allows an increase in financial security by ten (10) percent after twelve months. Mr. Garner provided a brief update with regards to the cell tower and noted the antennas have been moved inside the pole. Mr. Layne noted his concerns with regards to raising and lowering of the flag. Mr. Garner reported that he along with Mr. Layne have been approached by another tower entity who is interested in reviewing the current lease with American Tower. Mr. Garner stated he would have more information regarding this matter at a future meeting.

DIANA UPDEGROVE - 1404 Farmington Avenue - Addressed the Solicitor and questioned the names of the carriers inside the cell tower. Mr. Garner stated he would provide the information to Mrs. Updegrove.

TOWNSHIP MANAGER'S REPORT - Mr. Layne expressed his thanks and appreciation to Mrs. Saylor for her twenty five (25) years of dedicated service to the Township. He also expressed his thanks to her family and co-workers for attending tonight's meeting. Mr. Layne reported the Farmington Avenue paving project has been completed and asked everyone to maintain the speed limit. He further reported he met with DEP officials and Pottstown Borough Staff to discuss the status of the Wolf Run Waterline Project and noted it is moving towards conclusion. Mr. Layne stated there will be an Emergency Management Training Session/Laptop Exercise on Wednesday, June 27th at 1:00 P.M. He further stated he attended Radiological Training and attended numerous Committee meetings. Mr. Layne noted the Township received an Amendment to the Agreement with DEP for additional funding in the amount of \$475,000 for the water line project. Mr. Layne advised the Township received a check in the amount of \$15,000 for recycling and noted an increase of \$9,000 from last year. The Township has been contacted by the Pottsgrove School District regarding the implementation of a school resource officer at the Middle School. Mr. Layne stated this matter would be discussed with the members of the Board, the Solicitor and the Police Chief. Mr. Layne reported the Regal Oaks Sewer billings would be mailed this week and noted the invoices are for the months of May and June. He further reported the Township will begin billing on a quarterly basis in July.

MONTHLY FINANCIAL REPORT - Mr. Layne provided copies of the monthly reports for all funds with the exception of the General and Capital Funds and they will be forthcoming.

NEW BUSINESS: AUTHORIZATION TO EXECUTE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND SIGNATURES OF ALL NECESSARY CLOSING DOCUMENTS FOR PRINCE/AUSTERBERRY PROPERTY - A motion by Dolan, seconded by Iatesta, to authorize the President and the Manager to execute the Declaration of Covenants, Conditions and Restrictions and other necessary closing documents. All aye votes.

COMMISSIONER IATESTA - Questioned the type of permanent signs that will be placed on the property.

COMMISSIONER NOLL - Asked the total acreage of the Prince/Austerberry property. Attorney Garner stated the total acreage is approximately 20 acres.

ACTION ON ROAD DEDICATION IN WOODBROOK ESTATES - This matter was tabled until a future meeting.

AUTHORIZATION FOR SOLICITOR TO PREPARE AND ADVERTISE AMENDMENTS TO THE ZONING ORDINANCE TO ENSURE COMPLIANCE WITH THE REGIONAL PLAN - Commissioner Taylor reported additional information is needed with regards to Regional Plan; therefore this matter will be discussed at a future meeting.

OLD BUSINESS:

ORDINANCE #407 - FALSE FIRE ALARM ORDINANCE - An Ordinance Prohibiting False Fire Alarms and Established a False Fire Alarm Procedure along with Service Fees and Penalties for Violating such Procedures. A motion by Noll, seconded by Dolan, to adopt Ordinance #407. All aye votes.

RESOLUTION #513 - A Resolution Establishing False Fire Alarm Service Fees and Designating the Township Funds to Receive such Fees. A motion by Noll, seconded by Iatesta, to adopt Resolution #513. All aye votes.

AUTHORIZATION TO ADVERTISE TRAFFIC CALMING ORDINANCE - An Ordinance creating section 310-19.H, Traffic Calming, of Chapter 310, Subdivision and Land Development, of the Upper Pottsgrove Township Code of Ordinances to Create Requirements for Traffic Calming Devices in New and Existing Residential Areas. After a brief discussion, a motion by Iatesta, seconded by Dolan, to authorize the Solicitor to advertise the ordinance to establish a public hearing in order to start the process of amending the Subdivision Ordinance. All aye votes.

AUTHORIZATION TO ADVERTISE DRAFT ACT 167 STORMWATER MANAGEMENT ORDINANCE - Attorney Garner explained this Ordinance is mandated by the DEP because the Township is located within the Swamp Creek Watershed. He further explained that this Ordinance is a “stand alone” ordinance and will not become part of the Township’s Subdivision or Zoning Regulations nor will it require a public hearing. After a brief discussion, it was agreed that the Township Engineer would establish the appropriate fees associated with the proposed ordinance. A motion by Dolan, seconded by Noll, to authorize the advertisement of the Stormwater Management Ordinance. All aye votes.

When **ROBERT SLOSS, 2097 Needhammer Road**, asked if the proposed ordinance applied to commercial properties; Mr. Taylor responded “yes.”

OTHER PUBLIC COMMENT:

When **ROBERT SLOSS, 2097 Needhammer Road**, questioned an invoice from Rocket Car Wash that was depicted on a previous Bill List; Mr. Layne stated the check had been voided. Mr. Sloss addressed Mr. Layne and questioned why the Township is paying for spring water when the Municipal Building and Administrative Offices are supplied by Superior Water. Mr. Layne stated he would look into the matter and noted the only access the employees have to the public water is from the bathrooms or the maintenance closet. **CARL SPECHT, 150 Primrose Lane**, stated the Township expects the residents to drink the water Superior Water and questioned why not the employees. Mr. Specht further stated the taxpayers shouldn't have to pay for spring water for the Township employees. Mr. Layne stated he would get an estimate on the cost of installing a water fountain.

COMMISSIONERS COMMENTS:

COMMISSIONER TAYLOR - Announced that Congressman Charles Dent will be holding a Community Outreach Day at the Upper Pottsgrove Township Administrative Offices on Monday, July 2nd between 1:00 and 2:00 P.M.

APPROVAL OF BILL LIST - Commissioner Taylor questioned invoices from ACC Business and H. A. Berkheimer. Mrs. Saylor explained a credit would be forthcoming from ACC Business due to a double payment. She further explained that Berkheimer is paid a percentage of the earned income and open space taxes they collect for the Township.

ROBERT SLOSS - 2097 Needhammer Road - Questioned invoices from Garner & Bauer Law Firm and Sceptor Signs. Mr. Garner explained his monthly billing process to Mr. Sloss. Mr. Layne explained the invoice from Sceptor Signs represents the cost of a replacement sign for Kulp Fields minus the \$500.00. Mr. Layne noted the Township received reimbursement from the Insurance Carrier. When Commissioner Noll questioned the invoice from Sceptor Signs for the Hollenbach Park sign; Mr. Layne explained the Township only paid the \$500.00 deductible; the balance was covered by the Insurance Company. Mr. Sloss questioned the invoice for \$1100 for "Rules and Regulation" signs expended from the Park & Recreation Fund. Mr. Layne stated the \$1100 payment to Sceptor Signs represents payment for four (4) new signs; two (2) of which are being paid from the Park and Recreation Fund; the other from the Open Space Fund.

A motion by Noll, seconded by Iatesta, to approve the Bill List dated June 18, 2007 for General Fund in the amount of \$32,542.98; Fire Fund in the amount of \$2,500.59; Park and Recreation Fund in the amount of \$63,221.83; Sewer Fund in the amount of \$84,826.71; Capital Fund in the amount of \$23,218.38; State Fund in the amount of \$2,013.16 and Open Space Fund in the amount of \$3,850.00. Total Expenditures - \$212,173.65. All aye votes.

APPROVAL OF MINUTES - May 21 and June 4, 2007 - A motion by Iatesta, seconded by Noll, to approve the minutes of the May 21 and June 4, 2007 meetings as presented. All aye votes.

EXECUTIVE SESSION - At 8:28 P.M. Commissioner Taylor announced the Board would meet in Executive Session; however, no decisions would be made. The meeting reconvened at 8:50 P.M.

ADJOURNMENT - There being no further business, a motion by Noll, seconded by Dolan, to adjourn the meeting at 8:51 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor,
Township Secretary