

A meeting of the Board of Commissioners was held on Tuesday, January 22, 2008, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners DeLena, Dolan, Spaide and Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., Township Manager Jack P. Layne and Township Secretary Cynthia H. Saylor. The meeting was called to order at 7:30 P.M. by Mr. Taylor. There were 10 people present in the audience. Commissioner Noll was absent.

**MOMENT OF SILENT PRAYER** - Mr. Taylor requested a moment of silent prayer 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.

**JIM CAPINSKI - 1958 Yarnall Road** - Provided additional information with regards to Highview Lane and disputed Attorney Garner's opinion that it is not a public road. Mr. Capinski expressed his concern and questioned whether or not the Township will plow the road when it snows.

**GARY MOVELLAN - 1920 Yarnall Road** - Questioned the members of the Board as to the difficulty in making a decision with regards to Highview Lane.

**APPROVAL OF DRAFT RESOLUTION REGARDING THE HIGHVIEW II SUBDIVISION FINAL PLAN** - Attorney Bruce Baldwin was present and provided a brief overview of the draft resolution with regards to the Highview II Subdivision. After discussion, a motion by Dolan, seconded by DeLena, to approve Resolution # 528. All aye votes.

**ROBERT SLOSS - 2097 Needhammer Road** - Requested a copy of Exhibits A & B with regards to the Highview II Resolution. Attorney Baldwin explained that Exhibit A is a copy of LTL's letter dated February 5, 2007 with respect to the correction and completion of the storm water facilities and Exhibit B is the Easement Maintenance Agreement as signed by Stern Nester. Mr. Layne provided copies of the exhibits to Mr. Sloss. When Mr. Sloss questioned who in the Township is responsible for making sure that all of the conditions outlined in the resolution are met; Attorney Baldwin stated the "Engineer."

**COMMISSIONER SPAIDE** - Reiterated Mr. Sloss's concerns regarding Highview II.

**REPORTS:**

**EMERGENCY SERVICES** - Chief Ross reported the Police Department conducted a traffic study in response to a request for the placement of a four-way stop at the intersection of Chestnut Grove and Kummerer Roads. After discussion, a motion by Dolan, seconded by Spaide, authorizing the Solicitor to draft an amendment to the Master Traffic Ordinance subject to the review of the Township Engineer. All aye votes.

**PUBLIC WORKS REPORT** - Commissioner Spaide reported the Highway Department responded to call outs for downed trees, continued patching and compacting pot holes along Chestnut Grove Road and Farmington Avenue, cleaned leaves from gutters along Evans Road, Yarnall Road and storm inlets throughout the township, performed final inspections to public water line construction and individual house connections on Coolidge Avenue and Commerce Drive. Montgomery County Prison Early Release Program have been in the township picking up trash along Route 100, North State Road, West Moyer Road and Mangers Mill Road. The Highway Department assisted M & S Services with the reprogramming of the automatic telemetry at the Pineford Road pumping station, installed new surge protector at the North Hanover Street flow meter, performed preventative maintenance to generators at the Pineford Road and Cherrytree Farms pumping stations, responded to sewage blockage on Farmington Avenue found to be located in the homeowners lateral, plunged and open, continued to download weekly data from sewage flow meters and provided charts and graphs to LTL and BCM Engineering. They also performed brake maintenance to police vehicle 92-25.

**COMMISSIONER DOLAN** - Questioned whether the homeowner on Farmington Avenue would be charged for the Highway Department opening their sewer lateral.

**TONY ALESSI - 1482 Heather Place** - Stated it is the Highway Department's policy that when a resident has a sewer problem the public works employees will determine if it is a Township problem or the homeowner's problem. He further stated that if it is a minor problem they will try and help out if possible.

**ROBERT SLOSS - 2097 Needhammer Road** - Asked if the Highway Department would clean out the storm sewer outlets along Needhammer Road.

**DIANA UPDEGROVE - 1404 Farmington Avenue** - Suggested an article be placed in the next Newsletter asking residents not to blow their leaves in the street.

**PARK, RECREATION AND OPEN SPACE REPORT** - Commissioner Dolan reported that he along with the Township Manager met with a representative from the Montgomery County Lands Trust to discuss the Spragles Run Master Plan and they will be making a presentation at the February 19<sup>th</sup> meeting. Mr. Dolan provided an update with regards to the acquisition of the Stauffer property. He further reported the Open Space Committee is interested in purchasing several parcels within the Township; however it will involve tapping into the referendum money. Mr. Dolan suggested a financial consultant attend a future meeting to discuss the funding of these properties.

**ADMINISTRATION REPORT** - Commissioner DeLena requested suggestions and ideas for the upcoming Newsletter.

**TOWNSHIP ENGINEER'S REPORT** - A copy of the monthly Engineer's Report will be posted on the bulletin board.

**SOLICITOR'S REPORT** - Attorney Garner reported his monthly activities include the Farmington Avenue West sewer project and the issues involving Regal Oaks.

**ROBERT SLOSS - 2097 Needhammer Road** - Requested an update with regards to the Church of the Latter Day Saints water drainage problem. Attorney Garner reported that the Township received consent from all but one property owner; however the Church has extended their offer to contribute money towards the project through this calendar year. Mr. Garner explained that the Church will not release any money until we have the consent from all property owners.

**TOWNSHIP MANAGER'S REPORT** - Mr. Layne reported he has submitted remaining invoices for the Wolf Run Waterline Project, discussed the Regal Oaks Wastewater Treatment Facility with DEP officials, assisted in providing presentation to the Montgomery County Open Space Committee to request funding for the acquisition of the Stauffer property. He further reported bill approvals will be provided at the second Commission meeting only of each month. The Parks and Recreation Board recommended that the 2008 Community Day be held on Saturday, October 4<sup>th</sup> at Heather Place Park. In an effort to increase revenue and decrease expenses, Mr. Layne provided a proposal for providing paid advertising rates for the Newsletter.

**MONTHLY FINANCIAL REPORT** - Copies of November's Financial Reports were provided to the Board members.

**ZONING HEARING BOARD #3-07 DIANN PASCAL** - The Board briefly discussed the application submitted by Diann Pascal for Special Exception to the Zoning Hearing Board for existing interior lots, located off of Gilbertsville Road. The Board agreed to take no formal action.

**AUTHORIZATION TO SUBMIT APPLICATION TO THE POTTSTOWN HEALTH AND WELLNESS FOUNDATION FOR FUNDING FOR THE GOOSE RUN PEDESTRIAN TRAIL** - Mr. Layne explained the Township is seeking funding assistance for the development and construction of the proposed Goose Run Pedestrian Trail from the Pottstown Area Health & Wellness Foundation. After discussion, a motion by Dolan, seconded by DeLena, to authorize the Manager to submit a request from the Pottstown Health and Wellness Foundation for \$45,000 for the construction of the Goose Run Trail. All aye votes. Commissioner Dolan suggested the Manager draft a letter of intent to the Pottstown Health and Wellness Foundation with regards to a possible grant for the Prince/Austerberry tract.

**AUTHORIZATION FOR THE ENGINEER TO PREPARE BID SPECIFICATIONS FOR I & I PROJECT** - A motion by Dolan, seconded by DeLena, to authorize the Engineer to prepare the bid specification for the Regal Oaks I & I project. All aye votes.

**ORDINANCE #414** - An Ordinance providing for the amendment and regulation of a Municipal Employee Pension Plan for full-time non-uniformed employees of Upper Pottsgrove Township, and further providing for the amount of said pension together with the computation of benefits thereof and eligibility thereunder. A motion by Spaide, seconded by Dolan, to approve Ordinance #414. All aye votes.

**ORDINANCE #415** - An Ordinance providing for the amendment and regulation of a Municipal

Employee Pension Plan for full-time police employees of Upper Pottsgrove Township, and further providing for the amount of said pension together with the computation of benefits thereof and eligibility thereunder. A motion by DeLena, seconded by Spaide, to approve Ordinance #415. All aye votes.

**ROBERT SLOSS - 2097 Needhammer Road** - Questioned whether the Township has established a Pension Committee and requested clarification with regards to the number of years of service required for vesting purposes.

**APPROVAL OF RESOLUTION #527** - A Resolution of the Upper Pottsgrove Township Board of Commissioners approving and authorizing the execution of a Planning Assistance Contract with the Commissioners of Montgomery County. A motion by Dolan, seconded by DeLena, to approve Resolution #527. All aye votes.

**#4-07 PASCAL ANNEXATION EXTENSION REQUEST** - A motion by DeLena, seconded by Dolan, to authorize a 90 day extension from February 9, 2008, for the Pascal Annexation Plan. All aye votes.

**REVIEW OF PROPOSED RIPARIAN CORRIDOR CONSERVATION DISTRICT ORDINANCE** - Commissioner Taylor explained a riparian corridor is the area of land adjacent to and along a perennial or intermittent stream, lake, pond or wetland. Mr. Taylor provided a brief summary of the proposed ordinance and noted it has been recommended for approval by the Upper Pottsgrove Planning Commission, the Montgomery County Planners as well as the Clean Water Action Organization. After discussion, a motion by Dolan, seconded by DeLena, to authorize the Solicitor to advertise the proposed ordinance and establish a public hearing. All aye votes.

**ANNE MISAK** - Representing the Clean Water Fund was present in the audience and reported they worked closely with the Planning Commission and the Montgomery County Planning Commission in creating the proposed Riparian Corridor Conservation District Ordinance.

#### **PUBLIC COMMENT**

**CARL SPECHT - 150 Primrose Lane** - Expressed his concern that not everyone on public sewer is aware of the sewer increase. Mr. Specht reported he has been doing some research and noted that on the Pennsylvania Association of Township Commissioners' web site regarding sewer rental fees it states that all sewer rental fees received shall be deposited in a special fund to be used only for the payment of the cost of construction, reconstruction, repair, operations and maintenance to the sewage system. Mr. Specht expressed his concern that this may become an issue when the residents receive their first sewer bill reflecting the quarterly increase. Mr. Specht referenced the minutes from previous meetings whereby there were transfers made from the Sewer Fund to the General Fund and noted if the Attorney General's office gets involved the Township will need to prove how the money was used.

#### **COMMISSIONER COMMENTS:**

**COMMISSIONER DOLAN** - Requested clarification with regards to the mailing of the Pottstown

Public Library's allocation check.

**APPOINTMENT** - A motion by DeLena, seconded by Dolan, to appoint Renee Spaide as the Township's representative on the Pottsgrove Recreation Board and Council of Governments. Aye votes: DeLena, Dolan and Taylor. Abstain: Spaide. Motion carried.

**PAYMENT OF BILLS** - A motion by DeLena, seconded by Dolan, to approve the Bill List dated January 22, 2008 for General Fund in the amount of \$56,486.47; Fire Fund in the amount of \$6,230.92; Sewer Fund in the amount of \$8,028.44; State Fund in the amount of \$139.60; Capital Fund in the amount of \$259,620.73 and Escrow Fund in the amount of \$4,848.60. Total Disbursements - \$335,354.76. All aye votes.

**ROBERT SLOSS - 2097 Needhammer Road** - Requested clarification with regards to invoices paid from the Capital Fund.

**APPROVAL OF MINUTES - December 17, 2007** - A motion by DeLena, seconded by Dolan, to approve the minutes of the December 17, 2007, meeting as presented. Aye votes: DeLena, Dolan and Taylor. Abstain: Spaide. Motion carried.

**APPROVAL OF MINUTES - January 7, 2008** - A motion by DeLena, seconded by Dolan, to approve the minutes of the January 7, 2008, meeting as presented. All aye votes.

**EXECUTIVE SESSION** - At 8:55 P.M. Commissioner Taylor reported the Board would meet in Executive Session to discuss possible litigation. The meeting reconvened at 9:53 P.M.

**ADJOURNMENT** - There being no further business, a motion by DeLena, seconded by Spaide, to adjourn the meeting at 9:54 P.M.

Respectfully submitted,

Cynthia H. Saylor  
Township Secretary