

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

March 17, 2008

A meeting of the Board of Commissioners was held on Monday, March 17, 2008, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners DeLena, Dolan, Noll, Spaide and Taylor present. Also present were Solicitor Gregory Shantz, Township Manager Jack P. Layne and Township Secretary Cynthia Saylor. Commissioner Noll called the meeting to order at 7:00 P.M. There were 12 people and a Mercury reporter present in the audience. Mr. Noll stated that Commissioners DeLena and Taylor would be late due to conferences at school.

MOMENT OF SILENCE - Mr. Noll 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: None

REPORTS:

EMERGENCY SERVICES REPORT - Commissioner Noll read the monthly Police Report and stated a copy would be posted on the bulletin board.

FIRE REPORT - Commissioner Noll reported the Fire Committee will meet on Thursday, March 20 at 7:00 P.M. Mr. Noll advised that there is a vacancy on the Fire Committee for a "Citizen at Large" and encouraged anyone interested in the position to contact the Township Manager. Mr. Noll expressed his thanks and appreciation to Commissioner Spaide, Herb Miller, Jack Heckman and the staff who participated in the recent Weather Alert Preparedness Drill.

PUBLIC WORKS REPORT - Commissioner Spaide reported the Highway Department patched potholes on Juniper Street, Continental Drive, Harding Street, Farmington Avenue, Horseshoe Drive and Moyer Road; responded to three call outs; cleaned gutters on Yarnall Road, trimmed low hanging tree branches and cleaned up debris along roadways caused by recent high winds, reinstalled two downed street signs, cleaned areas of roadway to be patched with hot mix asphalt when plants reopen in April, removed and replaced broken storm sewer inlet grate located on Moyer Road and Horseshoe Drive, made necessary repairs to aging salt storage shed, worked in conjunction with the Fire Company and All American Septic Service in cleaning grease build up from walls and surrounding structure of Cherrytree Farms Pumping Station; worked with a representative from M&S Services repairing back flow preventers at Cherrytree Farms Pump Station, continued downloading data from sewage flow meters, installed ten manhole protection kits to various manholes and covers throughout the township, continued inspection activities in Cherrytree Farms to locate inflow and infiltration sources causing high water alarms, removed and replaced worn hydraulic hoses and hydraulic auger and spinner motors on salt spreader mounted on 1992 Chevy truck and made repairs to police vehicles as needed.

ROBERT SLOSS - 2097 Needhammer Road - Questioned the recent work done at the Cherrytree Farms Pump Station and stated it is a relatively new development. Mr. Sloss expressed concern with regards to the engineering of the pump station. Mr. Layne stated he would check into the matter.

PAUL CARBO - 221 Mickletz Road - Asked if there is an engineering problem at the Cherrytree Farms pumping station would that cause an increase his quarterly sewer bill. Mr. Carbo requested an explanation regarding the dramatic increase in his sewer bill. Commissioner Noll stated the increase is due to budget issues and the projects the township has to support in the upcoming years. Mr. Layne stated the Department of Environmental Protection mandated that the Township take over the operation and ownership of the Regal Oaks Wastewater Treatment Plant. He further stated the Township has to provide significant upgrades to the Regal Oaks facility. Mr. Carbo asked why he can't be charged for sewer usage the way the Borough of Pottstown does and stated he has a meter on his home. Mr. Layne stated the Board did discuss the possibility of going from a flat rate to a metered rate and noted it would be very costly. Mr. Carbo stated he is being discriminated against. After further discussion, Commissioner Noll suggested that Mr. Carbo attend a Sewer Committee meeting.

PARKS, RECREATION AND OPEN SPACE REPORTS - Commissioner Dolan provided a brief update with regards to the purchase of the Stauffer property and noted the Township received an extension until the end of June to make settlement. Mr. Layne reported the Parks and Recreation Board met last week and discussed Community Day which is scheduled for October.

ADMINISTRATIVE REPORT - None

TOWNSHIP ENGINEER'S REPORT - A copy of the monthly report will be posted on the bulletin board.

TOWNSHIP SOLICITOR'S REPORT - Attorney Shantz reported he has been working on several issues regarding litigation that would be discussed in Executive Session.

TOWNSHIP MANAGER'S REPORT - Mr. Layne expressed his thanks and appreciation to Commissioner Spaide, Reginald Leister, Herb Miller, Jack Heckman, the Police Department and the Public Works staff for their time and effort regarding the Weather Alert Preparedness Exercise. Mr. Layne reported he has monitored sewer flows and communications regarding the Regal Oaks Wastewater Treatment Facility in coordination with PADEP, LTL Consultants, Chuck Garner and Staff.

MONTHLY FINANCIAL REPORTS - Copies of February's Monthly Financial Reports were included in the Board's meeting packets.

ROBERT SLOSS - 2097 Needhammer Road - Referenced the unfunded mandates for the Regal Oaks facility and noted when that development was built the Township was against it and the matter had to go to court. Mr. Sloss questioned why he as a taxpayer has to pay for something that was overruled by Montgomery County. Mr. Sloss suggested DEP pay for the upgrades to the Regal Oaks Treatment plant. Commissioner Noll stated DEP could impose substantial fines and penalties which would be a further burden on the Township. Attorney Shantz addressed Mr. Sloss and stated the Township did everything possible to avoid taking over the Regal Oaks plant and get money from DEP and unfortunately it wasn't available. Mr. Shantz stated the Township is doing its best to remediate the problems at the Regal Oaks facility; however the fines that would have been incurred by the Township in the long term would have us more money.

NEW BUSINESS:

APPROVAL OF UPDATED RADIOLOGICAL EMERGENCY RESPONSE PLAN - Mr. Layne reported the changes made to the Radiological Emergency Response Plan include a change in the population of the Township from 4,102 to 5,000 to reflect recent development and Section F-2.d pertaining to Traffic Control Points in Upper Pottsgrove Township. A motion by Spaide, seconded by Dolan, to execute the updated Radiological Emergency Response Plan and to authorize the Solicitor to prepare the necessary resolution. All aye votes.

DISCUSSION REGARDING PROPOSED ROAD IMPROVEMENT PROJECTS - A copy of the proposed road improvement projects was included in the Board packets. Roads listed include Pineford Road, from Chestnut Grove road to the Township line, Juniper Street, from Mervine Street to Turnberry Farms, and Old Orchard Drive. Commissioner Dolan stated that two years ago the roads in his development were scheduled to be resurfaced; however the former Manager said it would not be feasible since public sewer would be going through that development. He further stated it has been two years and public sewer is not anticipated and the roads in his development are not on the list. After discussion, it was agreed that the Board would reevaluate the list of roads scheduled for improvement.

ROBERT SLOSS - 2097 Needhammer Road - Questioned the amount of money budgeted for road improvements. Mr. Layne stated the Township received approximately \$126,000 in Liquid Fuels money.

DISCUSSION REGARDING REVISED PERSONNEL POLICY MANUAL - A motion by Dolan, seconded by Spaide, to table discussion regarding the Personnel Policy Manual and forward to the Personnel Committee. All aye votes.

OLD BUSINESS:

DISCUSSION REGARDING THE PROPOSED VILLAGE COMMERCIAL ORDINANCE Mike Narcowich from the Montgomery County Planning Commissioner was present and outlined the changes made to the proposed Village Commercial Ordinance. Commissioner Dolan stated he does not think it is appropriate to place all of these burdens on someone who wants to demolish a historic structure.

PROPOSED VILLAGE COMMERCIAL CONT'D. - He further stated we should be encouraging commercial businesses to come into the Township. After further discussion, a motion by Dolan, seconded by Spaide, to advertise and set a public hearing date for the proposed Village Commercial Ordinance. All aye votes.

Commissioner DeLena arrived at 8:10 P.M.

DIANA UPDEGROVE - 1404 Farmington Avenue - Expressed concern that the entire Board was not present prior to making the motion with regards to the proposed Village Commercial Ordinance. Commissioner Noll explained the motion only set the date for the hearing and the members of the Board as well as the public will have input at the hearing.

Commissioner Taylor arrived at 8:20 P.M.

DISCUSSION REGARDING THE PROPOSED RETAIL OFFICE DISTRICT - Mike Narcowich outlined the changes to the proposed Retail Office District Ordinance. There was discussion with regards to the projected regulations for drive-throughs. Mr. Narcowich suggested hours of operation for drive-throughs between 8:00 AM through 10:00 PM. After discussion, a motion by Dolan, seconded by Spaide, to advertise and set a public hearing date for the proposed Retail Office District Ordinance. All aye votes.

OTHER PUBLIC COMMENTS: None

COMMISSIONERS COMMENTS:

COMMISSIONER DOLAN - Expressed concern regarding trailers being parked along the streets. Mr. Dolan expressed concern regarding the difficulty with parking within the Woodbrook Development. The Solicitor suggested someone from the Police Department or Public Works Department look into the matter and report back to the Board with a possible recommendation. Commissioner Spaide expressed concern with regards to emergency vehicles navigating through the development and noted a safety issue.

COMMISSIONER NOLL - Reported the Fire Company will hold a Flower Sale on March 21st and March 22nd and an Easter Egg Hunt on Saturday, March 22 at 11:00 A.M. at Heather Place Park.

PAYMENT OF BILLS - A motion by DeLena, seconded by Dolan, to approve the March 3, 2008 Bill List for General Fund in the amount of \$91,640.36; Fire Fund in the amount of \$4,882.56; Sewer Fund in the amount of \$29,692.68; State Fund in the amount of \$1,573.42; Capital Fund in the amount of \$19,941.50; Escrow Fund in the amount of \$600.76 and Open Space Fund in the amount of \$5,650.00. Total Expenditures - \$153,981.28. All aye votes.

ROBERT SLOSS - 2097 Needhammer Road - Questioned invoices from LTL Consultants and Superior Water.

APPROVAL OF MINUTES - March 3, 2008 - A motion by Spaide, seconded by DeLena, to approve the minutes of the March 3, 2008, meeting as presented. All aye votes.

CHRIS PICARD - 1620 Laura Lane - Questioned the possibility of installing speed limit signs within the Woodbrook Development and also expressed his concern regarding plowing the roads in the development. Commissioner Noll explained the roads have not been dedicated as of yet. Mr. Picard questioned the amount of input the public has during the meetings. Mr. Picard explained he is new resident of the Township and is not familiar with our meeting etiquette.

EXECUTIVE SESSION - At 8:42 P.M. Commissioner Noll reported the Board would meet in Executive Session to discuss a personnel matter. The meeting reconvened at 9:26 P.M.

APPROVAL OF MOTION TO ACCEPT RESIGNATION OF THE CHIEF OF POLICE - A motion by Spaide, seconded by DeLena, to accept the resignation of Bryan Ross as Chief of Police. All aye votes.

EXECUTIVE SESSION - At 9:28 P.M. Commissioner Noll reported the Board would meet in Executive Session to discuss several items of litigation and property acquisition. Attorney Shantz stated possible action could be taken at the conclusion of the Executive Session. The meeting reconvened at 10:07 P.M.

OPEN SPACE PURCHASE - A motion by Dolan, seconded by DeLena, to authorize Board President Elwood Taylor to sign an Agreement of Sale with Glenn T. Bealer, Gary A. Bealer and Bruce C. Richard for the purchase of 8.129 acres of land located at 196 Pineford Road for \$250,000. All aye votes.

BOND FUNDING - A motion by Dolan, seconded by Spaide, to authorize Boenning & Scattergood, Inc. to secure bond funding in the amount of \$2,521,000 for the acquisition of open space and \$500,000 for sewer improvements. All aye votes.

ADJOURNMENT - A motion by Spaide, seconded by DeLena, to adjourn the meeting at 10:10P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor
Township Secretary