

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

May 19, 2008

The meeting of the Board of Commissioners was held on Monday, May 19, 2008, at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Commissioners DeLena, Dolan, Noll, Spaide and Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., Township Manager Jack P. Layne, Township Engineer John Theisen, Public Works Director Frank Quinter and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:00 P.M. There were 18 people and a Mercury Reporter present in the audience.

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 COMMENTS:

JOHN BEALER - 1521 Farmington Avenue - Expressed his concern regarding the high grass on the property located at 1400 Farmington Avenue and advised it creates a hazardous condition on Farmington Avenue. Mr. Layne stated he would contact the Code Enforcement Officer and ask him to look into the matter.

JANET BRANDEL - 1757 Yarnall Road - Requested a status with regards to barking dogs and the current noise ordinance. Attorney Garner reported that he has amended the ordinance and changed the language whereby barking is limited to fifteen (15) minutes regardless of the time of day. Mr. Garner noted the amended ordinance will be ready for Board action at the June 2nd meeting.

RAY FRIZ - 1750 Farmington Avenue - Referenced an article in the recent Newsletter regarding open burning and questioned whether the Board would consider amending the current ordinance to allow for camp fires. Mr. Fizz expressed concern regarding the increased truck traffic on Gilbertsville Road. The Public Works Director stated he would look into the matter.

REPORTS:

EMERGENCY SERVICES - POLICE REPORT - Commissioner Noll read the monthly Police Report and stated a copy of the report would be posted on the bulletin board. **FIRE REPORT** - Commissioner Noll read the monthly Fire Report and stated a copy of the report would be posted on the bulletin board. Mr. Noll reported the Fire Committee will meet in Thursday, June 19, 2008. He further reported the Fire Company is having a pig roast on Saturday, July 5, 2008 at Heather Place Park and a concert which will be held at the Gilbertsville Fire Company

PLANNING AND ZONING REPORT - Commissioner Taylor reported the Planning Commission met and discussed a minor lot line change for the Pascal property.

PUBLIC WORKS REPORT - Commissioner Spaide reported the Highway Department has been patching and compacting potholes throughout the Township, performed routine maintenance on police vehicles, completed weekly mowing and trimming of the various open space parcels and took delivery of a new 2008 truck. Mr. Layne noted that the truck was acquired through a lease purchase agreement.

PARKS, RECREATION AND OPEN SPACE REPORTS - None.

ADMINISTRATION REPORT - None.

TOWNSHIP ENGINEER'S REPORT - Mr. Theisen reported he has been working on two ongoing sewer projects and noted a copy of the monthly Engineer's Report will be posted on the bulletin board.

ROBERT SLOSS - 2097 Needhammer Road - Addressed the Township Engineer and requested an update with regards to the status of the Highview II subdivision. Mr. Theisen reported there are two or three outstanding items with regards to the subdivision.

SOLICITOR'S REPORT - Attorney Garner reported he will be advertising for a public hearing on which will be held on June 2nd for the Regional Comprehensive Plan amendments. He further reported the Barking Dog Ordinance as well as the FOG Ordinance will be ready for Board action at the next meeting.

ROBERT SLOSS - 2097 Needhammer Road - Addressed Attorney Garner and questioned the status of the Maugers Mill Road drainage project. Attorney Garner stated there is one property owner who refuses to sign the necessary paperwork that would allow the work to be done. He further stated the Church of the Latter Day Saints has not been willing to release any money to the Township until all the property owners sign off. Mr. Sloss questioned the status of the speed bumps in the Cherrytree Farms Subdivision. Commissioner Taylor stated there is an ordinance in place that outlines the process for speed bumps.

TOWNSHIP MANAGER'S REPORT - Mr. Layne expressed his thanks and appreciation to Frank Quinter for coordinating efforts with Montgomery County for the painting of the outside of the Township Administrative Offices and Fire Company. He also expressed his thanks to the Administrative Staff for planting flowers in the front of the building. Mr. Layne expressed his appreciation to Reggie Leister and the Public Works staff for their efforts in constructing a closet dedicated for the Emergency Management Program. Mr. Layne reported he along with Herb Miller attended a meeting in Easton today regarding historic preservation.

MONTHLY FINANCIAL REPORT - Copies of the April Financial Reports were included in the Board's meeting packets.

NEW BUSINESS:

DISCUSSION REGARDING PROPOSED AMENDMENT TO THE (FATS, OILS AND GREASE) FOG ORDINANCE - Attorney Garner provided a brief summary of the proposed amendment to the Fats, Oils and Grease (FOG) Ordinance. Mr. Garner noted the Ordinance would amend the definition of Class One Producer; increase the duration of certain permits, amend the requirements for facilities with internal grease traps; alter the frequency of inspections and amend various fees and penalties under the Fats, Oils and Grease Program. He further noted the proposed amendment would be ready for action at the next Board meeting.

OLD BUSINESS:

DISCUSSION ON PROPOSED ROAD IMPROVEMENT BIDS - Commissioner Taylor reported the Township received three bids for the proposed road improvements; however the bids came in higher than the amount budgeted for the project. John Theisen suggested reducing the scope of work for the project. Commissioner Noll asked how much was budgeted for the road improvements. Public Works Director Frank Quinter stated there is \$145,000 for road improvements; however he needs approximately \$40,000 to carry over into 2009. After discussion, a motion by Dolan, seconded by Spaide, to reject all bids and authorize the Engineer to re-bid the project with a reduction in the scope of work. All aye votes.

ROBERT SLOSS - 2097 Needhammer Road - Expressed concern regarding the costs involved with overlaying Continental Drive and Concord Drive vs. re-building Continental Drive and Concord Drive as originally planned.

ESTABLISHMENT OF PUBLIC HEARING DATE OF JUNE 16, 2008 FOR THE RETAIL OFFICE ZONING DISTRICT ORDINANCE - Attorney Garner provided a brief summary of the Retail Office Zoning District Ordinance and stated a draft was included in the Board's meeting packets. Mr. Garner advised there are some minor map changes that will be necessary. After further discussion, a motion by Spaide, seconded by Noll, to authorize the establishment and advertisement of a public hearing date of June 16, 2008, for the Retail Office Zoning District Ordinance. All aye votes.

JOHN BEALER - 1521 Farmington Avenue - Referenced the minor map changes necessitated by the Retail Office Zoning District Ordinance and questioned whether approval is needed from the Regional Planning Commission.

UPDATE ON THE ACQUISITION OF THE STAUFFER PROPERTY FOR OPEN SPACE - Attorney Garner provided a brief update with regards to the status of the acquisition of the Stauffer property. Mr. Garner advised the members of the Board that they will need to set a minimum bid for the auction. It was agreed to have further discussion regarding the acquisition at the next meeting.

OTHER PUBLIC COMMENT: None

COMMISSIONERS COMMENTS:

COMMISSIONER NOLL - Requested an update with regards to the installation of a light at entrance to Windsor Heights from Farmington Avenue. Mr. Quinter advised he is waiting to hear from PECO regarding the matter.

PAYMENT OF BILLS - Amended Bill List of May 19, 2008 - Mr. Layne explained the amended Bill List includes an invoice from Keystone Health Plan East in the amount of \$12,569.04. A motion by DeLena, seconded by Dolan, to approve the amended Bill List dated May 19, 2008 for General Fund in the amount of \$67,092.87; Fire Fund in the amount of \$2,926.66; Sewer Fund in the amount of \$85,982.68; Capital Fund in the amount of \$23,269.33; Open Space Fund in the amount of \$16,529.15, State Fund in the amount of \$2,739.66 and Escrow Fund in the amount of \$5,831.07. Total Disbursements - \$204,371.42. All aye votes.

When **ROBERT SLOSS, 2097 Needhammer Road**, questioned the amount of the invoice from Total Rental; Mr. Quinter stated the Township rented a ladder which was used to paint the Firehouse.

APPROVAL OF MINUTES - May 5, 2008 - A motion by DeLena, seconded by Spaide, to approve the minutes of the May 5, 2008, meeting as presented. All aye votes.

EXECUTIVE SESSION - At 7:42 P.M. Commissioner Taylor announced there would be an Executive Session to discuss a matter of pending litigation and two matters of potential litigation. The meeting reconvened at 8:27 P.M. with no decisions being made.

ADJOURNMENT - There being no further business, a motion by DeLena, seconded by Spaide, to adjourn at 8:28 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor,
Township Secretary