

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

July 21, 2008

The meeting of the Board of Commissioners was held on Monday, July 21, 2008, at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Commissioners DeLena, Noll, Spaide 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 7:00 P.M. There were 10 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:

REG LEISTER - 1693 Farmington Avenue - Expressed his concern regarding missing stakes from his yard with regards to the Farmington Avenue West sewer project.

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 reported the Fire Committee met and a copy of the report was posted on the bulletin board. Mr. Noll stated the recent fund raiser sponsored by the Fire Company on July 5th was very successful.

PLANNING AND ZONING REPORT - Commissioner Taylor reported the Planning Commission met and discussed two single-lot subdivisions.

PUBLIC WORKS REPORT - Commissioner Spaide reported the paving of Schwenk Road, Continental Drive and Concord Drive has been completed and Juniper Street reclamation should begin within the next two weeks. The Highway Department has continued patching and compacting potholes on Mock Road, Farmington Avenue and Pineford Road. The mowing and trimming of Kulp Fields, Hollenbach Open Space, Turnberry Farms Open Space, Heather Place Park and Cherrytree Farms Park continues.

ENGINEER'S REPORT - Township Engineer John Theisen stated a copy of his monthly report will be posted on the bulletin board.

SOLICITOR'S REPORT - Attorney Garner reported the Township has secured the remaining easement for the Farmington Avenue West project. The Township "closed" on the Stauffer property acquisition and is moving forward with plans to auction off the house. Mr. Garner reported he attended a joint sewer committee meeting with Pottstown Borough Authority. He further reported on the finalization of the Wolf Run project and noted there were five or six easements along Coolidge Avenue that needed to be secured in order to connect those properties into the public water system.

SOLICITOR'S REPORT CONT'D - Mr. Garner explained the property owners are customers of the Borough Authority and the Authority requires that the Township assign the water line easement rights to them because technically it is their lines. After further discussion, a motion by Spaide, seconded by DeLena, to approve the deed of dedication for the water lines and the assignment of the easement rights and to approve and authorize the maintenance agreement. All aye votes.

MANAGER'S REPORT - Mr. Layne reported he assisted in the borrowing of \$2,500,000 for open space acquisitions and \$500,000 for sewer improvements; assisted in coordinating efforts to acquire the Stauffer property to be preserved as open space and to auction off the house located on the property. Mr. Layne noted the auction is scheduled for August 20th. He further reported the Township was notified by the Pottstown Health and Wellness Foundation that the Township will be awarded the \$40,000 grant requested for the development of the Goose Run Pedestrian Trail. The Farmington Avenue West Phase I project is moving forward as well as the pipe-lining project at the Regal Oaks Wastewater Treatment facility.

FINANCIAL REPORT - Mr. Layne provided a brief overview of the monthly financial reports. Copies of the monthly financial reports were included in the Board's meeting packets.

NEW BUSINESS:

DISCUSSION AND POSSIBLE APPROVAL OF FIRE COMMITTEE RECOMMENDATIONS

- Commissioner Noll outlined the following recommendations as discussed by the Fire Committee as their recent meeting: in order to insure that adequate funding is earmarked towards the purchase of a needed fire truck the Committee recommends that \$50,000 from the Fire Fund be placed in a designated line item account and set aside for the future purchase of a fire truck. The other recommendation has to do with a change in the By-Laws with regards to the payment of annual dues. Commissioner introduced Fire Chief, Tom Mattingly, who was in attendance to give a presentation regarding the fire truck purchase. Mr. Noll stated the purpose of the presentation is to give the members of the Board as well as the public is to give them the opportunity for constructive criticism and to answer any questions with regards to their plans to purchase a new fire truck.

Fire Chief, **TOM MATTINGLY**, reported the Fire Company's membership has increased to forty one active members as opposed to the seven members they had when they reopened seven years ago. Mr. Mattingly provided a brief update with regards to the current status of the fire equipment and noted that the 1982 Ford FMC pumper will not pass inspection and in October it will be off-line and out of service and the Fire Company will be "down" a truck. Mr. Mattingly discussed the key points of the new truck as well as costs and financial options, donations and fund raising and applying for a federal grant in the amount of \$450,000. Mr. Mattingly noted that once the new truck is ordered it will take approximately a year to have it built according to the Fire Company's specifications.

Commissioner Dolan arrived at 7:25 P.M.

ROBERT SLOSS - 2097 Needhammer Road - Expressed his concern that the Fire Company no longer has their brush truck and stated as of October the Department will really be "down" two

trucks.

COMMISSIONER TAYLOR - Expressed his concern regarding the Department being “down” two trucks and asked whether there is enough apparatus to provide fire protection until the new truck is purchased. Mr. Mattingly advised the Fire Company has the tanker and the engine, purchased from North End, as well as mutual aide from surrounding communities.

COMMISSIONER DELENA - Questioned the plans for the old fire truck. Mr. Mattingly stated FMC is no longer in business and parts are not available for the pump. He further stated the Fire Company will probably sell the truck.

ROBERT SLOSS - 2097 Needhammer Road - Suggested the Township send a letter to Congressman Dent. Mr. Layne stated he would contact his office.

DIANA UPDEGROVE - 1404 Farmington Avenue - Questioned the amount of money raised by the Fire Company during their recent fund raiser. Mrs. Updegrove also questioned other financial options with regards to the purchase of the new fire truck.

JOHN BEALER - 1521 Farmington Avenue - Suggested the Township create a Capital Fund and deposit the \$50,000 for the future truck purchase rather than designating a line item in the budget.

A motion by Noll, seconded by Spaide, to accept the recommendations of the Fire Committee, to set aside \$50,000 in a Capital Fund as well as the change regarding the collection of membership fees. All aye votes.

DISCUSSION AND POSSIBLE APPROVAL OF NORTH STATE ROAD TURNBACK PROPOSAL - Commissioner Taylor explained the Township plans to take control of North State Street and close it off so that traffic from the new Upland Square Shopping Center will not use it as a short cut to Route 100. He further explained that North State Street, between the Route 100 intersection near the Giant supermarket and further north adjacent to the Upper Pottsgrove Municipal Building is owned by the state and in order for the Township to close it off we need to “take it over” in order to accomplish that. Mr. Taylor stated PennDot has agreed to “turn back” the road to the Township and to spend approximately \$262,000 to refurbish the road prior to turning it over.

COMMISSIONER SPAIDE - Stated the Fire Company is very concerned in the event of an emergency at the intersection they will not be able to use State Street as an access road.

Township Engineer, **JOHN THEISEN**, stated he has been involved with similar projects whereby the road is closed off with two posts and a breakaway chain and the firefighters or police officers can remove it in case of an emergency.

Attorney Chuck Garner explained this is a two step process. First, the Township will take ownership of the road back from the state and the responsibility of maintaining the road. The Board discussed the cost analysis, prepared by PennDot and reviewed by Frank Quinter, outlining what the state is willing to do to improve the road to the satisfaction of the Township. Mr. Garner stated the next

step is to either vacate or cul-de-sac the road.

NORTH STATE ROAD TURNBACK PROPOSAL CONT'D. - After discussion, the Solicitor suggested he as well as the Public Works Director and Township Manager meet with a representative from PennDot in order to gain a better understanding of the Turnback Estimate Cost Analysis.

HENRY BEALER - 1386 Farmington Avenue - Reported that the fruit farm (Hillside Orchards) has been purchased and expressed concern regarding an increase in traffic if this land is developed. Commissioner Taylor stated the Township is doing everything possible in order to eliminate commercial traffic from State Street north of the Upland Square Shopping Center.

ROBERT SLOSS - 2097 Needhammer Road - Questioned the advantage to the Township of taking over North State Street. Commissioner Taylor stated the state will not maintain a cul-de-sac.

DIANA UPDEGROVE - 1404 Farmington Avenue - Questioned whether there are any plans to improve the intersection of Farmington Avenue and State Street. Commissioner Taylor noted there are future plans to “round off” the corner but there those improvements are not associated with the Upland Square improvements.

DISCUSSION AND POSSIBLE APPROVAL REGARDING PROPOSED PARTICIPATION IN A REGIONAL COMPOST SITE - Commissioner Taylor provided a brief history with regards to the regional compost site that is being planning for Lower Pottsgrove Township and noted there are potentially seven or eight surrounding communities that are willing to participate. There was discussion regarding the costs involved it Upper Pottsgrove chose to participate in the regional compost site. **COMMISSIONER NOLL** - Reported he learned at a conference that municipalities who participate in a regional recycling/compost program are entitled to a rebate under the Pennsylvania State Recycling program to offset the cost of participating.

Mercury Reporter, **EVAN BRANDT**, stated this matter was recently discussed at a meeting in the Borough of Pottstown where it was noted that the waste haulers are no longer able to take brush to the landfills.

JOHN BEALER - 1521 Farmington Avenue - Expressed his concern regarding potential liability to the Township with regards to the participation in the regional compost site.

DIANA UPDEGROVE - 1404 Farmington Avenue - Requested clarification as to how our residents would get their yard waste to the regional compost site. Mr. Layne explained that there would be a designated area within the Township for our residents and then it would be “trucked” to the regional compost site.

REQUEST FOR AUTHORIZATION TO PREPARE BID FOR THE CONSTRUCTION OF THE GOOSE RUN PEDESTRIAN TRAIL - Commissioner Taylor provided a brief history with regards to the construction of the Goose Run Pedestrian Trail and noted that Rouse Chamberlin has dedicated \$30,000 towards the project. Mr. Taylor stated the Township received a \$40,000 grant

from the Health and Wellness Foundation. A motion by Dolan, seconded by DeLena, to authorize bid preparation for the construction of the Goose Run Pedestrian Trail. All aye votes.

NEW BUSINESS:

ADOPTION OF ADDENDUM FOR THE MALMBERG AGREEMENT OF SALE - Attorney Garner provided a brief outline of the deed restrictions with regards to the use of the Malmberg property as outlined in the Addendum to the Agreement of Sale. Some of the uses include walking and non-motorized biking trails; a neighborhood park, cultivation and harvesting of agricultural crops and products, including hay and corn; the construction of benches and tables, and the planting of trees to create a park-like atmosphere, baseball, soccer or football fields, or any other like recreational field, and the construction of any small building or pavilion accessory to any permitted recreational uses. The list of non permitted uses include the construction of outdoor lighting structures exceeding three feet in height; use of the property for any purpose between the hours of sunset and sunrise; conduct of any trade or profession; industrial, commercial or business activities; keeping, breeding or raising of poultry, cows or other livestock; and the drilling of any oil or gas well or the excavation for the extraction of minerals. Attorney Garner stated under the Agreement closing on the property was scheduled on or before July 31st; however he suggested an additional thirty days extension in order to work out some details. After a brief discussion, a motion by Dolan, seconded by DeLena, to adopt the Addendum for the Malmberg Agreement of Sale. All aye votes.

DISCUSSION REGARDING A PROPOSED ORDINANCE FOR A DRY EDU RENTAL FEE

Attorney Garner reported that the Sewer Committee recently recommended that the Board of Commissioners consider the proposed ordinance for a dry EDU rental fee. Mr. Garner explained the draft ordinance would impose an annual charge on land owners and developers for the reservation of sewer capacity in the Township sewer system. Mr. Garner stated the ordinance contemplates that a sewer reservation fee will be charged to those land owners or developers who have reserved capacity within the Township sewer system in an amount not to exceed 60% of the sewer user's fee to be allocated to the debt service and fixed costs associated with the Township Sewer System. A motion by DeLena, seconded by Noll, to authorize the Solicitor to prepare and advertise the proposed ordinance for enactment. All aye votes.

COMMISSIONER TAYLOR - Requested clarification with regards to the Imposition of Charges as outlined in the draft ordinance.

DIANA UPDEGROVE - 1404 Farmington Avenue - Requested clarification with regards to the allocation of sewer capacity.

PUBLIC COMMENT:

ROBERT SLOSS - 2097 Needhammer Road - Expressed his concern regarding the lack of speed limit signs on Orlando Road as well as a section of Mock Road. Mr. Sloss suggested someone investigate the entire Township regarding the posting of speed limit signs.

PAYMENT OF BILLS - A motion by DeLena, seconded by Spaide, to approve the Bill List dated July 21, 2008, for General Fund in the amount of \$108,093.89; Fire Fund in the amount of \$8,445.86; Sewer Fund in the amount of \$161,309.72; State Fund in the amount of \$101,447.87;

Capital Fund in the amount of \$255,233.47; Escrow Fund in the amount of \$5,372.80 and Open Space Fund in the amount of \$1,140.58. Total Disbursements - \$641,044.19. All aye votes.

Minutes - Board of Commissioners

6

July 21, 2008

ROBERT SLOSS - 2097 Needhammer Road - Questioned a payment to Michelle Reddick and the amount of building enforcement charged by LTL Consultants as noted on their invoice.

APPROVAL OF MINUTES - June 16, 2008 - A motion by Spaide, seconded by Noll, to approve the minutes of the June 16, 2008, meeting as presented. Abstain: DeLena. Commissioner DeLena noted she was not in attendance at the June 16th meeting.

EXECUTIVE SESSION - At 8:32 P.M. Commissioner Taylor announced there would be an Executive Session to discuss the acquisition of real estate, one personnel issue, one matter of pending litigation and one matter of potential litigation. The meeting reconvened at 9:40 P.M.

ADJOURNMENT - There being no further business, a motion by Dolan, seconded by DeLena, to adjourn the meeting at 9:42 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor,
Township Secretary