

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

**January 20, 2009**

The meeting of the Board of Commissioners was held on Tuesday, January 20, 2009, at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Commissioners DeLena, Dolan, Noll, Spaide and Taylor present. Also present were Solicitor Charles D. Garner, Jr., Engineer Chris Hannum, Township Manager Jack P. Layne and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:02 P.M. There were 8 people 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:**

**KEITH KEHL -1941 Gilbertsville Road** - Expressed his concern that the minutes from the last sewer meeting have not been posted on the Township's web-site. Mr. Kehl questioned whether it was possible for him to purchase the cassette tape from a previous meeting. Commissioner Taylor explained that the tapes used at the Commissioners meetings are only to aide the Secretary in taking the minutes. Mr. Layne stated that once the minutes are approved by the Board the tapes are reused.

**REPORTS:**

**POLICE REPORT** - Commissioner Noll summarized the monthly Police Report and stated a copy of the report would be posted on the bulletin board.

**FIRE COMMITTEE REPORT** - Commissioner Noll reported the Fire Company secured funding for the purchase of a new fire truck. Commissioner Spaide reported that the Township has not received reports regarding the fire hydrants from Superior Water and the Borough of Pottstown.

**PUBLIC WORKS REPORT** - Commissioner Spaide reported the Highway Department responded to various call outs for ice and snow; patched pot holes on Farmington Avenue and Moyer Road, responded to emergency call out for sewage back-up in Regal Oaks, worked with septic haulers at the Cherrytree Farms Pump Station; and continued with vehicle maintenance on the police vehicles and highway equipment.

**PARKS, RECREATION AND OPEN SPACE** - Commissioner Dolan reported the Township recently acquired the Smola property located on Micklitz Road.

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

**TOWNSHIP MANAGER'S REPORT** - Mr. Layne reported he is working consistently to coordinate efforts that will increase the number of commercial properties and jobs in the Township; coordinated efforts for Township participation in the Limerick Generating Station Emergency Management Exercise that will take place in November; plans to attend the Montgomery County Emergency Management Coordinator training session on Wednesday and assisted in coordinating

efforts to contact residents regarding the needed easements for the Regal Oaks Sewer Project.

**MONTHLY FINANCIAL REPORTS** - Copies of the monthly Financial Reports were provided to the members of the Board. Mr. Layne reported the Township spent less in expenditures than what was budgeted for 2008; however the General Fund ended with a zero balance as anticipated.

**COMMISSIONER TAYLOR** - Questioned whether the School District has reimbursed the Township for the School Resource Officer's salary. After a brief discussion, it was agreed that the Township Manager would address a letter to Mr. Nester regarding the matter.

**COMMISSIONER NOLL** - Requested a policy be implemented with regards to the School Resource Officer's salary reimbursement from the School District. Commissioner Noll stated the Township should set up a payment plan for the 2009 school year.

**ROBERT SLOSS - 2097 Needhammer Road** - Requested a copy of the 2008 year end financial reports.

**NEW BUSINESS:**

**APPROVAL OF RESOLUTIONS AUTHORIZING SUBMITTAL OF H2O GRANT APPLICATIONS** - Chris Hannum and Leo Scott, LTL Consultants, were present to discuss the Resolutions requesting an H2O PA Grant from the Commonwealth Financing Authority to be used for the Farmington Avenue West Sewer Project Phases I and II, the Regal Oaks Pumping Station Project, the Regal Oaks Sewer Project Phase II and the Regal Oaks Water Project. Commissioner Taylor reported that the cost of the total project is approximately \$9,000,000 of which the Township is responsible for one-third or \$3,000,000.

**RESOLUTION #547** - A Resolution requesting an H2O PA Grant from the Commonwealth Financing Authority to be used for the Township's Farmington Avenue West Sewer Project Phase I. A motion by DeLena, seconded by Noll, to request an H2O PA grant in the amount of \$583,125.33 to be used for the Farmington Avenue West Sewer Project Phase I. All aye votes.

**RESOLUTION #548** - A Resolution requesting an H2O PA Grant from the Commonwealth Financing Authority to be used for the Township's Farmington Avenue West Sewer Project Phase II. A motion by Spaide, seconded by DeLena, to request an H2O PA grant in the amount of \$1,246,931.33 to be used for the Farmington Avenue West Sewer Project Phase II. All aye votes.

**RESOLUTION #549** - A Resolution requesting an H2O PA Grant from the Commonwealth Financing Authority to be used for the Township's Regal Oaks Pumping Station Project. A motion by Noll, seconded by DeLena, to request an H2O PA grant in the amount of \$967,200.00 to be used for the Regal Oaks Pumping Station Project. All aye votes.

**RESOLUTION #550** - A Resolution requesting an H2O PA Grant from the Commonwealth Financing Authority to be used for the Township's Regal Oaks Water Project. A motion by Spaide, seconded by DeLena, to request an H2O grant in the amount of \$1,529,000.00 to be used for the Regal Oaks Water Project. All aye votes.

**ROBERT SLOSS - 2097 Needhammer Road** - Expressed his concern that the Township is using taxpayer's money in order to have Superior Water run the water lines into Regal Oaks and they (Superior Water) in turn will charge the residents a fee for public water.

**JENNIFER GROVES - 1425 Chestnut Grove Road** - Questioned whether the residents would be forced to hook up to public water. Commissioner Taylor noted there are a significant amount of Regal Oaks residents in need of public water.

**RESOLUTION #551** - A Resolution requesting an H2O PA Grant from the Commonwealth Financing Authority to be used for the Township's Regal Oaks Sewer Project Phase II. A motion by Spaide, seconded by DeLena, to request an H2O PA grant in the amount of \$1,813,016.67 to be used for the Township's Regal Oaks Sewer Project Phase II. All aye votes.

**DISCUSSION AND POSSIBLE APPROVAL OF AGREEMENT FOR COST SHARING** - Attorney Garner provided a brief summary regarding the Agreement for Cost Sharing between the Township and the Pottstown Borough Authority. Mr. Garner stated the Pottstown Borough Authority proposes to make improvements to the Authority's Sewage Collection System by replacing a portion of the existing sanitary sewer interceptor in York Street between Beech Street and High Street. He further stated the improvements are needed in order to accommodate projected sanitary sewer flows which will be generated by future connections within the Township and to better accommodate sanitary sewer flows generated within the Borough of Pottstown. The costs of the improvements have been estimated by the Authority's Engineer to be \$1,664,000.00. Attorney Garner explained the Township and the Borough Authority will be responsible for payment of 50% of the costs associated with the required improvements. In the event 50% of the costs of the improvements exceed \$900,000.00 the Township has the option to reexamine the scope of work or request a re-bid. After further discussion, a motion by Dolan, seconded by DeLena, to approve and authorize the execution of the Cost Sharing Agreement in a form subject to the review of the Manager, Engineer and Solicitor. All aye votes.

**ROBERT SLOSS - 2097 Needhammer Road** - Requested clarification with regards to the \$900,000 cost cap with the Pottstown Borough Authority.

**KEITH KEHL - 1941 Gilbertsville Road** - Requested clarification regarding the number of homes from Regal Oaks whose sewage will flow into Pottstown. Commissioner Taylor explained that currently there are 75 homes connected to the Regal Oaks Treatment Plant that will be pumped into Pottstown Borough with an additional 57 homes that will be connected in the future.

**DISCUSSION AND POSSIBLE APPROVAL OF TRANSFER OF CAPACITY RIGHTS AGREEMENT** - Attorney Garner reported in order to service treatment capacity from Regal Oaks and potentially other projects that are on the books the Township needs to purchase additional treatment capacity from the Pottstown Borough Authority. Attorney Garner explained the Transfer of Capacity Rights Agreement allows the Township to purchase, within a sixty (60) month window, up to 238,000 gallons of treatment capacity. After further discussion, a motion by Spaide, seconded by DeLena, to approve the Transfer of Capacity Rights Agreement in a form acceptable to the

Township Manager, Engineer and Solicitor. All aye votes.

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**ROBERT SLOSS - 2097 Needhammer Road** - Requested a clarification with regards to the Transfer of Capacity Rights Agreement with the Borough of Pottstown.

**DISCUSSION REGARDING THE PROPOSED 537 SEWAGE FACILITIES PLAN** - Chris Hannum provided a brief summary of the proposed Act 537 Sewage Facilities Plan with respect to future developments and future sewer connections within the Township. After discussion, a motion by Noll, seconded by DeLena, to begin the review process of the proposed 537 Sewage Facilities Plan. All aye votes.

**DISCUSSION AND POSSIBLE ACTION REGARDING PENNDOT TURNBACK FUNDING PROVIDED FOR STATE STREET** - Commissioner Taylor reported that due to the construction of the Upland Square Shopping Center, located at the intersection of Route 100 and State Street, the Board has agreed to cul-de-sac State Street in order to alleviate the overflow of traffic in that area. Mr. Taylor explained the Township has recently completed the process of “taking back” State Street from Penn Dot and has received approximately \$261,000 in order to maintain the road. Attorney Garner explained by creating the cul-de-sac the Township is vacating or eliminating a portion of State Street. He further explained that once the “vacation” process is complete and the ordinance is passed that land will essentially belong to the property owners on either side of the road. Mr. Garner stated that part of the process is to send notices to those property owners who will be impacted by vacating the street. A motion by DeLena, seconded by Spaide, to notify the property owners regarding the vacating of State Street and to authorize the advertisement of a public hearing at the February 16, 2009, meeting. All aye votes.

**JENNIFER GROVES - 1425 Chestnut Grove Road** - Expressed concern regarding an access for emergency personnel.

**OLD BUSINESS:**

**APPROVAL OF MASTER CASTING AGREEMENT WITH PENNDOT** - A motion by Spaide, seconded by DeLena, to approve the Master Casting Agreement with PennDot. All aye votes.

**SOLICITOR’S REPORT** - Attorney Garner reported the Township previously held a public hearing regarding the creation of the new Retail Office Zoning District. Mr. Garner explained that the Retail Office Zoning District was an upgrade of the Commercial Office District; however no formal action was ever taken on the proposed ordinance. He further explained that Board needs to take action with regards to the Retail Office Zoning District and getting an ordinance in place. A motion by Spaide, seconded by DeLena, to authorize the Solicitor to prepare and advertise for public hearing the Retail Office Zoning District Ordinance. All aye votes.

**OTHER PUBLIC COMMENT:**

**KEITH KEHL - 1941 Gilbertsville Road** - Questioned whether any low income housing projects are planned for the Township. Commissioner Taylor stated the homes in Summer Grove are now selling for \$199,000 when originally they were selling for \$350,000.

**COMMISSIONERS COMMENTS:**

**COMMISSIONER DOLAN** - Reported he received a complaint from a resident with regards to the signs being posted throughout the township and questioned who is responsible for enforcement. Mr. Dolan stated we need to name the Prince/Austerberry Park and asked for suggestions from the members of the Board and the residents. Commissioner Dolan reported he attended a recent COG meeting and discussed the possibility of police regionalization. He further reported there will be a meeting on Monday, March 30, 2009 to discuss the matter with neighboring municipalities.

**TOWNSHIP MANAGER** - Mr. Layne suggested amending the rules and regulations at the Hollenbach and Mocharniuk Parks to allow for pets. Mr. Layne stated he was speaking on behalf of Reggie Leister, who couldn't attend tonight's meeting, and expressed his thanks and appreciation to the members of the Board for allowing him to submit the Act 147 grant for the RACES communication equipment.

**PAYMENT OF BILLS - January 20, 2009** - A motion by DeLena, seconded by Dolan, to approve the Bill List dated January 20, 2009 for General Fund in the amount of \$64,083.47; Fire Fund in the amount of \$58,429.02; Sewer Fund in the amount of \$35,784.80; Capital Fund in the amount of \$39,932.60; Open Space Fund in the amount of \$1,879.52; State Fund in the amount of \$31,185.98 and Escrow Fund in the amount of \$1,029.24. Total Expenditures - \$232,324.63. All aye votes.

**APPROVAL OF MINUTES - January 5, 2009** - A motion by Spaide, seconded by DeLena, to approve the minutes of the January 5, 2009, meeting as presented. All aye votes.

Deleted:

**EXECUTIVE SESSION** - At 8:27 P.M. Commissioner Taylor announced there would be and Executive Session to discuss an issue regarding real estate. The meeting reconvened at 9:28 P.M. with no decisions being made.

**ADJOURNMENT** - There being no further business, a motion by Spaide, seconded by DeLena, to adjourn the meeting at 9:30 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor  
Township Secretary