

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

**May 4, 2009**

The meeting of the Board of Commissioners was held on Monday, May 4, 2009, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners Dolan, Noll, Spaide and Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., Township Manager Jack P. Layne and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:02 P.M. There were 24 people present in the audience. Commissioner DeLena was absent.

**MOMENT OF SILENCE** - Commissioner 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:**

**DAVE FISHER, FISHER LANDSCAPING, 17 Queen Street, Douglassville** - Stated he provided landscaping work for THP at the Coddington View Subdivision and has not gotten paid. Mr. Garner advised Mr. Fisher that his first course of action would be directly through THP and suggested he submit a letter to the Township Manager with regards to how much is owed for his services. He further advised that the money is there to make sure that the cite improvements are completed.

**ROBERT SLOSS - 2097 Needhammer Road** - Referenced a recent article in the newspaper regarding the installation of a sewer line across North Hanover Street and questioned if the project would be put on hold due to THP's claim of bankruptcy. Solicitor Garner stated the installation of the sewer line is part of the Coddington View project. Mr. Garner explained that eventually Farmington Avenue runs into Hanover Street and when the project was approved THP or Heritage, at that time, was required to upgrade the Farmington Avenue sewer main as well as part of the sewer system in Pottstown. Mr. Garner advised that project is escrowed with the Pottstown Borough Authority and will move forward in due time; it's a matter of getting some permits in place and has nothing to do with THP. He also noted that it's not under the Township's jurisdiction. Mr. Sloss expressed concern whether the bonds that were posted are sufficient to cover the remaining work that needs to be done at Coddington View. Mr. Garner stated that's a question for the Engineer; however as of 2008 the Township upgraded and increased the financial security on all three phases of Coddington View. He further stated in response to Mr. Sloss's question, to the best of our knowledge, there would be sufficient money in escrow for the remaining improvements that need to be done. Mr. Sloss expressed concern regarding the effect bankruptcy would have on the funds. Mr. Garner stated at this point no one can answer what the bankruptcy court will do. When Mr. Sloss questioned who has control over those funds; Mr. Garner stated "the Township." Mr. Sloss referenced the invoice from Reinsel, Kuntz and Leshner and questioned whether the audit should have gone out to bid since the cost was over \$10,000. Attorney Garner stated professional service is exempt from the requirement of bidding.

**NEW BUSINESS:****DISCUSSION AND POSSIBLE APPROVAL OF A REQUEST FROM THE SUPERIOR WATER COMPANY FOR A WATER LINE EASEMENT ALONG GILBERTSVILLE ROAD**

Representatives from Superior Water Company were present to discuss their request for an easement in the Township's baseball field adjacent to Gilbertsville Road for the purpose of installing a water main designed to increase flows and redundancy in its service area in the Township. After a lengthy discussion, it was the consensus of the Board to approve Superior Water's request to move forward with the project.

**KEITH KEHL - 1941 Gilbertsville Road** - Requested clarification as to the exact location of the water line easement proposed by Superior Water. Commissioner Taylor stated the project will actually start in New Hanover Township at Buchert Road; however in our municipality it will begin at the Twin Ponds Golf Course and go down towards the Cherrytree Farms Development.

When **JIM CAPINSKI, 1958 Yarnall Road**, questioned whether the proposed cell towers would be impacted by the installation of the water line; Commissioner Taylor stated "no."

**ROBERT SLOSS - 2097 Needhammer Road** - Asked what effect the installation of the water line would have on future storm water improvements and noted that the field is constantly flooded out. It was noted that any storm water improvements on the fields would probably go out towards Moyer Road.

**COMMISSIONER NOLL** - Expressed concern regarding the impact the installation of the water line would have on the baseball fields.

**OLD BUSINESS:****DISCUSSION AND POSSIBLE ACTION REGARDING CELL TOWER PROPOSALS**

Charles Orberg was present to discuss his proposal to construct a 150' tall steel monopole and placement thereon of a wireless communications facility for Clear Wireless LLC, behind the Little League Baseball Field, on Kulp field in Upper Pottsgrove Township. Mr. Orberg stated in order to accommodate additional wireless carriers; they would propose a lease area of 100' by 100'. He further stated the Township would receive rent in the amount of \$1,250 per month with a 15% escalator at every five (5) year interval. Tucker Lahr, representing T-Mobile was present to discuss his proposal to develop a multi tenant capable facility including a 150' monopole type communications tower in the vicinity of the Township owned Hoffman field at the corner of Moyer and Gilbertsville Roads. Mr. Lahr stated the lease area would be 50' x 50' and the Township would receive monthly rent in the amount of \$1,200.00 with an annual rent escalation of 3 percent.

**JIM CAPINSKI - 1958 Yarnall Road** - Expressed his concern with regards to the amount of land required by Township ordinance for the construction of a cell tower as well as zoning requirements.

**JENNIFER GROVES - 1425 Chestnut Grove Road** - Questioned whether the proposed cell towers would be placed on open space property.

**ROBERT SLOSS - 2097 Needhammer Road** - Suggested the Township research the original Park and Recreation ordinance to see if there is anything which would prevent a cell tower from being constructed on the Hillside property. Mr. Sloss noted that there is a swimming pool as well as ball fields on the property and expressed his concern regarding lightning strikes and the proposed cell tower.

**DISCUSSION AND POSSIBLE APPROVAL OF THE PROPOSED PURCHASE OF 1401 CHARLOTTE STREET** - Commissioner Dolan reported the property fronts Charlotte Street, just below where it intersects with Orlando Road, and is continuous with the Prince/Austerberry tract. Mr. Dolan stated the property has the potential to be accessible to the high school and would take care of a lot of the parking issues that were noted in the Prince/Austerberry Master Plan. After a brief discussion, a motion by Spaide, seconded by Dolan, to approve and authorize execution of the Agreement of Sale for 1401 Charlotte Street in a final form that is subject to the review of the Manager and Solicitor with a contingency for water testing of the existing well. All aye votes.

When **ROBERT SLOSS, 2097 Needhammer Road**, questioned whether there is an existing house on the property; Commissioner Taylor stated the structure may serve as a storage shed.

**DISCUSSION AND POSSIBLE ACTION REGARDING A RECOMMENDATION THAT THE SEWER AND WATER COMMITTEE MEMBERS BE REDUCED TO THREE MEMBERS** - A motion by Noll, seconded by Spaide, to table action regarding this topic until the next meeting. All aye votes.

**DISCUSSION AND REQUEST FOR AUTHORIZATION TO SUBMIT APPLICATION TO MONTGOMERY COUNTY FOR ACT 147 EMERGENCY OPERATIONS CENTER PROGRAM FUNDING** - Mr. Leister discussed his recommendations for this year's Act 147 Radiological Emergency Response Grant Fund Application for technology-based needs. A motion by Spaide, seconded by Dolan, to authorize submission of the grant application to Montgomery County for Act 147 Emergency Operations Center Program Funding. All aye votes.

**DISCUSSION AND POSSIBLE APPROVAL OF A RESOLUTION APPROVING THE TERMS OF A MONTGOMERY COUNTY RESOLUTION PROVIDING GRANT FUNDING FOR THE PURCHASE OF THE MOCHARNIUK PROPERTY** - Discussion on this topic was tabled to a future meeting.

**AUTHORIZATION TO ACCEPT PENNVEST LOAN** - Attorney Chuck Garner reported the Township has been approved for a PennVest loan in the amount of \$5,028,780. After a brief discussion, a motion by Spaide, seconded by Dolan, authorizing the President of the Board to accept the funding offer from PennVest. All aye votes.

**PUBLIC COMMENT:**

None

**COMMISSIONERS COMMENTS:**

Commissioner Noll provided an update with regards to the H2O Grant process.

**APPROVAL OF BILL LIST - May 4, 2009** - Commissioner Noll questioned the invoice from Eastern Environmental Contractors. Mr. Layne explained the invoice was for the installation of new pumps, piping and a control panel and the demolition of the existing pump, piping and control panel at the Regal Oaks Pump station. A motion by Spaide, seconded by Noll, to approve the Bill List dated May 4, 2009 for General Fund in the amount of \$74,826.03; Fire Fund in the amount of \$1,045.32; Sewer Fund in the amount of \$1,932.76; Capital Fund in the amount of \$25,620.00 and Open Space Fund in the amount of \$34,033.28. Total Expenditures - \$137,457.39. All aye votes.

**APPROVAL OF MINUTES - April 20, 2009** - A motion by Dolan, seconded by Noll, to approve the minutes of the April 20, 2009, meeting as presented. All aye votes.

**EXECUTIVE SESSION** - At 8:20 P.M. Commissioner Taylor announced there would be an Executive Session to discuss real estate matters; however no decision would be made. The meeting reconvened at 9:03 P.M.

**ADJOURNMENT** - There being no further business, a motion by Spaide, seconded by Dolan, to adjourn the meeting at 9:05 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor,  
Township Secretary