

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

**May 18, 2009**

A meeting of the Board of Commissioners was held on Monday, May 18, 2009, at the Upper Pottsgrove Township 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, and Township Secretary Cynthia Saylor. Commissioner Noll called the meeting to order at 7:00 P.M. as Commissioner Taylor was detained. There were 15 people in the audience.

**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.

Commissioner Taylor arrived at 7:03 P.M.

**PUBLIC COMMENT:**

When **KEITH KEHL, 1941 Gilbertsville Road**, questioned whether Superior Water Company is a private company; Attorney Garner stated “yes.” Mr. Garner explained that Superior Water is regulated by the Pennsylvania Public Utility Commission and are under the guidelines of the State and not the Township. He further stated that in the event the water company went “under” there are usually a lot of people interested in buying water companies because they are generally a profit. In another matter, Mr. Kehl expressed his concern that when representatives from Superior Water Company came before the Board to request an easement for the purpose of installing a water line along Gilbertsville Road they provided the Commissioners with a map depicting the location of the proposed water line. However, when the Township requested an easement for the Regal Oaks sewer project from Mr. Kehl no map was provided to him. Mr. Kehl stated he had to hire an attorney in order to see where the sewer easement would run through his property.

**ROBERT SLOSS - 2097 Needhammer Road** - Questioned the policy of the Township with regards to Mr. Kehl’s concern. Commissioner Noll stated there are two separate issues; one is the sewer easement and the other is the water easement. He further stated that Mr. Kehl was referencing the documents the Board looked at during the last meeting associated with Superior Water’s proposed water easement along Gilbertsville Road which is separate from the sewer easement associated with the Regal Oaks project. Attorney Garner clarified that when the Township went to the property owners to request sewer easements there were meets and bounds description. Mr. Garner explained that the Township did not have the maps at that time because the Engineer was still working on them; however as soon as the maps became available through the Township Engineer they were provided to everyone concerned. Mr. Garner addressed Mr. Kehl and advised there is a map and a legal description attached to his easement agreement. Attorney Garner addressed Mr. Sloss and advised that everyone was provided with maps and legal descriptions.

**SANDRA COLE - 1409 North Charlotte Street** - Referenced the Township's desire to acquire the property located at 1401 North Charlotte Street and questioned the plans for the open space parcel. Commissioner Dolan stated the Township did purchase the property; however there are no immediate plans as of yet. Mr. Dolan further stated that the Board would take input from the neighboring residents with regards to the plans for the property. When Mrs. Cole expressed her concern regarding the zoning of the property; Attorney Garner stated open space is permitted in all zoning districts. Commissioner Taylor noted there will be future discussions with regards to the plans for the open space purchase.

**ROBERT SLOSS - 2097 Needhammer Road** - Stated this property has no value to the Township and expressed his concern that once the property is purchased for open space it will be removed from the tax rolls. Mr. Sloss suggested the Township look into purchasing the three hundred and fifty acres next to Waste Management's property. Commissioner Noll stated the property the Township is purchasing fits in nicely with the trail system and the master plan. Commissioner Taylor stated that anything the Township does to develop open space increases the value of the community overall and makes it a more desirable place to live and makes all of our properties more valuable.

**RICHARD BALL - 1371 Chestnut Grove Road** - Expressed concern regarding depreciating property values.

#### **REPORTS:**

**EMERGENCY SERVICES REPORT** - Commissioner Noll read the monthly Police Report and stated a copy will be posted on the bulletin board. Mr. Noll expressed his appreciation to Officer Steven Sigoda for his efforts in returning a lost dog to his owner.

**FIRE REPORT** - Commissioner Noll reported the Fire Committee will meet on Thursday, May 21 at 7:00 P.M. Mr. Noll stated the Fire Company is moving forward with their fund drives.

**PLANNING AND ZONING REPORT** - Commissioner Taylor reported the Planning Commissioner did not meet this month.

**PUBLIC WORKS REPORT** - Commissioner Spaide reported the Public Works Department assisted the Montgomery County Early Release Program in gathering and disposing of trash which was collected along township roadways and cleaned and patched potholes along Pineford Road in anticipation of the paving. Ms. Spaide stated a copy of the monthly report will be posted on the bulletin board.

**JENNIFER GROVES - 1425 Chestnut Grove Road** - Questioned the time frame for the paving of Pineford Road. Mr. Layne stated within the month.

**ROBERT SLOSS - 2097 Needhammer Road** - Questioned when the permanent barrier will be installed on State Road. Commissioner Noll stated there are markings on the road indicating where the barriers will be placed and anticipates they will be installed when the mall opens.

**PARKS, RECREATION AND OPEN SPACE REPORTS** - Commissioner Dolan reiterated that multiple studies have been done and has shown that open space actually saves tax dollars.

**ENGINEER'S REPORT** -It was noted that a copy of the Engineer's monthly report will be posted on the bulletin board.

**TOWNSHIP SOLICITOR'S REPORT** - Attorney Garner reported that he along with the Township Manager have been doing some background work with regards to the cell tower proposals discussed at the last Board meeting. He also reported that the Township has been approved for a PENNVEST loan in excess of \$5,000,000 and provided a brief summary of the time frame and the actual loan process. Mr. Garner explained that part of the loan approval included the Farmington Avenue West Phase II project. After a brief discussion, a motion by Spaide, seconded by DeLena, to authorize LTL Consultants to put the Farmington Avenue West Phase II project out for bid. All aye votes.

**ROBERT SLOSS - 2097 Needhammer Road** - Addressed Attorney Garner and referenced recent discussions pertaining to the THP bankruptcy and a comment that was made regarding having "bonds in place" and asked for a definition of "bond." Attorney Garner stated a bond is the promise of a financial entity, like an insurance company, to guarantee completion of work. When Mr. Sloss questioned who tracks the bond to see if it's being paid; Mr. Garner explained that when the bond company issues the bond; the bond is "good." He further explained that under our agreements the Township requires the bank or bonding company to provide us notice as to when the bond will lapse or expire. When Mr. Sloss questioned what happens if the bank or bonding company doesn't give the Township notice; Mr. Garner stated we would litigate with the bonding or insurance company that issued the bond and they would be liable.

**JIM CAPINSKI - 1958 Yarnall Road** - There was a lengthy discussion with regards to developer's escrows and the issue regarding Highview Lane. Attorney Garner advised that since the Township is threatened with litigation the matter would not be debated publicly. Commissioner Noll stated the issue is not directly related to the Solicitor's Report so the matter would be deferred to a later time.

**TOWNSHIP MANAGER'S REPORT** - Mr. Layne reported he attended meetings with Coddington View residents to discuss their situation and the Township's position with respect to the closure of the TH Properties; attended a training seminar regarding the PENNVEST loan program at the Pennsylvania Department of Environmental Protection; coordinated efforts for the Township to participate in the Limerick Generating Station Emergency Management Exercise that will occur in November; assisted in coordinating efforts to contact Regal Oaks residents regarding the inspection of their property for sump pumps and attended meetings with developers regarding proposed commercial-retail development in the Township.

When **ROBERT SLOSS, 2097 Needhammer Road**, questioned the expiration date for the Police Department's contract and LTL Consultants; Mr. Layne stated the Police contract is in effect until December 31, 2010 and LTL Consultants' contract is in effect until the end of 2009.

**ROBERT SLOSS CONT'D.** - Mr. Layne explained that LTL Consultants' is appointed by the Board for a two year term. Attorney Garner clarified that the Township Engineer and the Township Solicitor work at the pleasure of the Board of Commissioners so any of our contracts could be up at anytime.

**RICHARD BALL - 1371 Chestnut Grove Road** - Questioned whether the sewer work will be awarded to the lowest bidder. Mr. Layne stated once the bidder has been selected it will be reviewed by the Engineer, the Solicitor and the Manager. Attorney Garner added they must meet the qualifications that the specifications call for.

**KEITH KEHL - 1941 Gilbertsville Road** - Questioned the contributions the Township will receive from the Upland Square Shopping Center. Mr. Layne stated that since the intersection is in Upper Pottsgrove Township we will receive a one time contribution of \$100,000 and an annual \$47,000 payment with a three (3) percent escalator clause for maintenance purposes.

**MONTHLY FINANCIAL REPORT** - Copies of the monthly Financial Reports were provided to the members of the Board in their meeting packets. Mr. Layne noted we are watching the budget very closely.

When **ROBERT SLOSS, 2097 Needhammer Road**, asked if the Township is "on budget" Mr. Layne stated "at the present time yes."

**NEW BUSINESS:**

**RESOLUTION #559 SUPPORTING THE APPOINTMENT OF RUSSELL NOLL AS THE PRESIDENT OF THE PSATC** - A motion by Spaide, seconded by DeLena, to adopt Resolution #559 supporting the appointment of Russell Noll as the President of the Pennsylvania State Association of Township Commissioners. All aye votes.

**DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR SEWER COST REDUCTION** - There was a brief discussion regarding a request from the owners of the Laundromat located on North Hanover Street for a reduction in sewer costs. It was noted that the Board did approve a reduction in the number of EDU's effective January 2008. After discussion, it was agreed that the Board would take no further action regarding the matter.

**DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION #560 APPROVING THE TERMS OF A MONTGOMERY COUNTY RESOLUTION PROVIDING GRANT FUNDING FOR THE PURCHASE OF THE MOCHARNIUK PROPERTY** - A Resolution accepting the conditions of the Montgomery County Commissioners Grant Resolution of October 3, 2002. A motion by Spaide, seconded by Dolan, accepting the conditions of the Montgomery County Resolution provided grant funding for the purchase of the Mocharniuk property. All aye votes.

**OLD BUSINESS:**

**COMMISSIONER SPAIDE** - Questioned the outcome of the discussion regarding the reduction from five to three members serving on the Sewer Committee. Commissioner Noll stated the matter was tabled at the May 4, 2009 meeting. Commissioner Dolan suggested a sign be posted on Election Day encouraging any residents interested in serving on township committees to contact the Township Manager.

In response to a question from **SANDRA COLE, 1409 North Charlotte Street**, Commissioner Taylor stated that public sewer is not on the Township's "radar screen."

**PUBLIC COMMENT:**

**JENNIFER GROVES - 1425 Chestnut Grove Road** - Asked whether there were any questions on the ballot for the primary election.

**COMMISSIONERS COMMENTS:**

**COMMISSIONER SPAIDE** - Referenced the handout which was presented by John Reber at the recent COG meeting entitled "Recreation As An Economic Development Tool & Its Impact on the Region" and noted the importance with regards to our trail system.

**JENNIFER GROVES - 1425 Chestnut Grove Road** - Questioned the status of the regionalization of the police force. Commissioner Dolan reported the Township did receive a letter of intent from both Lower and West Pottsgrove Townships.

**PAYMENT OF BILLS - May 18, 2009** - A motion by Spaide, seconded by Dolan, to approve the Bill List dated May 18, 2009, for General Fund in the amount of \$44,612.12; Fire Fund in the amount of \$51,471.96; Sewer Fund in the amount of \$83,684.42; Open Space Fund in the amount of \$2,098.48; State Fund in the amount of \$1,235.96 and Escrow Fund in the amount of \$937.26. Total Expenditures - \$184,040.20. All aye votes.

**APPROVAL OF MINUTES - May 4, 2009** - A motion by Spaide, seconded by Dolan, to approve the minutes of the May 4, 2009, meeting as presented. Aye votes: Dolan, Noll, Spaide and Taylor. Abstain: DeLena. Commissioner DeLena abstained from voting due to the fact that she was absent from the meeting. Motion carried.

**EXECUTIVE SESSION** - At 8:00 P.M. Mr. Noll announced there would be an Executive Session to discuss three (3) matters of real estate acquisition and one (1) matter of pending litigation. The meeting convened at 9:02 P.M. with no decisions being made.

**ADJOURNMENT** - A motion by Spaide, seconded by DeLena, to adjourn the meeting at 9:05 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor