

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

June 1, 2009

The meeting of the Board of Commissioners was held on Monday, June 1, 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. Mr. Taylor called the meeting to order at 7:00 P.M. There were 25 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 COMMENT:

JIM CAPINSKI - 1958 Yarnall Road - Stated at the last meeting he was accused of brow beating the Township regarding Highview Lane. He further stated that Attorney Garner made the comment that there wasn't any record indicated there was ever any money collected from the first escrow; however he (Capinski) just provided Mr. Layne a copy of the minutes from 1966 whereby it's stated the Solicitor turned over a \$1,000 check received from Penwood Agency as forfeiture of the amount put in escrow for failing to complete the street in the Goodhart Development which is Highview Lane. Mr. Capinski stated these are the official minutes of the Board of Commissioners from their meeting of December 27, 1966.

TOM WERT - 183 Primrose Lane - Questioned whether the Township can restrict the placement of signs along the highways i.e. "Limerick Furniture." Commissioner Taylor stated the Township does have a Sign Ordinance; however it is a matter of enforcement. Chief Moffett stated the Officers can take them down if they are in the right of way. He further stated that in the past he has contacted the phone number listed on the sign and requested it be removed.

When **ROBERT SLOSS, 2097 Needhammer Road**, questioned whether a permit is required for the placement of signs; Commissioner Taylor stated the Township does have a Sign Ordinance that manages the placement of signs. Mr. Sloss expressed concern that if a person has applied for a sign permit and it is removed by the Township we (the Township) are creating a liability. After a brief discussion, it was agreed that the Zoning Officer would look into the matter.

RICH BALL - 1371 Chestnut Grove Road - Questioned if a permit is required can the Township impose a fine on the people placing the signs.

REG LEISTER - 1693 Farmington Avenue - Reported that the recent flag collection efforts this year far surpassed all efforts from previous years and noted that over 300 flags were collected and will be "retired" at a ceremony which will be held at Memorial Park next weekend. Commissioner Taylor expressed his appreciation to Mr. Leister for his efforts with regards to collecting the tattered and soiled flags.

SCOTT REDDING - 1516 Heather Place - Reported that his waterline from the street to the house has been broken for the last year and no one has taken responsibility for it. Commissioner Taylor stated he was just made aware of the problem within the last few days and noted the installation of public water part of the Wolf Run project. Mr. Redding stated that Superior Water did come out and shut down the valve from inside the house and then checked the meter and it was still running. Commissioner Taylor recommended the Manager confirm with Superior Water as to their findings regarding the matter. There was conflicting information as to who the plumber was that did the installation for this property. Mr. Layne stated he would speak to Mr. Redding after the meeting regarding the matter.

NEW BUSINESS:

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION #562 AUTHORIZING THE FINANCING TO PURCHASE TWO NEW MARKED POLICE PATROL VEHICLES

RESOLUTION #562 - Mr. Layne explained that there are three (3) police vehicles that are temporarily out of service; two of which are minor repairs and the other has extensive work that needs to be done (\$1,100). Commissioner Noll expressed his appreciation to Chief Moffett for his efforts in securing the best financial options for the Township. **RESOLUTION #562** - A Resolution of Upper Pottsgrove Township Authorizing the Incurring Obligation in the Amount Not to Exceed Fifty Thousand Dollars (\$50,000) to be Evidenced by a Note with Fulton Bank, for a Term of Forty-Eight (48) months, at interest of 3.5%, for the Purchase of Police Vehicles; Authorizing the Execution and Delivery of the Note and Loan Agreement, Setting Forth the Amounts of Payments to be Made There under and Covenanting to Pay Such Amounts from Current Revenues and Directing the Taking of Necessary and Appropriate Actions, Including Execution and Delivery of the Requisite Documents in Connection with the Obligation and Loan Agreement. A motion by Spaide, seconded by Noll, to adopt Resolution #562. All aye votes.

When **ROBERT SLOSS, 2097 Needhammer Road**, questioned the number of police vehicles currently owned by the Township; Mr. Layne stated six (6).

DISCUSSION AND POSSIBLE ACTION REGARDING ZONING HEARING BOARD APPEAL #1-09 SUBMITTED BY MARK THOMPSON

- Commissioner Taylor explained this appeal has been filed with the Zoning Hearing Board by Mark Thompson, requesting a Special Exception. The property is situated in the CO Commercial Office Zoning District and is located at 1393 Farmington Avenue. Applicant has requested a Special Exception pursuant to Section 350-100 of the Upper Pottsgrove Township Zoning Code, in order to expand office space for the existing business. A public hearing shall be held by the Zoning Hearing Board on Thursday, June 11, 2009 at 7:30 P.M. The Board agreed to take no official action regarding this matter.

DISCUSSION AND POSSIBLE ACTION ON THE PENNVEST PROGRAM - Attorney Chuck Garner provided a brief update with regards to the PENNVEST program. Mr. Garner explained that on April 21, 2009, the Township was approved for a PENNVEST low interest loan in the amount of \$5,028,780. Mr. Garner explained the loan is similar to a line of credit and the Township will only “draw down” on the loan as needed. Mr. Garner noted that the Township does not expect a significant impact on this year’s budget based upon the timing of the projects.

DISCUSSION AND POSSIBLE ACTION ON THE PENNVEST PROGRAM CONT'D. - Leo Scott, LTL Consultants, reported the loan would be used for the purpose of construction of the Regal Oaks Pumping Station and the Farmington Avenue West Sewer Project Phase 2. Mr. Scott provided a detailed summary of the loan process and noted the Township is looking at a settlement date of June 19, 2009.

Chris Hannum, LTL Consultants, reported the Township received and read the bids for the Regal Oaks Pumping Station project. Mr. Hannum explained that bids were received for two separate contracts for the project; one being termed the General Mechanical Contract and the other being termed the Electrical Contract. He further explained that LTL Consultants has determined that all of the bids were complete and all of the required information has been provided. Mr. Hannum reported the low bidder for the General Mechanical Contract was received from N. Abbonizio Contractors in the amount of \$968,869.00 and the low bidder for the Electrical Contract was received from Pagoda Electrical in the amount of \$149,550.00.

Financial Consultant, Matt Dallas, was present to answer financial questions with regards to the PENNVEST program. Mr. Dallas the financial calculations are based on the assumption that the Township has a \$5,028,780.00 project in front of us. Mr. Dallas explained there a lot of variables; the biggest of which are the number of customers that the Township will attain by adding in the additional capacity to the infrastructure we have. When Commissioner Taylor questioned the projected increase in sewer rates; Mr. Dallas stated the Township will not have an initial payment until November 2010. Mr. Dallas explained that if the Township borrows the maximum amount (\$5,028.780) of the loan there would be an \$11.00 increase in 2010; an increase of \$47.19 in 2011; there would be no increase in 2012, 2013, or 2014; an increase of \$.45 in 2015; and an increase of \$2.24 in 2016. Commissioner Taylor noted that as any new building occurs in the Township more customers will be added to the customer base and will help modify any rate increases. Mr. Taylor clarified that the figures provided by Mr. Dallas are based on a "worst case scenario" to fund a \$5,000,000 debt with no additional customers.

JENNIFER GROVES - 1425 Chestnut Grove Road - Requested a clarification on the projected sewer rate increase.

COMMISSIONER DOLAN - Stated the Township doesn't have a choice; we have failing sewer systems and the State is telling us we don't have a choice.

REG LEISTER - 1693 Farmington Avenue - Questioned the developments that are currently on hold that were originally going to help with the cost of the Farmington West project. Commissioner Taylor stated that when those projects come "on line" there will definitely be more customers on the system and up front contributions from the developers.

CONDITIONAL AWARD OF BID TO THE TWO LOW BIDDERS - A motion by Spaide, seconded by DeLena, to award the bid for the General Mechanical Contract to N. Abbonizio Contractors in the amount of \$968,869.00 and to Pagoda Electrical for the Electrical Contract in the amount of \$149,550.00. All aye votes.

DISCUSSION AND POSSIBLE ACTION ON RESOLUTION #563 AUTHORIZING FINANCIAL REIMBURSEMENT TO THE TOWNSHIP FROM THE PENNVEST PROGRAM - A motion by Noll, seconded by Spaide, to authorize the execution of Resolution #563 authorizing financial reimbursement to the Township from the PENNVEST program. All aye votes.

Attorney Garner reported in speaking with PENNVEST Council this morning it was suggested that Mr. Taylor is authorized to complete the closing documents on the website. A motion by Dolan, seconded by DeLena, to authorize the President of the Board to complete the application with the assistance of the Staff and Consultants. All aye votes.

COMMISSIONER DOLAN - Expressed his thanks and appreciation to Chris Hannum, Leo Scott, Matt Dallas, Chuck Garner, Jack Layne and Elwood Taylor for all their efforts with regards to the PENNVEST loan process.

PUBLIC COMMENT:

ROBERT SLOSS - 2097 Needhammer Road - Questioned whether the annual audit was complete. Mr. Layne stated we are currently waiting for the report. Mr. Sloss expressed his concern regarding the time frame for the completion of the audit.

COMMISSIONER DOLAN - Provided a clarification with regards to the actual cost of the 2008 audit and noted there was a \$45.00 increase this year as compared to the cost of last year's audit.

THP PROPERTIES - Attorney Garner reported he received an engagement letter from Attorney Henry Siedzikowski at Elliott Greenleaf for the purpose of providing professional services to the Township in connection with the Chapter 11 bankruptcy filings of THP Properties. Mr. Garner explained that it would be extremely beneficial for the Township to be represented in any bankruptcy proceedings in order to protect the Township rights with respect to financial security and other issues, as a result of the Coddington View Development. A motion by Spaide, seconded by DeLena, to authorize the Township Manager and Solicitor to execute the Agreement with Elliott Greenleaf regarding legal representation and THP Properties. All aye votes.

COMMISSIONER NOLL - Reported that the Fire Company in on schedule to receive their new truck as of November 2009. He further reported that the Fire Auxiliary will host an ice cream social on Saturday, June 6, 2009 and requested the support of the residents.

PAYMENT OF BILLS - June 1, 2009 - A motion by Spaide, seconded by DeLena, to approve the Bill List dated June 1, 2009 for General Fund in the amount of \$4,227.18; Sewer Fund in the amount of \$6,426.11; Capital Fund in the amount of \$84.00 and Open Space Fund in the amount of \$5,159.17. Total Expenditures - \$15,896.46. All aye votes.

APPROVAL OF MINUTES - May 18, 2009 - A motion by Noll, seconded by DeLena, to approve the minutes of the May 18, 2009, meeting as presented. All aye votes.

APPROVAL OF MINUTES - May 27, 2009 - A motion by Dolan, seconded by DeLena, to approve the minutes of the May 27, 2009, meeting as presented. Aye votes: DeLena, Dolan and Taylor. Abstain: Spaide and Noll. Motion carried. Commissioners Spaide and Noll were absent from the May 27, 2009 meeting.

EXECUTIVE SESSION - At 8:02 P.M. Commissioner Taylor announced there would be an Executive Session to discuss several items of potential real estate acquisition. It was noted that possible action may be taken. The meeting reconvened at 8:58 P.M.

RESOLUTION #561 - A Resolution of the Upper Pottsgrove Township Board of Commissioners Authorizing the Condemnation by Right of Eminent Domain of Certain Real Property in Upper Pottsgrove Township for the Purpose of Sanitary Sewer Collection Line Easements. Attorney Garner explained there (3) permanent easements and two (2) are temporary construction easements. A motion by Spaide, seconded by DeLena, to adopt Resolution #561. All aye votes. Commissioner Taylor clarified that the Township has had ongoing negotiations with the property owners over the last several months. Mr. Taylor stated we do have generalized agreements with all but one (1) property owner and the Commissioners are taking this action this evening out of need to meet a deadline.

In response to a question from **DIANA UPDEGROVE, 1404 Farmington Avenue**, Commissioner Taylor stated there are two permanent easements located along Sprogel's Run for the Regal Oaks Development. Commissioner Taylor reiterated there have ongoing negotiations with the property owners; however the Township has a deadline to meet. He further stated the other four are called temporary construction easements. Mr. Taylor advised in order to protect the Township's interest and the interest of the community we need to follow through with these takings. Commissioner Taylor noted that Commissioner Noll has been very instrumental in going out to these people regarding the easement agreements.

ADJOURNMENT - There being no further business, a motion by Spaide, seconded by Dolan, to adjourn the meeting at 9:02 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor,
Township Secretary