

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

February 16, 2010

A meeting of the Board of Commissioners was held on Tuesday, February 16, 2010, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners Dolan, Miller, Spaide and Taylor present. Also present were Solicitor Charles D. Garner, Jr., Township Manager Jack P. Layne, Police Chief William A. Moffett, and Township Secretary Cynthia Saylor. Commissioner Taylor called the meeting to order at 7:00 P.M. There were 6 people present in the audience. Commissioner Noll was unable to attend.

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:

KEITH KEHL - 1941 Gilbertsville Road - Suggested that the Fire Company and/or Public Works employees shovel the snow away from the fire hydrants throughout the Township. Commissioner Spaide stated she would discuss the matter at the Fire Committee meeting.

REPORTS:

EMERGENCY SERVICES - Commissioner Taylor stated that the monthly Police Report and the Fire Committee reports would be posted on the bulletin board.

PLANNING & ZONING REPORT - Commissioner Taylor reported the Planning Commission met last week and discussed the Pascal Annexation, plans for a proposed development for the northwest corner of Route 100 and Upland Square and the Route 100 overlay zoning that will allow for commercial development along Route 100.

PUBLIC WORKS REPORT - Commissioner Spaide commended the Public Works employees for a "job well done" with regards to plowing the township roads during the recent snow storms. Ms. Spaide explained that they did experience some problems with the trucks breaking down and needing parts to fix one of the plows. Commissioners Dolan and Taylor both stated they were impressed with the plowing of the roads after the recent blizzard. Commissioner Taylor noted that within 24 hours after the snow had stopped all the roads were cleared and passable.

PARKS, RECREATION AND OPEN SPACE REPORTS - Commissioner Miller reported the Open Space Committee met and discussed the goals for 2010 as well as three or four targets of open space which will complete the Sprugel's Run Trail. Commissioner Dolan addressed Commissioner Miller and questioned what would be involved in gaining access to the Prince/Austerberry tract recently purchased by the Township. Mr. Dolan recommended that the Park and Recreation Committee come up with a plan for the bungalow located at 1401 North Charlotte Street and suggested a time frame for October or November of 2010. Commissioner Dolan suggested placing an article in the upcoming Newsletter and request volunteers to help with the project. Mr. Miller noted the difficulty in finding volunteers and stated the volunteers we do have are really committed.

PARKS, RECREATION AND OPEN SPACE REPORTS CONT'D - Commissioner Spaide agreed to contact the high school to see if there are any students interested in volunteering as part of their "senior project."

SPECIAL TOWNSHIP PROJECTS - Commissioner Dolan reported he has been in contact with Representative Quigley and Senator Rafferty with regards to a Bill that would allow open space funding to be used for park maintenance as well as for the acquisition of open space. He further reported that Senator Rafferty suggested that Commissioner Dolan make a draft of the Bill that would meet the Township's goals and submit it to him plus get endorsements from PSATC and some second class organizations. When Commissioner Miller questioned Commissioner Dolan regarding the status of the police regionalization he stated he expects the report later this month or the beginning of March.

TOWNSHIP ENGINEER'S REPORT - It was noted that a copy of the monthly Engineer's Report would be posted on the bulletin board.

TOWNSHIP SOLICITOR'S REPORT - Attorney Chuck Garner reported that he received a Conditional Use Application with regards to the Commerce Corner project and noted that we are required by law to hold a public hearing within sixty days. After a brief discussion, it was agreed that a public hearing would be held at the Board of Commissioners meeting scheduled for March 15, 2010.

TOWNSHIP MANAGER'S REPORT - Mr. Layne reported he supported efforts to prepare and submit the required documentation for the H2O and PennVest programs; advised the members of the Board that the Township has received the third reimbursement request from the PennVest program; received compliments from residents, verifying the fine snow removal efforts provided by the Public Works Department; monitored the North State Road improvements project; assisted in efforts to monitor the Regal Oaks Pumping Station and Farmington Avenue West Phase II projects and responded to inquiries and concerns regarding the Single-Hauler Trash Collection and Recycling Contract.

FINANCIAL REPORT - Copies of the monthly Financial Reports were provided to the members of the Board in their meeting packets. Mr. Layne stated he would like to have 10% of the total operating budget set aside as a "rainy day" fund.

NEW BUSINESS:

DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSALS SUBMITTED TO THE TOWNSHIP FOR THE PURCHASING OF THE LEASE FOR THE EXISTING CELL TOWER - The Board discussed the assessment letter dated February 10, 2010, submitted by Ken Schmidt, Steel in the Air, with regards to the proposals received by the Township pertaining to the purchase of the lease for the cell tower located on Heather Place.

When DIANA UPDEGROVE, 1404 Farmington Avenue, questioned the carriers on the cell tower; Attorney Garner stated AT&T, Sprint/Nextel and T-Mobile.

DISCUSSION AND POSSIBLE APPROVAL OF A REQUEST FROM ROUSE/CHAMBERLIN TO RELEASE \$252,350 CURRENTLY BEING HELD AS THE MAINTENANCE SECURITY FOR SUMMER GROVE PHASE I - A motion by Miller, seconded by Spaide to authorize the release of \$252,350 currently being held as the maintenance security for Summer Grove Phase I. All aye votes.

OLD BUSINESS:

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION #573 PROPOSING THE MERGER OF THE PARKS AND RECREATION BOARD AND THE OPEN SPACE COMMITTEE - A motion by Spaide, seconded by Dolan, to adopt Resolution # 573 which would allow for the merger of the Parks and Recreation Board and the Open Space Committee. It was agreed that the members of the newly created Open Space and Recreation Board would be appointed at the next meeting. All aye votes.

WOODBROOK COMMERCIAL LAND DEVELOPMENT PLAN (FINAL PLAN) - Resolution #572 - Commissioner Taylor reported that this project received preliminary plan approval in 2005. Attorney Chuck Garner stated the only issue at the time was the fact that it required zoning relief with regards to a parking setback from Laura Lane. Mr. Garner explained that the applicant went before the Zoning Hearing Board and received a variance from the setback requirement and submitted final plans for review. Mr. Garner referenced a review letter from LTL Consultants dated February 15, 2010 and noted that the comments are minor in nature. He further noted that the Planning Commission reviewed the Final Plan and recommended to the Board approval subject to the following conditions: satisfactory compliance with all conditions and comments set forth in the LTL Consultants letter dated February 15, 2010; applicant's approval and/or receipt of any required outside agency permits; the execution of a Developer's Agreement in a form acceptable to the Township Solicitor at or prior to the recording of the Final Plans; valid and unappealable zoning relief as set forth in the Opinion and Order of the Upper Pottsgrove Township Zoning Hearing Board dated January 7, 2010; and execution by the Applicant of this Resolution noting acceptance of the conditions as stated herein within ten (10) days of the date of approval of this Resolution. A motion by Dolan, seconded by Miller, to approve the Woodbrook Commercial Land Development Final Plan. All aye votes.

OTHER PUBLIC COMMENT:

DIANA UPDEGROVE - 1404 Farmington Avenue - Questioned whether the issue regarding using open space funding for maintenance purposes would be placed on the ballot.

COMMISSIONER COMMENTS: None

PAYMENT OF BILLS - Commissioner Taylor noted that the invoice from McMahon Associates should be paid out of an escrow fund. A motion by Spaide, seconded by Dolan, to approve the Bill List dated February 16, 2010, for General Fund in the amount of \$ 24,901.81; Fire Fund in the amount of \$1,235.00; Sewer Fund in the amount of \$ 74,561.63; Capital Fund in the amount of \$ 748,976.36; Open Space Fund in the amount of \$ 682.73; State Fund in the amount of \$ 1,907.87; North State Street Turnback Fund in the amount of \$19,960.00 and Escrow Fund in the amount of \$ 4,134.44. Total Disbursements - \$ 876,359.84.

APPROVAL OF MINUTES - February 1, 2010 - A motion by Spaide, seconded by Miller, to approve the minutes of the February 1, 2010, meeting as presented. All aye votes.

EXECUTIVE SESSION - At 8:00 P.M. Commissioner Taylor announced that the Board would meet in Executive Session to discuss a matter of real estate and potential litigation; however no decisions would be made. The meeting reconvened at 8:18 P.M.

ADJOURNMENT - There being no further business, a motion by Spaide, seconded by Dolan, to adjourn the meeting at 8:20 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor,
Township Secretary