

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

**December 6, 2010**

A meeting of the Board of Commissioners was held on Monday, December 6, 2010, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue with Commissioners Dolan, Miller, Noll, Spaide and Taylor present. Also present were Solicitor Charles D. Garner, Jr., Township Manager Jack P. Layne, Jr., Police Chief William A. Moffett and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:00 P.M. There were 7 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:** None.

**NEW BUSINESS:**

**DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSAL FROM GLACIAL ENERGY TO PROVIDE ELECTRICAL SERVICE TO THE TOWNSHIP** - Edward Hale from Glacial Energy, was present to discuss a proposal to provide electrical service to the Township. Mr. Hale noted that it is the mission of Glacial Energy to deliver the best combination of price and service to commercial entities of all scopes and sizes resulting in unmatched value for cost conscious energy consumers. After discussion, a motion by Spaide, seconded by Miller, to accept the proposal from Glacial Energy to provide electrical service to the Township. All aye votes.

**DISCUSSION AND POSSIBLE AUTHORIZATION FOR REINSEL, KUNTZ AND LESHER TO PROVIDE TOWNSHIP FISCAL AUDIT SERVICES FOR 2011** - A motion by Dolan, seconded by Miller, to authorize Reinsel, Kuntz and Leshar to provide Township fiscal audit services for 2011. All aye votes.

**DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED 2011 COMMITTEE/BOARD MEETING SCHEDULE** - A motion by Noll, seconded by Dolan, to approve the proposed 2011 meeting schedule as presented with the understanding that if two meetings are not necessary the first scheduled meeting of any given month is cancelled. All aye votes. Commissioner Dolan stated that he feels it is a public service to hold two (2) meetings a month.

**OLD BUSINESS:**

**DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED 2011 ANNUAL BUDGET** - A motion by Spaide, seconded by Miller, to approve the 2011 Annual Budget. All aye votes. The Commissioners' expressed their thanks and appreciation to Dallas Data and the Township Manager for all their efforts with regards to the 2011 Annual Budget preparation.

**DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED ADOPTION OF THE 2011 TAX ORDINANCE - ORDINANCE #444** - An Ordinance of the Upper Pottsgrove Township Board of Commissioners, fixing the Real Property Tax Millage for the year 2011. A motion by Noll, seconded by Dolan, to adopt Ordinance #444. All aye votes.

**PUBLIC HEARING ON THE ROUTE 100 CORRIDOR OVERLAY - DISCUSSION AND POSSIBLE ACTION REGARDING ORDINANCE #445 REGARDING THE ROUTE 100 CORRIDOR OVERLAY** - Attorney Garner open the hearing at 7:30 P.M. and noted the proposed Ordinance had been advertised and discussed by both the Upper Pottsgrove Planning Commission and the Montgomery County Planning Commission. He further noted that the Upper Pottsgrove Township Planning Commission recommended approval of the Ordinance. **JOHN WEST - 1611 Applegate Lane** - Requested clarification with regards to the setbacks as outlined in the proposed Ordinance.

**ORDINANCE #445** - An Ordinance of the Township of Upper Pottsgrove, Montgomery County, Pennsylvania, Amending Article II, Language, Interpretation, and Definitions, of Section 350-8, Definitions, and Creating a new Article XXVI, Route 100 Commercial Overlay District, Both of Chapter 350, Zoning, of the Code of the Township of Upper Pottsgrove, as Amended. A motion by Spaide, seconded by Noll, to adopt Ordinance #445. All aye votes.

**DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION #586** - A Resolution of the Upper Pottsgrove Township Board of Commissioners Amending and Re-Establishing Certain Existing Township Fees Associated with Zoning, Building, Grading, Land Development and Other Miscellaneous Fees, Through An Amendment to the Comprehensive Fee Resolution - A motion by Dolan, seconded by Spaide, to adopt Resolution #585. All aye votes.

**DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION #587 THE TAX ANTICIPATION NOTE RESOLUTION** - A motion by Noll, seconded by Miller, to adopt Resolution #586 the Tax Anticipation Note in the amount of \$300,000. Roll call vote: Dolan - aye; Miller - aye; Noll - aye; Spaide - aye; Taylor - aye. Motion carried.

**DISCUSSION AND POSSIBLE APPROVAL OF CONTRACTS AND TAX RESOLUTIONS INVOLVING BERKHEIMER AS THE LOCAL SERVICE TAX COLLECTOR FOR THE TOWNSHIP - RESOLUTION #588** - A Resolution of the Governing Board of Upper Pottsgrove Township, Montgomery County, Pennsylvania, Authorizing, Empowering and Directing the Proper Officers of the Governing Board to Execute and Agreement with Berkheimer Whereunder Berkheimer is Retained as the Exclusive Tax Officer for the Collection, Administration, Receipt and Enforcement of the Provisions of the Respective Tax Enactment of the Governing Board Levying and Assessing the Local Services Tax for the Term Herein Defined, Together with such Extensions as may be Agreed Upon, Said Tax Enactment Having Been Adopted Under and Pursuant to the Authority of the Pennsylvania Local Tax Enabling Act and Approving and Adopting the Rules and Regulations Prepared by Berkheimer to Administer and Enforce the Local Services Tax - A motion by Dolan, seconded by Spaide, to adopt Resolution #587. All aye votes.

**RESOLUTION #589** - A Resolution of the Governing Board of Upper Pottsgrove Township, Montgomery County, Pennsylvania, Authorizing, Empowering and Directing the Proper Officers of the Governing Board to Appoint Berkheimer as its Tax Hearing Officer Under and Pursuant to the Local Taxpayers Bill of Rights for the Express Purpose of Adjudicating Appeals Thereunder - A motion by Dolan, seconded by Spaide, to adopt Resolution #588. All aye votes.

**RESOLUTION #590** - A Resolution of the Governing Board of Upper Pottsgrove Township, Montgomery County, Pennsylvania, Authorizing Empowering and Directing the Proper Officers of the Governing Board to Appoint a Liaison Between it and Berkheimer, the Duly Appointed Collector of Local Services Tax for the District, for the Express Purpose of Sharing Confidential Tax Information with the District for Official Purposes - A motion by Dolan, seconded by Spaide, to adopt Resolution #589. All aye votes.

**RESOLUTION #591** - A Resolution of the Governing Board of Upper Pottsgrove Township, Montgomery County, Pennsylvania, Authorizing and Empowering its Local Tax Collector, Berkheimer, to Impose and Retain Costs of Collection on Delinquent Taxes - A motion by Dolan, seconded by Spaide, to adopt Resolution # 590. All aye votes.

**PUBLIC COMMENT:**

In response to a question from **DIANA UPDEGROVE, Farmington Avenue**, regarding the impact the proposed cell tower would have on helicopters needing to make emergency landings; Commissioner Taylor stated the matter was taken into consideration during the review process.

**PAYMENT OF BILLS - December 6, 2010** - A motion by Spaide, seconded by Miller, to approve the Bill List dated December 6, 2010, for General Fund in the amount of \$63,770.94; Fire Fund in the amount of \$78.26; Sewer Fund in the amount of \$16,850.69; Capital Fund in the amount of \$368,062.94; Open Space Fund in the amount of \$24.00; State Fund in the amount of \$1,353.00 and Escrow Fund in the amount of \$340.00. Total Disbursements - \$450,479.73. All aye votes.

**APPROVAL OF MINUTES - November 15, 2010** - A motion by Spaide, seconded by Noll, to approve the minutes of the November 15, 2010, meeting as presented. All aye votes.

**EXECUTIVE SESSION** - At 8:05 P.M. Commissioner Taylor advised the Board would meet in Executive Session to discuss the Conditional Use request and a matter of potential real estate acquisition. The meeting reconvened at 8:30 P.M.

**DISCUSSION AND POSSIBLE ACTION ON THE LIBERTY TOWER CONDITIONAL USE REQUEST** - A motion by Miller, seconded by Dolan, to grant the Applicant's Conditional Use Request subject to the Applicant satisfying the following conditions: the Applicant shall obtain final unappealable land development approval from the Board of Commissioners for the proposed wireless communication facility; the fence surrounding the leased area shall be a solid wooden stockade fence, the type and style of which shall be approved by the Board of Commissioners during

**DISCUSSION AND POSSIBLE ACTION ON THE LIBERTY TOWER CONDITIONAL USE REQUEST CONT'D**

- the land development process; the Township shall not be obligated to issue Applicant a building permit for the wireless communication facility until the Applicant has presented an executed Lease Agreement with a wireless communication company proposing to install an antenna on the proposed tower; the construction of the wireless communication tower shall conform to Applicant Exhibit A-13 with the tower being in the guise of a proposed stationary windmill; prior to attaching any telecommunication antenna to the proposed cell tower, the Applicant shall comply with Section 350-33(C) (5) to ensure that the proposed antenna blends with and conforms to the windmill tower structure; the Applicant shall ensure that the access driveway complies with Section 350-33 (E) (2) (j) and its location is consistent with Applicant Exhibit A-13; the Applicant shall demonstrate to the Township compliance with all other applicable requirements contained in Section 350-33 of the Upper Pottsgrove Township Zoning Ordinance and Applicant shall comply with all other local, state, and federal rules, regulations, laws, statues, and ordinances governing the development and use of the proposed wireless communication facility. All aye votes.

**COMMISSIONER MILLER** - Reported that Robert Milner has donated 80,850 square feet of land located on Maugers Mill Road to the Township and this will allow for the expansion of Sunset Park. After a brief discussion, a motion by Miller, seconded by Dolan, to authorize the Township Manager and Solicitor to prepare the necessary legal documents regarding the acquisition of this property. All aye votes.

**DECEMBER 20, 2010 MEETING** - A motion by Spaide, seconded by Noll, to cancel the Board of Commissioners' meeting scheduled for December 20, 2010. All aye votes.

**ADJOURNMENT** - There being no further business, a motion by Spaide, seconded by Miller, to adjourn the meeting at 8:33 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor,  
Township Secretary