

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

**February 22, 2011**

A meeting of the Board of Commissioners was held on Tuesday, February 22, 2011, at the Upper Pottsgrove Township Administrative Offices, 1409 Farmington Avenue, with Commissioners Dolan, Miller, Noll, Spaide and Taylor present. Also present were Solicitor Charles D. Garner, Jr., Police Chief William A. Moffett, Township Manager Jack P. Layne, Jr. and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:02 P.M. There were 10 people and a Mercury Reporter present in the audience.

**MOMENT OF SILENCE** - Commissioner Taylor requested a moment of silence and noted the recent passing of Russell Trainer and Gilbert Duncan. Commissioner Taylor stated that **RUSSELL TRAINER** served as Township Commissioner from 1966 until 1971; he served on the Township Vacancy Board from 1983 to 1996 and served as Township Constable from 1970 to 2004. He further reported that **GILBERT DUNCAN** served on the Township Civil Service Commission from 2002 to 2011; he served on the Township Fire Committee from 2008 to 2011 and was a life-time member of the Upper Pottsgrove Township Fire Company.

**PLEDGE OF ALLEGIANCE** - Those assembled pledged allegiance to the flag.

**PUBLIC COMMENT:** None.

**REPORTS:**

**EMERGENCY SERVICES** - Commissioner Noll read the monthly Police Report and congratulated Officer and Mrs. Jim Crawford on the recent birth of their baby girl earlier this month. Mr. Noll reported that copies of the monthly Police Report as well as the Fire Committee Report would be posted on the bulletin board. Mr. Noll reported that the Fire Committee met on Thursday, February 17, 2011 and discussed resealing the floor upstairs in an effort to alleviate water leaking in the meeting room. Mr. Layne reported that there will be a Hazardous Weather Exercise on Tuesday, March 1, 2011 beginning at 9:00 A.M.

**PLANNING & ZONING REPORT** - Commissioner Taylor reported that the Planning Commission did not meet this month due to a lack of activity within the Township.

**PUBLIC WORKS REPORT** - Commissioner Spaide reported the Highway Department patched and compacted potholes on various roads throughout the Township; responded to numerous call outs for icy road conditions; responded to call outs for power failures as traffic signals and sewage pumping stations; cleaned equipment after snow and ice storms and removed downed tree limbs along the roadways after the ice storm. Ms. Spaide advised that there is a shortage of salt throughout the state of Pennsylvania. Commissioner Dolan complimented the Public Works employees for a great job with regards to the winter snow and ice removal. Commissioner Noll requested clarification regarding the use of magnesium chloride.

**PARKS, RECREATION AND OPEN SPACE** - Commissioner Miller reported that the Parks, Recreation and Open Space Committee will meet with representatives from the soccer and baseball teams to discuss rules and regulations. Mr. Miller gave a brief update pertaining to the Township's pursuit of open space. In another matter; Commissioner Miller asked that Commissioner Spaide talk to the Public Works Director regarding Penn Dot's plans for Maugers Mill Road. Commissioner Noll expressed his concern regarding the use of a siren at the PAL ball fields. Mr. Noll explained that last year a siren was sounded every time a goal was scored and noted that he received several complaints from the neighbors. Commissioner Noll also expressed his concern regarding the use of portable lights at the fields and noted that there have been times when the lights were shining on neighboring properties. Mr. Noll stated he would discuss the matter with the Township Manager. Commissioner Dolan expressed his thanks and appreciation to Commissioner Noll for the information he provided regarding open space funding.

**TOWNSHIP ENGINEER'S REPORT** - A copy of the monthly Engineer's Report will be posted on the bulletin board.

**TOWNSHIP SOLICITOR'S REPORT** - Attorney Garner reported that all outstanding fees and taxes have been paid on the Maugers Mill Road property that was donated to the Township by Robert Milner for open space purposes. In another matter, Attorney Garner provided a brief history concerning the negotiations between the Township and TriStar Investors. Mr. Garner explained that TriStar Investors is the entity that was interested in accepting an easement from the Township for the existing cell tower located at the Municipal Building on Heather Place. He further explained that, as part of their proposal, the Township would provide TriStar with the necessary easement in order for them to negotiate with American Tower at the end of the existing lease and in exchange for the easement TriStar would pay us \$75,000.00; however, the Township would continue to collect the monthly revenue for the duration of the lease. Attorney Garner reported that the Township did receive the \$75,000.00 payment as well as an additional payment of \$1,500.00 for the cost of legal fees. Mr. Garner noted that he, along with Mr. Layne, met with an entity that would help the Township raise revenue with respect to billboards and LED billboards and or signs. It was agreed that the \$75,000.00 payment be earmarked for a future capital project. Commissioner Taylor expressed his thanks to the members of the Board as well as the Township Manager with regards to the TriStar negotiations.

**TOWNSHIP MANAGER'S REPORT** - Mr. Layne reported that he assisted in coordinating the agreement discussion efforts with Tri-Star; assisted in coordinating efforts to amend the sign ordinance and assisted in efforts to provide a new cell tower on the Smola property. Mr. Layne expressed his thanks to Commissioner Miller for his input that will allow the Township to save hundreds of dollars when purchasing propane. Mr. Layne expressed his appreciation to the members of the Board and to Attorney Garner for their efforts with the TriStar negotiations.

**MONTHLY FINANCIAL REPORT** - Mr. Layne reported that the Township has expended 5.7% of the budgeted disbursements and received 1.8% of the budgeted revenues during the month of January 2011. Mr. Layne reported that he along with Attorney Garner met with Larry Romanowski, from TowerOne, to discuss the placement of digital billboards within the Township. Commissioner Taylor advised that one of the properties being considered is along Route 100 at the Township Municipal building. He further noted that one sign has the potential to bring an additional \$30,000 to \$40,000 in revenue to the Township. Commissioner Noll expressed concern that drivers, traveling south on Route 100, will be distracted while trying to read the digital sign and it could become a potential safety issue. Commissioner Miller assured Commissioner Noll that the Planning Commission will address his concern. Commissioner Taylor agreed that the Planning Commission would consider the distractibility issues, light intensity and color of the signs. After discussion, it was agreed that the digital sign proposal is worthy of future consideration by the Board.

**NEW BUSINESS:**

**DISCUSSION AND POSSIBLE ACTION REGARDING PARKING IN CUL-DE-SACS CAUSING PROBLEMS DURING SNOW EMERGENCY SITUATIONS** - Commissioner Spaide explained that the Highway Department has encountered numerous problems with residents parking in cul-de-sacs during the recent snow and ice storms making it difficult for them to plow. Attorney Garner advised that the Board could amend the Township's Traffic Ordinance to set forth criteria for snow emergency situations. Commissioner Spaide expressed her concern with the proper signage notifying residents of a snow emergency. Commissioner Dolan suggested implementing an automatic phone message, similar to what's used by the school district, notifying the residents of the snow emergency. After a brief discussion, it was agreed that the Solicitor would prepare the necessary amendment to the current Traffic Ordinance.

**DISCUSSION AND POSSIBLE AUTHORIZATION PAYMENT FOR A CONSENT ASSESSMENT OF CIVIL PENALTY TO THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY** - Attorney Garner provided a brief history with regards to the Notices of Violation the Township received during the construction of the Regal Oaks Sewer project. Mr. Garner advised that the Conservation District imposed a \$6,000 Civil Penalty and the contractor (N. Abbonizio) has agreed to accept responsibility for the payment. He further advised that the Township withheld \$6,000 from the contractor's final bill and will remit the \$6,000 penalty to DEP. After discussion, a motion by Miller, seconded by Dolan, to approve and authorize the execution of the Consent Assessment of Civil Penalty in the amount of \$6,000 and authorize payment to DEP. All aye votes.

**DISCUSSION AND POSSIBLE ACTION REGARDING A RECOMMENDATION THAT THE TOWNSHIP CONSIDER IN-HOUSE BILLING OF ALL SANITARY SEWER ACCOUNTS** - Mr. Layne reported that the Water and Sewer Committee recommended that the Board consider in-house billing of all township sewer accounts. He further reported that currently the Township bills residents who were former customers of the Regal Oaks Treatment facility. Mr. Layne advised that we already have the necessary software associated with in-house utility billing.

**DISCUSSION AND POSSIBLE ACTION REGARDING A RECOMMENDATION THAT THE TOWNSHIP CONSIDER IN-HOUSE BILLING OF ALL SANITARY SEWER ACCOUNTS CONT'D** - Commissioner Noll questioned that additional involvement from Dallas Data that would be incurred if the Township takes over the utility billing. Mr. Layne agreed to provide additional information at a future meeting.

**OLD BUSINESS:**

**DISCUSSION REGARDING PROPOSED REVISIONS TO THE SIGN ORDINANCE** - Commissioner Taylor reported that the proposed revisions to the Sign Ordinance have been reviewed by the Planning Commission as well as the Board and explained that the original intent of the revisions was to address the new LED technology that is coming into the Township. Attorney Garner reported that Chapter 283 is the regulatory section for Signs and Billboards while Article XVI is the actual zoning ordinance portion of the ordinance with respect to the signs and which are permitted as far as types of signs and their location. Attorney Garner outlined the changes to the proposed ordinance. With regards to Special Event Signs; Commissioner Noll questioned the necessity of limiting one (1) sign on the premises and the requirement that the signs are erected no sooner than seven (7) days prior to the event and removed immediately after said event. After discussion, the Board agreed to eliminate the limitation of one (1) sign on the premises from the proposed ordinance and to change the number of days to erect the sign from seven (7) to three (3) prior to the event. Commissioner Dolan expressed concern regarding the requirement that Contractor Signs must be removed at the close of each work day. After discussion, the Board agreed to eliminate the requirement from the proposed ordinance. With regards to Chapter 283 Signs & Billboards; Commissioner Spaide expressed concern regarding the enforcement of yard sale signs. After further discussion, a motion by Dolan, seconded by Spaide, to authorize the advertisement of the proposed ordinance and a public hearing to be held in April. Aye votes: Dolan, Noll, Spaide and Taylor. Nay: Miller. Motion carried.

**DISCUSSION AND POSSIBLE ACTION REGARDING RECOMMENDED ZONING AMENDMENTS TO THE STATE ROUTE 100 COMMERCIAL OVERLAY DISTRICT AND OTHER MISCELLANEOUS ZONING ITEMS** - Discussion on this agenda item was tabled to a future meeting.

**OTHER PUBLIC COMMENT:** None

**COMMISSIONERS COMMENTS:**

**COMMISSIONER NOLL** - Advised the members of the Board of "Comcast Cares Day" whereby Comcast would furnish the volunteers and supplies to help with any project of the Township's choosing. Commissioner Noll noted this would take place in April and asked if there was any interest from the members of the Board. Mr. Layne agreed to speak with the coordinator from Comcast.

**APPROVAL OF BILL LIST - February 22, 2011** - A motion by Dolan, seconded by Spaide, to approve the Bill List dated February 22, 2011, for General Fund in the amount of \$95,206.45; Fire Fund in the amount of \$1,678.16; Sewer Fund in the amount of \$8,584.25; Capital Fund in the amount of \$149,592.22; Open Space Fund in the amount of \$719..65; State Fund in the amount of \$17,381.12 and Escrow Fund in the amount of \$560.94. Total Disbursements - \$273,722.70. All aye votes.

**APPROVAL OF MINUTES - January 18, 2011** - A motion by Spaide, seconded by Miller, to approve the minutes of the January 18, 2011, meeting as presented. All aye votes.

**EXECUTIVE SESSION** - At 8:47 P.M. Commissioner Taylor stated that Board would meet in Executive Session to discuss matters of pending litigation, possible litigation and a personnel matter; however, no decisions would be made. The meeting reconvened at 9:58 P.M.

**ADJOURNMENT** - There being no further business, a motion by Dolan, seconded by Spaide, to adjourn the meeting at 10:00 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor,  
Township Secretary