

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

March 21, 2011

A meeting of the Board of Commissioners was held on Monday, March 21, 2011, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners Dolan, Miller, Noll, Spaide and Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., Police Chief William A. Moffett, Township Manager Jack P. Layne, Jr., and Township Secretary Cynthia Saylor. Commissioner Taylor called the meeting to order at 7:02 P.M. There were 6 people present in the audience.

MOMENT OF SILENCE - Commissioner 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

REPORTS:

PLANNING AND ZONING REPORT - Commissioner Taylor reported that the Planning Commission met and discussed the waiver from Land Development plan requirements for the Liberty Towers project. Mr. Taylor noted this topic would be discussed as an agenda item later during the meeting.

PUBLIC WORKS REPORT - Commissioner Spaide reported the Highway Department patched and compacted potholes on Moyer Road, Ming Drive, North Hanover Street, Broadmoor Road, Yarnall Road and Bruce Drive; dismantled police vehicle 92-21 to be sold on Municibid; picked up furniture for the Police offices; demolished existing police work area, painted and remodeled; responded to emergency call out at Regal Oaks Pump Station for VFD failures and power outages; continued to collect data from sewage flow meters and provided information to LTL and BCM Engineering and met with PennDOT regarding North State Street Turnback program and the possible turn back of Levengood Road. In response to a question from the last meeting; Commissioner Spaide provided a brief explanation regarding the use of magnesium chloride.

PARKS, RECREATION AND OPEN SPACE REPORT - Commissioner Miller reported that representatives from the Pottsgrove Soccer Club and members of the Pottsgrove Little League met and recommended that the School District consider providing stone and maintenance at the entrance way to Hollenbach Park where the macadam apron ends, from North Hanover Street, it has worn away due to the heavy bus traffic traveling in and out of the park and recent torrential rains. Mr. Miller stated that all participants involved in sporting events must maintain a clean park area and the representatives from the soccer and baseball leagues have been advised by Park & Recreation Chairman Sue Thompson. He further stated that all litter and trash should be disposed of properly at the end of each sporting event. Commissioner Miller reported that the Committee also discussed the conversion of Hoffman field into an "all purpose" field for future use.

PARKS, RECREATION AND OPEN SPACE REPORT CONT'D - Mr. Miller reported that at the Park and Recreation meeting there was discussion regarding the use of Kulp fields and noted that are some minor repairs that need to be done. Commissioner Miller reported that on Saturday he, along with several other residents including Commissioner Taylor and Mr. Layne, traversed a target area which will eventually become a part of the Sprogel's Run trail system. He further reported that the area surrounding Sunset Park has been cleared of the old bathhouse, concession stand and port-a-potty as well as the debris and litter making it possible to walk up to the large pond and all the way out to Route 663 with a trail approximately 10 – 12 feet wide. In response to a question from Commissioner Spaide; Commissioner Miller stated a group of township volunteers were responsible for cleaning up the area surrounding Sunset Park. In response to a question from Commissioner Taylor regarding the entrance way to Hollenbach Park; Commissioner Miller noted the entrance is similar to the one the Township is maintaining at the cell tower on the Smola property.

Commissioner Noll arrived at 7:10 P.M.

EMERGENCY SERVICES REPORT - Commissioner Noll read the monthly Police Report and stated that a copy of the report will be posted on the bulletin board. Commissioner Miller requested clarification with regards to a robbery that was listed on the monthly Police Report. Commissioner Noll reported the Fire Company will hold an Easter Flower Sale and the annual Easter Egg Hunt on Saturday, April 23, 2011 and noted the egg hunt will take place at Heather Place Park. He also reported that a copy of the Fire Committee report will be posted on the bulletin board.

ADMINISTRATION & SPECIAL TOWNSHIP PROJECTS - Commissioner Dolan stated that he attended the Regional Planning Commission meeting and discussed the final plan for the Route 100 improvement project.

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 Garner reported that on Thursday, March 17, 2011, he along with Jack Layne and Frank Quinter attended a meeting with PennDot to discuss the specifics of the Turnback arrangement involving Sell Road, Levengood Road and the dedication of Upland Square Drive to PennDot. Also discussed was the township's desire to have a proper cul-de-sac at North State Street so there is not thru traffic. Mr. Garner further reported that he along with LTL Consultants have been working on specifications with regards to the sanitary sewer ordinance and noted that a draft was forwarded to the members of the Sewer Committee for their review.

COMMISSIONER MILLER reported that he has received numerous complaints from residents with regards to the heavy truck traffic traveling on Gilbertsville Road and suggested that the Township install gross weight signs along Farmington Avenue. Commissioner Miller noted that the signs could not be installed on Gilbertsville Road since it is a state road.

DONALD YOUNG, Harding Street, suggested the Township install signs prohibiting the use of jake brakes.

COMMISSIONER MILLER - In response to a question from **COMMISSIONER TAYLOR**, Mr. Layne explained the matter was discussed at the meeting with PennDot and they (PennDot) have issues with the restriction of commerce. There was a brief discussion with regards to enforcement issues and the weighing of trucks traveling on Farmington Avenue. After further discussion, it was agreed that Chief Moffett and the Township Manager would look into the matter.

TOWNSHIP MANAGER'S REPORT - Mr. Layne reported that he assisted in coordinating efforts for the Township to participate in the Comcast Cares program; supported efforts to prepare and submit the required documentation for the PENNVEST program that will allow for receipt of the final PENNVEST payment to the Township; coordinated efforts for the Township to successfully participate in the State Pennsylvania Emergency Management Agency and Montgomery County Emergency weather exercise; attended emergency management training present by the Limerick Generating Station; assisted in coordinating an Agreement with Tri-Star that provided \$75,000 in revenue; assisted in coordinating efforts to amend the sign ordinance; assisted in efforts to provide a new cell tower on the Smola property; assisted in efforts to obtain revenue from digital billboards; and assisted in coordinating exploratory efforts for the Township to take over billing for sewer and trash services provided to the residents.

MONTHLY FINANCIAL REPORT - Mr. Layne reported that as of February 28, 2011, the Township has collected 8.7% of its budgeted revenues and 13.4% of the budgeted expenses to date.

NEW BUSINESS:

DISCUSSION AND POSSIBLE ACTION TO APPOINT A REPLACEMENT TO THE CIVIL SERVICE - Discussion on this matter was tabled to a future meeting.

DISCUSSION REGARDING THE NEGOTIATION OF THE POLICE CONTRACT -

Attorney Garner reported that the members of the Board and the Township Manager received a letter on behalf of the bargaining representatives of the Upper Pottsgrove Police Department notifying the Township of their intention to commence collective bargaining. After a brief discussion, a motion by Dolan, seconded by Spaide, to authorize the Township Manager and Solicitor to meet with the police bargaining unit. All aye votes.

DISCUSSION AND POSSIBLE ACTION REGARDING PER CAPITA AND TAX EXONERATION APPLICATIONS -

The members of the Board briefly discussed two Per Capita and Tax exoneration applications. No formal action was taken.

OLD BUSINESS:

DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A WAIVER FROM LAND DEVELOPMENT PLAN REQUIREMENTS FOR THE LIBERTY TOWERS PROJECT

Commissioner Taylor reported that the Planning Commission reviewed the request from Liberty Towers for a waiver from land development and recommended their approval. He further reported that the Township Engineer is in agreement. Attorney Garner explained that the Engineer would still review the plan and make sure that the ordinance requirements are adhered to however; they will be conditions of the building permit that will be issued. After a brief discussion, a motion by Miller, seconded by Noll, to grant the request for a waiver from land development subject to the Applicant agreeing to the imposition of reasonable conditions of the building permit and guaranteed compliance which would include reimbursement of any township engineering or legal fees associated with the plan or building permit review. All aye votes.

DISCUSSION AND POSSIBLE ACTION REGARDING THE PROBLEM WITH PARKING ON CUL-DE-SACS CAUSING PROBLEMS DURING SNOW EMERGENCY SITUATIONS

Attorney Garner provided some proposed language changes to the township's existing traffic ordinance to address the issue of parking in cul-de-sacs during snow emergencies. Mr. Garner explained he made minor changes to the existing language and has incorporated language that exists in Lower Merion Township. There was a brief discussion with regards to the existing penalty set forth in the ordinance. There was also discussion regarding the notification of township residents during a snow emergency. Commissioner Noll suggested sending letters to those residents living on cul-de-sacs advising them of certain parking restrictions during snow emergency situations. In response to a question from **JOHN WEST, 1611 Applegate Lane**, Commissioner Spaide noted that a depth of three (3) inches or more constitutes a snow emergency. Mr. West expressed his concern as to how residents will be notified of a snow emergency. Commissioner Spaide noted that there when a snow emergency is declared in West Pottsgrove Township they put it on television.

DISCUSSION AND POSSIBLE AUTHORIZATION FOR AN AUDIT OF 2010 FEDERAL AWARDS RECEIVED BY THE TOWNSHIP

- Mr. Layne explained that anytime the Township is in receipt of federal funding over \$500,000 in a calendar year an audit is required. A motion by Dolan, seconded by Spaide, to utilize the auditing firm of Reinsel Kuntz Leshner to perform an audit of Federal Awards for the year ending December 31, 2010. All aye votes.

ZONING ORDINANCE AMENDMENT/SIGNS MISCELLANEOUS - PUBLIC HEARING PROPOSED FOR APRIL 18, 2011

- Attorney Garner reported that he incorporated minor changes to the sign provisions within the zoning, as well as, other miscellaneous Zoning Ordinance revisions, based upon the recommendation of the Montgomery County Planning Commission. Mr. Garner explained that a public hearing will be scheduled for Monday, April 18, 2011. After discussion, a motion by Spaide, seconded by Miller, to authorize the Solicitor to advertise the proposed Ordinance and schedule a public hearing for April 18, 2011. All aye votes.

OTHER PUBLIC COMMENT:

JOHN WEST - 1611 Applegate Lane - Questioned the possibility of placing the entire Board

meeting packet on the website prior to the Commissioners' meeting. Mr. Layne noted that, on occasion, there are things included in the meeting packets that are confidential in nature and are discussed in Executive Session. Mr. West expressed his concern that the residents are not given adequate time to review proposed ordinances prior to the public hearing.

COMMISSIONER COMMENTS: None

PAYMENT OF BILLS - A motion by Miller, seconded by Dolan, to approve the Bill List dated March 21, 2011 for General Fund in the amount of \$79,929.43; Fire Fund in the amount of \$4,440.82; Sewer Fund in the amount of \$6,373.72; Capital Fund in the amount of \$9,444.89; Open Space Fund in the amount of \$966.54; State Fund in the amount of \$11,195.36 and Escrow Fund in the amount of \$7,342.75. Total Disbursements ~ \$119,693.51. All aye votes.

APPROVAL OF MINUTES - **Amended January 18, 2011** and **February 22, 2011** - A motion by Spaide, seconded by Dolan, to approve the amended minutes of the January 18, 2011 and the February 22, 2011 as presented. All aye votes.

EXECUTIVE SESSION - At 8:20 P.M. Commissioner Taylor stated that the Board would meet in Executive Session to discuss matters of collective bargaining, litigation and personnel; however no decisions would be made. The meeting reconvened at 9:00 P.M.

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

Respectfully submitted,

Cynthia H. Saylor
Township Secretary