

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

December 19, 2011

A meeting of the Board of Commissioners was held on Monday, December 19, 2011, 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, Engineer Pete Eisenbrown and Township Secretary Cynthia Saylor. Commissioner Taylor called the meeting to order at 7:00 P.M. There were 7 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:

JOHN WEST - 1611 Applegate Lane - Advised the Board that he was recording the meeting.

MARTIN SCHREIBER - 138 Rose Valley Road - Addressed Commissioner Noll and asked if he looked into the matter regarding the discrepancy pertaining to the fire truck loan. Commissioner Noll apologized and stated he did not have the details available at the meeting; however, this matter was appropriately addressed at the Fire Committee meetings and advised that once he reviews the minutes he will get back to him. Mr. Schreiber stated he wanted to know why the truck was refinanced; how this Board did not know about it and what the Board is going to do so that something like this doesn't happen again. Commissioner Taylor addressed Mr. Schreiber and noted that he (Schreiber) was a member of the Fire Committee during this time. Mr. Schreiber questioned why we're paying an extra \$51,000 for the fire truck and suggested the members of the Board request an audit of the Fire Company. Commissioner Taylor stated that he is satisfied that we have a very unique arrangement in Upper Pottsgrove where the Board does have more oversight over the Fire Company than any other Fire Companies in the area. He further stated that the Fire Company is a private entity and the Board is limited as to what we can and can not do.

KEITH KEHL - 1941 Gilbertsville Road - Questioned whether there are any plans to "clear cut" the hill at Mingey's property at Route 100 and Moyer Road. Mr. Kehl expressed his concern if any measures have been taken to protect the creeks. In another matter; Mr. Kehl stated the "S" bend at Moyer Road needs to be graded and noted that the water runs across the road and freezes in the winter. Commissioner Spaide stated she is aware of the situation and will discuss the matter with the Public Works Director. Mr. Kehl reported a manhole cover, located between Cherrytree and his property, that is not properly secured. Mr. Kehl referenced the work that was done in front of his property during the sewer project and expressed concern regarding the condition of Gilbertsville Road. Commissioner Taylor advised that Gilbertsville Road is a State road which was inspected and approved by PennDot at the completion of the project. He further advised that the Township will follow up with them (PennDot) regarding this matter. Mr. Kehl noted the size of the pipe that was recently installed at the Pascal driveway and expressed his concern that it will create additional water flow onto Gilbertsville Road.

KEITH KEHL CONT'D - Commissioner Miller addressed Mr. Kehl and the pictures he provided depicting the water issue. Mr. Miller reported that he went out and looked at the problem and noted a tremendous amount of erosion above the water basin and a tremendous amount of silt flowing into Sprogel's Run.

HENRY BEALER - 1382 Farmington Avenue - Referenced the Winpenny property and stated that the house is not hooked up to the public sewer system and noted that there are numerous downed trees branches and limbs on the property. When Mr. Bealer questioned whether the property has running water; Commissioner Taylor stated the Code Enforcement Officer would have to inspect the property and get back to him. He further stated that a lien has been placed on the property and if the house is sold they would be required to hook into the sewer system.

When **JOHN WEST, 1611 Applegate Lane**, asked for clarification with respect to the \$51,000 discrepancy regarding the fire truck loan; Commissioner Taylor explained that the cost of the loan was increased by \$51,000 due to late payments for the original purchase of the new fire truck.

In response to a concern addressed by **KEITH KEHL**, regarding the Winpenny property; Commissioner Taylor noted that the Township has to work within the system; people have property rights that need to be respected and sometimes that makes it difficult to get a perfect result.

REPORTS:

EMERGENCY SERVICES - Commissioner Noll summarized the monthly Police Report and noted that a copy would be posted on the bulletin board. He further stated that the Fire Company is looking into color coding the hydrants and working with the surrounding fire companies as well as Superior Water in order to identify water pressure. He further stated that minor repairs will be made to the masonry wall outside the Fire Company in an effort to make it look more attractive. Commissioner Noll reported that the Fire Company participated in their annual "Santa Run" on Saturday.

PLANNING & ZONING REPORT - Commissioner Taylor reported that the Planning Commission did not meet during the month of December.

PUBLIC WORKS REPORT - Commissioner Spaide reported the milling, base repair and paving have been completed on Hanover Drive. She further reported the Highway Department painted arrows, stop bars and gore markings on Farmington Avenue at Moyer Road and Route 100; patched holes on Commerce Drive; cleaned leaves from storm inlets during heavy rains; and continued getting the equipment ready for winter.

When **MARTIN SCHREIBER, 138 Rose Valley Road**, questioned whether the Township ever considered purchasing a chipper; Commissioner Spaide advised that the Township had previously looked into the matter and the cost was too expensive. Commissioner Taylor added that the Township does have a contract with a waste hauler that provides for yard waste.

PARKS, RECREATION AND OPEN SPACE - Commissioner Miller advised that the dirt piles located at the Kulp Fields and Sunset Park need to be moved. Commissioner Miller further advised that the Open Space Committee is working on connecting our trail systems.

TOWNSHIP ENGINEER'S REPORT - Mr. Eisenbrown advised a copy of the monthly Engineer's Report would be posted on the bulletin board.

TOWNSHIP SOLICITOR'S REPORT - Attorney Garner stated his monthly activities are included on the agenda.

TOWNSHIP MANAGER'S REPORT - Mr. Layne reported that he assisted in coordinating efforts regarding ongoing Police Department contract negotiations; assisted in coordinating efforts regarding the proposed acquisition of additional open space; attended an Exelon Community Advisory Panel meeting; attended the dedication ceremony of Ringing Rocks Elementary School; attended the ribbon cutting ceremony for the opening of the High Street bridge; assisted in efforts to provide for the construction of a digital billboard and attend a meeting of the Greater Pottstown Foundation.

KEITH KEHL - 1941 Gilbertsville Road - Referenced the proposed acquisition of additional open space in the Manager's Report and stated that open space should remain as open space.

MONTHLY FINANCIAL REPORT - Mr. Layne reported the Township has received 85.6% of the budgeted revenue and disbursed 87.8% of the budgeted expenses as of November 31, 2011.

When **JOHN WEST, 1611 Applegate Lane**, questioned the amount of outstanding real estate taxes; Michelle Reddick, who was in the audience, stated that typically the Township only collects 98% of the taxes; however, as of November 30, 2011, we have collected 97.7% and this percentage will increase with the collection of additional taxes in December.

NEW BUSINESS:

DISCUSSION AND POSSIBLE APPROVAL OF A REQUEST TO EXTEND THE BOERNER SUBDIVISION FINAL PLAN APPROVAL TO DECEMBER 31, 2012 - A motion by Miller, seconded by Noll, to grant the request to extend the final plan approval for the Boerner Subdivision to December 31, 2012. All aye votes. Attorney Garner noted that pursuant to Act 46, which was adopted by the State Legislature in the summer of 2010, both the Boerner and Bachman Subdivision Plans would be automatically extended to July 2013.

JOHN WEST - 1611 Applegate Lane - Requested clarification with regards to the Board granting the request to extend final plan approval to December 2012 vs. the State Legislature which automatically extends plans to July 2013. Attorney Garner stated in is his opinion the Developer would have until July of 2013 regardless. In response to a question from Mr. West; Commissioner Taylor stated that the Board did previously make some financial concessions with regards to the Boerner Subdivision and noted that any benefits coming from this development will generate additional income for the Township.

DISCUSSION AND POSSIBLE APPROVAL OF A REQUEST TO EXTEND THE BACHMAN SUBDIVISION FINAL PLAN APPROVAL TO DECEMBER 31, 2012 - A motion by Miller, seconded by Dolan, to grant the request to extend the final plan approval for the Bachman Subdivision to December 31, 2012. All aye votes.

DISCUSSION AND POSSIBLE ACTION ON A NEW POLICE OFFICER CONTRACT - Attorney Garner highlighted some of the provisions in the new Police Contract and noted that it is a two (2) year contract which includes a three (3) percent increase in base pay per year. He further noted that the contract includes the funding, by the Township, of a Health Reimbursement Account (HRA) in the amount of \$500.00 for use by each Officer and their dependents to be used to reimburse for inpatient hospital stays and outpatient surgeries. Attorney Garner explained that the contract provides for an “opt-out” provision whereby if an Officer elects to opt-out of the Township’s hospitalization plan there is an additional compensation in the amount of \$500.00 per quarter. A motion by Noll, seconded by Dolan, to approve the Police Contract for a two year period as presented. All aye votes.

MARTIN SCHREIBER - 138 Rose Valley Road - Expressed his concern that the Police Contract is only for a two (2) year period.

Commissioner Taylor expressed his thanks and appreciation to the Police Officers, the Chief, Attorney Garner and the Township Manager for all their hard work and efforts with regards to the new Police Contract.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION #601 AUTHORIZING A CONTRIBUTION BY UNIFORM MEMBERS OF THE POLICE PENSION PLAN TOWARDS THE EMPLOYEES’ PENSION FUND - A motion by Noll, seconded by Dolan, to approve Resolution #601 authorizing a contribution of 4.32% by the uniform members of the Police Pension Plan towards the employees’ pension fund for the calendar year 2012 ending December 31, 2012. All aye votes.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION #602 AUTHORIZING A CONTRIBUTION BY NON-UNIFORM MEMBERS OF THE NON-UNIFORM EMPLOYEE PENSION FUND TOWARDS THE EMPLOYEES’ PENSION FUND - A motion by Noll, seconded by Dolan, to approve Resolution #602 authorizing a contribution of 1.13% by the non-uniform members of the Non-Uniform Employee Pension Fund for the calendar year 2012 ending December 31, 2012. All aye votes.

DISCUSSION AND POSSIBLE APPROVAL OF AN AGREEMENT AUTHORIZING THE PURCHASE OF OPEN SPACE - Attorney Garner summarized the Agreement of Sale between Renovations by Design, Inc., RGM Development Corporation and the Township. Mr. Garner stated the property is located on Maugers Mill Road consisting of approximately 3.5 acres and Hanover Drive which consists of approximately 20.80 acres and will be purchased by the Township for open space purposes.

DISCUSSION AND POSSIBLE APPROVAL OF AN AGREEMENT AUTHORIZING THE PURCHASE OF OPEN SPACE CONT'D - A motion by Dolan, seconded by Spaide, to authorize the execution of the Agreement of Sale between Renovations by Design, Inc., RGM Development Corporation, and Upper Pottsgrove Township, to acquire open space in the amount of Five Hundred and Ten Thousand Dollars (\$510,000.00) and to authorize Township Manager, Jack P. Layne, to sign the necessary closing documents. All aye votes.

JOHN WEST - 1611 Applegate Lane - Referenced the \$85,000 contribution to the Park and Recreation and/or Open Space Fund as outlined in the Agreement of Sale and questioned why not reduce the selling price by \$85,000. Attorney Garner reported that the Developer wanted to give the Township money which could be used to utilize our open space parcels.

DISCUSSION AND POSSIBLE ADOPTION OF A RESOLUTION AUTHORIZING THE TOWNSHIP MANAGER TO SUBMIT A LETTER TO COMPUTERSHARE REQUESTING THAT THE TOWNSHIP BE PROVIDED PAYMENT FOR 339 SHARES OF COMMON STOCK - Mr. Layne explained that the Township received documentation from Computershare, who handles shares of stock for the Principal Financial Group. He further explained that approximately ten years ago the township purchased 339 shares of common stock from the Principal Financial Group. Mr. Layne advised that the Principal Financial Group formerly handled the Township's retirement fund. After investigation by Administrative Assistant, Linda Coleman, Mr. Layne reported that the Township now has the option to cash in the stock and put the money into the General Fund. After a brief discussion, a motion by Noll, seconded by Dolan, to authorize the Township Manager to submit a letter to Computershare requesting that the Township be provided payment for 339 shares of common stock. All aye votes. Mr. Layne extended his thanks and appreciation to Administrative Assistant, Linda Coleman, for handling this matter.

DISCUSSION AND POSSIBLE AUTHORIZATION TO OBTAIN PROPOSALS FOR A TAX ANTICIPATION NOTE (TAN) FOR 2012 - A motion by Spaide, seconded by Dolan, to authorize staff to obtain proposals and the best interest rate for a Tax Anticipation Note in the amount of \$300,000. All aye votes.

DISCUSSION AND POSSIBLE APPROVAL OF AN AGREEMENT WITH HOUGH ASSOCIATES TO COLLECT 2011 RESIDENTIAL AND COMMERCIAL RECYCLING DATA AND TO PREPARE THE PADEP RECYCLING GRANT APPLICATION - A motion by Dolan, seconded by Miller, to approve the Agreement with Hough Associates to collect the 2011 recycling data and prepare the PADEP Recycling Grant Application. All aye votes. Commissioner Dolan questioned whether Quality Disposal is picking up recyclables and providing the information to the Township. Mr. West advised that Quality Disposal picks up recyclables in his development.

DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED 2012 COMMITTEE/BOARD MEETING SCHEDULE - A motion by Dolan, seconded by Noll, to authorize advertisement of the proposed 2012 Committee/Board meeting schedule. All aye votes.

OLD BUSINESS:

DISCUSSION AND POSSIBLE APPROVAL OF THE PROPOSED 2012 ANNUAL BUDGET

A motion by Dolan, seconded by Miller, to approve the proposed 2012 Annual Budget. All aye votes. The Commissioners expressed their thanks and appreciation to Matt Dallas for his assistance in the preparation of the 2012 budget. Mr. Layne expressed his appreciation to Matt Dallas, the Commissioners and the Police Chief and noted the Township has not incurred a tax increase in the last three (3) years.

DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED ADOPTION OF THE 2012 TAX ORDINANCE - ORDINANCE #453

- An Ordinance of the Upper Pottsgrove Township Board of Commissioners, Fixing the Real Property Tax Millage for the Year 2012. A motion by Dolan, seconded by Miller, to adopt Ordinance #453. All aye votes.

OTHER PUBLIC COMMENT:

KEITH KEHL - 1941 Gilbertsville Road - Expressed concern regarding the litter along Gilbertsville Road and questioned whether the "litterbugs" can be fined.

COMMISSIONER COMMENTS:

COMMISSIONER MILLER - Addressed Township Engineer, Pete Eisenbrown, regarding Mr. Kehl's concerns about the water issue along Gilbertsville Road and reiterated the need for communication between LTL Consultants and PennDot.

PAYMENT OF BILLS - December 19, 2011 - A motion by Noll, seconded by Spaide, to approve the amended Bill List dated December 19, 2011, for General Fund in the amount of \$55,253.57; Fire Fund in the amount of \$38,609.89; Sewer Fund in the amount of \$9,011.31; Capital Fund in the amount of \$1,868.41; Open Space Fund in the amount of \$1,436.48; State Fund in the amount of \$26,024.41 and Escrow Fund in the amount of \$3,601.25. Total Disbursements ~ \$135,805.32. All aye votes.

JOHN WEST - 1611 Applegate Lane - Requested clarification regarding fitness center reimbursement for the police officers and an invoice from General Code for the township codification of ordinances.

APPROVAL OF MINUTES - November 21, 2011 - A motion by Spaide, seconded by Dolan, to approve the minutes from the November 21, 2011, meeting as presented. All aye votes.

ADJOURNMENT - There being no further business, a motion by Spaide, seconded by Dolan, to adjourn the meeting at 8:35 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor,
Township Secretary