

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

**February 21, 2012**

A meeting of the Board of Commissioners was held on Tuesday, February 21, 2012, at the Upper Pottsgrove Township Administrative Offices, 1409 Farmington Avenue, with Commissioners 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., Public Works Director Frank Quinter, Township Engineer Chris Hannum and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:00 P.M. There were 12 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 that he was recording the meeting.

**KEITH KEHL - 1941 Gilbertsville Road** - Thanked the Highway Department for grading Moyer Road. Mr. Kehl noted that there is a lot of water run off coming from the Crossroads Development and going into Sprogel's Run.

**PEGGY MOSER - Heather Place** - Referenced the newly installed digital sign along Route 100 and questioned if there are any other options. Mrs. Moser expressed her concern regarding the impact that the digital sign will have on the community as well as the value of her home. When Mrs. Moser questioned whether any of the Commissioners observed other signs of this size and where they are located; Commissioner Taylor stated he was not aware of any Board member observing digital signs other than what could be observed in the normal course of travel. He further stated that the sign is situated along a four-lane expressway that already has significant light infiltration from other sources and is located in a commercial area. Commissioner Taylor noted that there are approximately twenty (20) evergreen trees that will be planted to obscure, as best as possible, the light from the sign. Commissioner Noll apologized to Mrs. Moser with respect to the digital sign. Commissioner Noll stated that the trees were the source of trying to eliminate any adverse effect to the neighboring homes and noted that he would personally check out the placement of the trees. He further noted that he drove past the sign, both during the day and at night, to see the impact the light would have on the neighborhood. Mrs. Moser stated she is very disappointed that the elected officials did not take the residents into consideration.

**RESIDENT - 1472 Heather Place** - Requested clarification with regards to the type and placement of the trees that are to be planted. Commissioner Taylor stated that Norway Spruce and White Pine trees are to be planted and they will be maintained by the Township.

Commissioner Dolan arrived at 7:08 P.M.

**REPORTS:**

**EMERGENCY SERVICES** - Police Chief William Moffett provided a brief summary of the monthly Police Report. Commissioner Miller requested clarification with regards to the burglary as noted on the monthly Police Report.

**FIRE COMMITTEE REPORT** - Commissioner Dolan reported that the Fire Service Committee would like to implement a Resolution which would allow them to charge insurance companies for supplies used at traffic accidents and hazmat incidents. Commissioner Dolan stated that there is an existing resolution from 2001; however, it exempts township residents. After a brief discussion, it was the consensus of the Board to authorize the Township Solicitor to either revise the existing resolution or draft a new one. Commissioner Noll expressed his concern that the residents already pay a fire tax and they shouldn't have to worry about a possible increase in their insurance premiums. In another matter, Commissioner Dolan reported that there is an issue regarding the usefulness of the fire hydrants that the Township rents from Superior Water. He further reported that he met with State Representative Tom Quigley regarding the matter and noted he will be following up on this issue. Commissioner Dolan stated the Fire Committee also discussed the matter of multiple false fire alarms. The Fire Committee would like to change their meeting time back to 7:00 P.M.; however, that change can only be done with the Board of Commissioners' approval. After a brief discussion, a motion by Miller, seconded by Dolan, to authorize an amendment to the Fire Company By-Laws. All aye votes.

**JOHN WEST - 1611 Fallbrook Lane** - Requested clarification as to whether the liable party would pay for the supplies used at traffic accidents and/or hazmat incidents. Mr. West questioned whether the resident would have the option to pay as opposed to going through their insurance company.

**PLANNING & ZONING REPORT** - Commissioner Taylor reported that the Planning Commission met this month and the items that were discussed are listed under "New Business" on the agenda.

**PUBLIC WORKS REPORT** - Commissioner Spaide reported the Highway Department has been televising 75 house laterals within the Regal Oaks Subdivision; repaired leaking manholes in Regal Oaks; on Lotus Drive and Heather Place; assisted with the removal and installation of six (6) new sewage flow meters provided by The Hach Company and removed manhole covers in Cherrytree Farms searching for inflow and infiltration. Commissioner Noll expressed his thanks and appreciation to the Public Works Department for repairing the street lights at the Upland Square intersection and also the street light at the Hanover Drive intersection.

**PARKS, RECREATION AND OPEN SPACE** - Commissioner Miller expressed his thanks to the Public Works Department for picking up the tree limbs and debris at Sunset Park. Commissioner Miller reported that the cricket field, discussed at last month's meeting, was voted down because there is not an appropriate field in the township. He further reported that the Township is in need of another ball field. Commissioner Miller stated that Asplundh has been trimming trees throughout the Township and noted that they will be back to pick up the branches left by Mocharniuk Meadows. Mr. Miller advised that the Pottsgrove High School cross country team is already utilizing the park.

**PARKS, RECREATION AND OPEN SPACE CONT'D** - When Commissioner Spaide asked if any open space was available where the Highway Department could deposit brush; Commissioner Miller stated he is aware of the problem and noted that the Township does not even own a chipper. He further stated that he cannot imagine a township of this size that does not own a chipper furthermore the woodchips could be utilized in our parks on the trails. Commissioner Miller stated he would talk to a neighboring township regarding the placement of the tree branches and brush. Commissioner Miller suggested the possibility of purchasing a used chipper.

**DENNIS ELLIOTT - 576 Evans Road** - Advised that on February 6, 2012, he along with Commissioner Miller went to Harrisburg and met with Representative Quigley, Senator Rafferty and Senator Mensch to discuss Act 422 for open space. Mr. Elliott suggested that the Township look into applying for a tracking number. Mr. Layne stated he would discuss the matter with a representative from Representative Quigley's office. Commissioner Noll stated that as a paying member of the State Association the Township can utilize Amy Sturgess in Harrisburg as our lobbyist and tracking person.

**SPECIAL PROJECTS REPORT** - Commissioner Noll briefly discussed the open space amendment to Bill 422, Act 111 ~ arbitration, property tax elimination and prevailing wage. Commissioner Noll expressed his thanks and appreciation to Dennis Elliott and Commissioner Miller for taking time to travel to Harrisburg on February 6<sup>th</sup>.

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

**SOLICITOR'S REPORT** - Attorney Garner reported that First Niagara Bank took back Coddington View so the bank will now be in control of the undeveloped land as part of the project. He further reported that the Township has received requests from developers to either acquire or complete the project. Mr. Garner advised the members of the Board that the storm water coalition is still working with DEP on the new storm water permitting and regulations. Mr. Garner noted that the restrictions are little more liberal and less stringent on the position of the Township. In another matter; Attorney Garner reported that the FEMA has been out and examined floodplain maps throughout the county and we are required to update the floodplain ordinance by either late this year or early next year. Mr. Garner provided a brief update regarding the Conditional Use previously approved by the Board for Liberty Towers. Attorney Garner reported that there was some discrepancy regarding the information from the property owner and the information that was presented to the Board of Commissioners at the Conditional Use Hearing.

**TOWNSHIP MANAGER'S REPORT** - Mr. Layne reported that he assisted in coordinating efforts regarding the proposed acquisition of additional open space; provided letter and requested documentation to ComputerShare in order for the Township to receive a check in the amount of \$9,215.03; met with FEMA representative and provided documentation to request funding for reimbursement for Hurricane Irene and Tropical Storm Lee; coordinated and submitted needed documentation to insure that the Township receives Liquid Fuels funding from PENNDOT from the streets recently dedicated within the Woodbrook Estates; coordinated efforts with the bankruptcy

**TOWNSHIP MANAGER'S REPORT CONT'D** - attorney, Township staff and First Niagara Bank with respect to THP's efforts to complete additional units at Coddington View; assisted in coordinating efforts to provide for the construction and installation of the digital billboard on Route 100 and attended a Montgomery County Emergency Management Coordinator training session. Mr. Layne reported there will be a meeting with West Pottsgrove Township to discuss the possibility of a regional police force in March.

**MONTHLY FINANCIAL REPORT** - Mr. Layne reported that the Township has expended 7.9% of the budgeted disbursements and received 2.7% of the budgeted revenues during the month of January 2012.

**NEW BUSINESS:**

**DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED CORRECTIVE ACTION PLAN** - Engineer Chris Hannum provided an update with regards to the status of the work associated with the Corrective Action Plan. Mr. Hannum reported that the Township recently installed temporary as well as permanent meters and televised the laterals within the Regal Oaks Development. He further reported that the Public Works Department completed all of the lateral inspections and televising. From the seventy five inspections, fifteen laterals were found to have issues and five of the fifteen are located within the Township right-of-way. In addition to the lateral televising the Public Works Department also inspected manholes within the Greengate Subdivision and the Regal Oaks Subdivision. Mr. Hannum explained that the Township needs to replace three (3) manholes and five (5) laterals within the Regal Oaks Subdivision with additional to follow. After further discussion, a motion by Miller, seconded by Dolan, to authorize LTL Consultants to prepare bid specifications for the repair of the manholes and laterals. All ay voted.

**KEITH KEHL - 1941 Gilbertsville Road** - Expressed his concern that the manholes were leaking prior to replacing the sewer plant and we're still having the same problem with groundwater running into the system.

**DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSAL TO REFINANCE EXISTING DEBT** - There was discussion regarding a proposal to refinance existing debt and new funding for past and future capital projects. After discussion, a motion by Dolan, seconded by Spaide, to further investigate the refinancing and provide additional information at an upcoming meeting. All aye votes.

Developer **RICH MINGEY** suggested the Township allow for some "wiggle room" with regards to the refinancing.

**JOHN WEST- 1611 Applegate Lane** - Requested clarification regarding the interest rate.

**DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED REVISIONS TO THE YARD SALE ORDINANCE** - This matter was tabled to a future meeting.

**DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION #608 AUTHORIZING THE APPOINTMENT OF JULIE GALLISDORFER AS A NEW MEMBER OF THE ZONING HEARING BOARD** - A motion by Dolan, seconded by Miller, to authorize the appointment of Julie Gallisdorfer as a new member of the Zoning Hearing Board. All aye votes.

**DISCUSSION AND POSSIBLE ACTION REGARDING ZHB#1-12 REQUEST SUBMITTED BY FREDERICK AND LESLIE SYLVESTER** - A motion by Miller, seconded by Spaide, to take no formal action regarding the zoning hearing request. All aye votes.

**DISCUSSION AND POSSIBLE APPROVAL OF PEMA-DAP-2 AUTHORIZING THE DESIGNATION OF AN AGENT FOR HURRICANE IRENE** - A motion by Miller, seconded by Spaide, authorizing the designation of Township Manager Jack Layne as an agent for Hurricane Irene. All aye votes.

**DISCUSSION AND POSSIBLE APPROVAL OF PEMA-DAP-2 AUTHORIZING THE DESIGNATION OF AN AGENT FOR TROPICAL STORM LEE** - A motion by Miller, seconded by Spaide, authorizing the designation of Township Manager Jack Layne as an agent for Tropical Storm Lee. All aye votes.

**DISCUSSION AND POSSIBLE AUTHORIZATION TO ACQUIRE THE DALLAS TRAIL EASEMENT** - This matter was tabled to a future meeting.

**DISCUSSION AND POSSIBLE APPROVAL OF THE PROPOSED MCGINNIS SUBDIVISION** - Attorney Garner reported that the McGinnis's own essentially one lot that is bifurcated by Route 100 which naturally creates two separate lots. He further reported that the courts have recognized this concept which is called a natural subdivision based upon the existence of the road going through the property. Mr. Garner explained that the Township in the past has permitted such natural subdivisions to occur without the need for a formal plan. Commissioner Taylor reported that the Planning Commission has previously reviewed the subdivision. Attorney Garner noted that the Township has received the proposed Deeds and the legal descriptions have been approved by LTL Consultants. After discussion, a motion by Dolan, seconded by Miller, to approve the natural subdivision of the McGinnis property with the condition that they reimburse the Township for the legal and engineering fees. All aye votes.

**DISCUSSION AND POSSIBLE APPROVAL OF A CMERT RESOLUTION INCLUDING LOWER FREDERICK AS PART OF CMERT** - A motion by Dolan, seconded by Spaide, to approve Resolution #609 to include Lower Frederick as part of CMERT. All aye votes.

**OLD BUSINESS:**

**DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED TRAFFIC RESTRICTIONS AND PARKING AT WOODBROOK ESTATES** - The Board briefly discussed the proposed traffic restrictions and parking to address the congestion within Woodbrook Estates.

**DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED TRAFFIC RESTRICTIONS AND PARKING AT WOODBROOK ESTATES CONT'D** - Commissioner Taylor noted that the police department, fire department, public works department, post office, buses

and PennDOT have been contacted regarding the restrictions. It was the consensus of the Board members to hold a public meeting for the residents to discuss the proposed traffic restrictions.

**DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED 2012 ROAD IMPROVEMENT PROGRAM** - The Public Works Director provided the members of the Board three (3) options to the proposed 2012 Road Improvement Program: North Hanover Street ~ \$131,000; Hanover Drive ~ \$55,000 and Horseshoe Drive ~ \$58,100. Commissioner Taylor reported that there is \$76,000 in the Liquid Fuels Fund. Mr. Quinter noted that there could be approximately \$25,000 left in the winter maintenance budget; however, we are legally bound with the salt company to purchase at least 60% and there is a possibility that we will have to purchase an additional 320 tons.

**OTHER PUBLIC COMMENT:**

**KEITH KEHL - 1941 Gilbertsville Road** - Expressed his concern regarding the width of Brynne Lane in Woodbrook Estates. Commissioner Taylor explained that the roads within the development are thirty feet (30 ft.) as required by ordinance. He further explained that the entrance way narrows down to something less than that at the entrance onto Farmington Avenue and that was part of the approved plan.

**APPROVAL OF BILL LIST - February 21, 2012** - A motion by Noll, seconded by Miller, to approve the Bill List dated February 21, 2012, for General Fund in the amount of \$86,300.82; Fire Fund in the amount of \$2,104.95; Sewer Fund in the amount of \$114,482.28; Capital Fund in the amount of \$59,956.50; Open Space Fund in the amount of \$709.49; State Fund in the amount of \$3,457.26 and Escrow Fund in the amount of \$644.72. Total Disbursements ~ \$267,656.02. All aye votes.

**APPROVAL OF MINUTES - January 17, 2012** - A motion by Dolan, seconded by Noll, to approve the minutes of the January 17, 2012, meeting as presented. All aye votes.

**EXECUTIVE SESSION** - At 9:02 P.M. Commissioner Taylor stated that the Board would be meeting in Executive Session to discuss matters of personnel and real estate. The meeting reconvened at 9:42 P.M.

**PERSONNEL** - A motion by Dolan, seconded by Miller, to approve the addendum to the employment contract of the Police Chief. All aye votes.

**ADJOURNMENT** - There being no further business, a motion by Dolan, seconded by Spaide, to adjourn the meeting at 9:44 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor