

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

March 19, 2012

A meeting of the Board of Commissioners was held on Monday, March 19, 2012, 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, Engineer Pete Eisenbrown, 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 9 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.

SPECIAL PRESENTATION TO MEAGAN A. WEST - **Resolution #610** - Commissioner Taylor presented Meagan A. West with the Girl Scout Gold Award, the highest girl honor in Girl Scouting. Commissioner Taylor noted that Meagan's Gold Award Project was entitled "Finding Your Inner Lioness", which addressed the issue of self-esteem and confidence that was developed into a detailed program guide that was sent to 22 girl/youth organizations across the country. A motion by Miller, seconded by Spaide, to approve Resolution #610. All aye votes.

PUBLIC COMMENT:

JOHN WEST - **1611 Applegate Lane** - Stated he was recording the meeting.

NEW BUSINESS:

DISCUSSION AND POSSIBLE ACTION TO REQUEST THAT THE BONDING COMPANY AND BANK COMPLETE THE REMAINING IMPROVEMENTS AT CODDINGTON VIEW - Commissioner Taylor noted that Coddington View has been caught in the economic depression over the last few years and advised that the owner, TH Properties, officially declared bankruptcy and the bank now owns the property. Commissioner Taylor explained that during this time there has always been the question with regards to the public improvements. Mr. Taylor reported that it has always been the goal of the Board to do whatever we could to make sure the project had the best opportunity to be completed. He further reported that the roads are beginning to deteriorate because they have not been topped off. Attorney Garner explained that the Township has been in contact with the bank and the bonding company for the last year with regards to the public improvements. Mr. Garner noted that the project has three phases. Phases I and II are both bonded with the International Fidelity Insurance Company. The amount of the bond for Phase I is slightly over \$356,000; the amount of the bond for Phase II is slightly over \$614,000 and Phase III is secured through a letter of credit with First Niagara Bank in the amount of \$279,164. Attorney Garner noted that there are tons and tons of fill which needs to be removed from the site. He further noted that the township was hoping that the fill would be removed prior to the roads being finished; since obviously there will be some damage done to the roads. When Commissioner Noll questioned who will define the improvements that are to be made; Attorney Garner stated the Developer's Agreements for Phase I, II, and III. He further noted that the Township Engineer has created a punch

DISCUSSION AND POSSIBLE ACTION TO REQUEST THAT THE BONDING COMPANY AND BANK COMPLETE THE REMAINING IMPROVEMENTS AT CODDINGTON VIEW CONT'D - list of the remaining work that needs to be done and it will be his (the Engineer) determination if there will be a short fall.

TODD RICE - 176 STONEHILL DRIVE - Requested clarification with regards to the bonding company and expressed his frustration that some of the same concerns that the residents of Coddington View have today were brought to the Board's attention over a year ago. Mr. Rice expressed his concern for public safety and the safety of the children living within the Development.

Commissioner Taylor reiterated that the whole goal of the Board has been to get the complete project done. Mr. Taylor noted that the bankruptcy made everything more complicated; however during that time the Township took every reasonable responsibility in making sure the "needs" were being met.

TREVOR CARLOW - 177 STONEHILL DRIVE - Requested a meeting between the Township Engineer and the residents of the Coddington View Development to discuss the punch list, the approved plans and the development agreements. Mr. Layne stated he would coordinate a meeting for the Coddington View residents.

Attorney Garner addressed Mr. Carlow and explained that the difference now as compared to last year this time was the fact that TH Properties was still in the mix and the Township was in the middle of a very difficult bankruptcy proceeding. He further explained that a year ago no one knew if TH Properties was emerging and going to continue the development; no one knew if the bankruptcy court was going to sever TH Properties' rights to these projects so the Township was in a very difficult position to try and get a resolution regarding the improvements at that time. Attorney Garner stated that once the bankruptcy concluded and the property was sold the Township knew that TH Properties was no longer in the picture and First Niagara Bank was the responsible party for completing the improvements.

TREVOR CARLOW- 177 STONEHILL DRIVE - Expressed his concern regarding the amount of construction waste, PVC piping, cinder blocks, etc. that was left at the site. When Mr. Carlow asked if there is anything that the Township can do, besides the general improvements, to help move forward with cleaning up the property; Commissioner Taylor stated this is a code enforcement issue and the Township Zoning Officer will investigate the matter.

Commissioner Miller reported that, twice a year, we have volunteers that walk the streets and "clean-up" trash around the Township. He further reported that not one resident from Coddington View has signed up to help with this endeavor. Commissioner Miller stated that the volunteers go through the Coddington View Development and pick up waste material that has blown out of the recycling containers and/or the large bins. Mr. Carlow addressed Commissioner Miller and stated that the residents in Coddington View clean up their own Development; however the waste removal company dumps the bins over as well. Mr. Carlow stated that he has been working with Commissioner Taylor and Mr. Layne over the past year. Mr. Carlow agreed to include his name on

DISCUSSION AND POSSIBLE ACTION TO REQUEST THAT THE BONDING COMPANY AND BANK COMPLETE THE REMAINING IMPROVEMENTS AT CODDINGTON VIEW CON'D - the list of volunteers to help with the annual Township clean-up.

Commissioner Taylor expressed his thanks and appreciation to Mr. Carlow for all the work he has done with the Township staff in trying to resolve these issues.

After further discussion, a motion by Spaide, seconded by Dolan, to authorize staff to request the Bonding Company and the Bank begin the completion of the public improvements at Coddington View. All aye votes.

REPORTS:

EMERGENCY SERVICES REPORTS - Chief Moffett read the monthly Police Report. Commissioner Dolan reported that the Fire Committee is still working on a resolution regarding charging fees for when the Fire Company responds to an accident or a hazmat incident. Commissioner Dolan reported that he is working together with Louise Knight from Superior Water regarding the possibility of color coding the fire hydrants and also identifying the hydrants within the Township that are not working properly. Mr. Dolan reported that the Fire Committee discussed charging a false alarm fee. He further reported that currently there is an ordinance that allows for two false alarms per year and on the third alarm there is charge. Mr. Dolan stated that the Fire Committee is in support of having the Township amend its ordinance to allow for only one false alarm per year. After a brief discussion, a motion by Dolan, seconded by Miller, to authorize the Solicitor to amend the Township's current ordinance to allow for only one false alarm per year. Aye votes: Dolan, Miller, Spaide and Taylor. Opposed: Noll. Motion carried.

FIRE COMPANY ACTIVITIES - A motion by Spaide, seconded by Dolan, to authorize the Township Manager to draft a letter giving the Upper Pottsgrove Township Fire Company permission to participate in the Easter Egg Hunt on Saturday, April 7, 2012 at Heather Place Park and the Pottstown Memorial Day Parade on May 28, 2012. All aye votes.

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

PUBLIC WORKS REPORT - Commissioner Spaide reported the Highway Department hauled fill from Hoffman Fields and used it to re-grade Cross Road; re-graded dirt section of Levengood Road; cleaned out gutters along Moyer Road "S" bends, repaired washed out section at guide rail with concrete; cleaned gutter along Farmington Avenue across from Pottsgrove Veterinary Services, repaired washed out gutter at 1915 Yarnall Road; identified and reported to LTL the leaking manholes in Regal Oaks that need to be replaced; attended meeting with Oley Wastewater Authority sponsored by LTL Consultants; replaced the broken window and the Fire Chief's door at the Fire Company.

PARKS, RECREATION AND OPEN SPACE REPORT - Commissioner Miller reported that the Highway Department helped with the following: cut steel poles; picked up supplies needed to block the entrance at Sunset Park, painted and placed poles in concrete and placed chains and reflective markers at Sunset Park; cut steel poles; painted and placed poles in concrete and placed chains and reflective markers at Cherrytree Park; made repairs to parking blocks at Mocharniak Meadows; cleaned up at Hoffman Fields after removing large dirt piles that had been placed there; contacted Brown Tree Service in order to secure pricing for the removal of very large downed branches and other dead trees in Cherrytree Park. Commissioner Miller noted the cost (\$1600) to remove downed trees could have been used to purchase a chipper. The Highway Department marked out a proposed parking area along Schwenk Road; cup open path to Sussel Park; install drainage pipe in driveway; backfilled and compacted dirt; installed chain to prevent cars from driving in; cut vines wrapped around arborvitae; cleaned out swale at Hollenbach Open Space; and got two (2) truckloads of 2A Modified Stone from Martin's Quarry, spread and raked in driveway and parking area at Mocharniak Meadows. Commissioner Miller further reported that going forward he will be visiting an eight (8) acre tract off of Pineford Road as a possible location for another baseball field. The Students Against Violating the Earth will be visiting the Hilsee homestead. In response to a concern raised by Commissioner Taylor regarding another baseball field; Commissioner Miller explained he is only obtaining estimates as to how much the ball field will cost.

GREG CHURACH - 144 Snyder Road - Suggested the Township check get input from the neighbors before we decide to build another ball field.

When **KEITH KEHL, 1941 Gilbertsville Road**, questioned how much property the Township owns around Sussell Park; Mr. Layne responded approximately twenty (20) acres.

When **COMMISSIONER NOLL** questioned the invoice from Pottsgrove Recreation Board in the amount of \$3500; Mr. Layne explained it's an annual contribution to the Pottsgrove Recreation Board which is comprised of Upper, Lower and West Pottsgrove.

SPECIAL TOWNSHIP PROJECTS - There was no report.

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 provided an update with regards to a discrepancy pertaining to Liberty Towers and their request for a Conditional Use. Attorney Garner reported that the Pottstown Borough Authority has agreed that the sewage flows over the last six months were inaccurate and have readjusted the flows on two occasions which in turn will reduce the amount of possible penalties.

TOWNSHIP MANAGER'S REPORT - Mr. Layne reported he assisted in coordinating efforts to meet with Woodbrook residents regarding the proposed traffic and parking revisions; assisted in

TOWNSHIP MANAGER'S REPORT CONT'D - coordinating efforts to meet with West Pottsgrove officials to discuss proposed Police Regionalization efforts; assisted in coordinating efforts regarding the proposed acquisition of additional open space and the extension and development of pedestrian trails; submitted required documentation to PEMA to request funding for reimbursement for Hurricane Irene and Tropical Storm Lee expenses; met with Township officials and staff regarding the proposed completion of additional units and related improvements at Coddington View; assisted in coordinating efforts to address the concerns of the residents living adjacent to the digital billboard on Route 100 and attended a Montgomery County Emergency Management Coordinator training session.

MONTHLY FINANCIAL REPORT - Mr. Layne reported that as of February 29, 2012, the Township has collected 9.6% of its budgeted revenues and 13.8% of the budgeted expenses to date.

NEW BUSINESS:

DISCUSSION AND POSSIBLE AUTHORIZATION TO SUBMIT A LETTER OF INTENT TO REQUEST TECHNICAL ASSISTANCE FROM THE STATE IN THE FORM OF A POLICE REGIONALIZATION STUDY - After a brief discussion, a motion by Miller, seconded by Spaide, to submit a Letter of Intent to request technical assistance from the state in the form of a Police Regionalization Study. All aye votes. Commissioner Dolan noted that West Pottsgrove Township have already signed their Letter of Intent. Mr. Layne advised that there would be no cost to the Township for Regionalization Study.

KEITH KEHL - 1941 Gilbertsville Road - Questioned whether the Board considered using the State Police. Commissioner Taylor stated the State Police would not be adequate to meet the needs of our Township.

OLD BUSINESS:

DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED TRAFFIC RESTRICTIONS AND PARKING AT WOODBROOK ESTATES - Commissioner Taylor stated that recently the Township has taken dedication of the roads within the Woodbrook Estates. Mr. Taylor reported that the Board of Commissioners held a special meeting with the residents of Woodbrook Estates to address their concerns regarding parking and the inconvenience traffic has moving around the Development due to on-street parking. The Township is proposing to prohibit parking where Laura Lane narrows to Farmington Avenue as well as at the curve; also at the intersection of Laura Lane and Brynne Lane in order to improve sight distance and promote the passage of emergency vehicles. Commissioner Noll expressed his concern regarding people speeding through the development and suggested installing a three-way stop at this intersection. It was the consensus of the Board to authorize LTL Consultants to perform a traffic study to see if a three-way stop would be feasible at this intersection.

WOODBROOK ESCROW RELEASE - Attorney Garner reported that the Developer of Woodbrook Estates has been working on completing the outstanding items on the punch list. He further reported that the Township is holding \$37,376.00 in an escrow account to address the punch

WOODBROOK ESCROW RELEASE CON'TD - list items. Mr. Garner advised that over the past few weeks, with the oversight of the Public Works Department, the Developer has performed approximately \$12,500.00 worth of work. After a brief discussion, a motion by Spaide, seconded by Dolan, to authorize a release of \$12,500.00 from the Woodbrook account. All aye votes.

OTHER PUBLIC COMMENT

KEITH KEHL - 1941 Gilbertsville Road - Expressed his concern regarding a manhole within the open space property that is not bolted down and noted that someone is leaving rubber gloves and rags at the site after working in the sewer. Mr. Layne stated he would look into the matter.

COMMISSIONERS COMMENTS:

COMMISSIONER DOLAN - Stated that there were reindeer running through the Township over the weekend. Commissioner Dolan advised that the Pottstown Regional Library has a new director and noted they (the Library) will be hosting a beer tasting fund raiser on April 21, 2012. Mr. Dolan encouraged everyone to go out and support their local library.

COMMISSIONER MILLER - Expressed his concern with regards to the broken window in the firehouse and noted that the Fire Company is claiming it was caused by wind damage. Mr. Miller also expressed concern that someone kicked in the Fire Chief's office door and stole \$80.00. When Commissioner Noll questioned whether the expenditures were on the bill list; Mr. Layne advised that legally the Township is responsible for the building. Commissioner Spaide noted the incident was reported to the Police Department.

COMMISSIONER NOLL - Commended the Chief and the Police Department for their efforts with regards to the recent bank robbery. Commissioner expressed his thanks and appreciation to the Chief for keeping the Commissioners "in the loop" and making them aware of what is going on in the community.

TOWNSHIP MANAGER - Mr. Layne stated that not everyone is aware of the other committees that the members of the Board serve on and noted that Commissioners Taylor and Dolan are on the Regional Planning Commission; Commissioner Miller is on the joint Recreation Committee; Commissioner Noll is on PSATC and recently Commissioner Spaide was elected unanimously as the Chairperson to the Council of Governments.

COMMISSIONER DOLAN - Reported that there will be a Marketing Study for the Region on Tuesday, April 3rd, to discuss future commercial interest in the community. He further reported that the meeting will be held at the Pottstown Senior High School.

COMMISSIONER MILLER - Addressed Pete Eisenbrown and referenced the Building and Zoning report with regards to a zoning issue at 1484 Chestnut Grove Road. Commissioner Miller advised that the report states that the Zoning Officer received a complaint about a landscaping firm utilizing the property as a business. After calling the owner, I was informed that the company truck broke down and the mulch and stones were deposited there so Commissioner Miller clarified

COMMISSIONER MILLER CONT'D - that not only mulch and stones were being deposited

there but also huge logs and wood chips were being dumped on the Township's open space property. Commissioner Miller requested that the Zoning Officer reshape that paragraph of his monthly Zoning Report.

PAYMENT OF BILLS - March 19, 2012 - Commissioner Noll questioned an invoice for the Montgomery County Treasurer in the amount of \$60.00. A motion by Noll, seconded by Dolan, to approve the Bill List dated March 19, 2012, for General Fund in the amount of \$46,972.99; Fire Fund in the amount of \$3,143.30; Sewer Fund in the amount of \$10,750.90; Capital Fund in the amount of \$11,282.23; Open Space Fund in the amount of \$4,258.34; State Fund in the amount of \$2,657.09 and Escrow Fund in the amount of \$889.14. Total Expenditures ~ \$79,953.99.

APPROVAL OF MINUTES - February 21, 2012 - A motion by Noll, seconded by Spaide, to approve the minutes of the February 21, 2012, meeting as presented. All aye votes.

EXECUTIVE SESSION - At 8.58 P.M. Commissioner Taylor announced that the Board would be meeting in Executive Session to discuss possible real estate acquisition. The meeting reconvened at 9:10 P.M.

ADJOURNMENT - There being no further business, a motion by Spaide, seconded by Dolan, to adjourn the meeting at 9:15 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor
Township Secretary