

A meeting of the Board of Commissioners was held on Monday, April 16, 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., Engineer Pete Eisenbrown, Township Manager Jack P. Layne, Jr., Police Chief William Moffett and Township Secretary Cynthia H. 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 the members of the Board that he was taping the meeting.

**MARK FAIR - 1859 Farmington Avenue** - Requested access to the public sewer system. Mr. Fair advised he, along with some of his neighbors, currently have failing on lot septic systems and he is trying to sell his home. Mr. Fair stated that he recognizes the fact that money has been an ongoing issue with the Township and advised that he is proposing to finance the cost of tying into the sewer system at his own expense. After discussion, Attorney Garner suggested that the Board authorize the Township Manager and Township Engineer look at the Mr. Fair's proposal to see what it entails.

**REPORTS**

**EMERGENCY SERVICES** - Chief Moffett read the monthly Police Report and provided a brief update with regards to the ongoing investigation of the recent bank robbery at Fulton Bank. Chief Moffett also reiterated the importance of locking the doors to both your vehicles and homes and noted several burglaries that took place in the Coddington View Development.

**PLANNING & ZONING REPORT** - Commissioner Taylor reported that the Planning Commission met and discussed the Variance request submitted by Charles Zothner which would allow him to place a sign on his business.

**PUBLIC WORKS REPORT** - Public Works Director, Frank Quinter reported that the Highway Department located 25 underground utility lines per Pennsylvania One Calls; reconstructed 8 deteriorated storm inlet boxes within the Regal Oaks Subdivision and 1 on Concord Drive; replaced faded stop signs and street identification markers; made arrangements with Brown Tree Professionals to have a large tree removed that was leaning over the property located at 197 Snyder Road; cleared out wooded area at Sussell Park and constructed parking area for approximately three cars and continued with mowing and trimming of township properties. Commissioner Noll expressed his concern regarding the street light at the intersection of Irwin Place and Farmington Avenue. Public Works Director, Frank Quinter, stated he would look into the matter.

**PARK, RECREATION AND OPEN SPACE REPORT** - Commissioner Miller read the Director's Report from the Pottsgrove Recreation Board and provided an update regarding upcoming activities. Commissioner Miller noted progress at both Sussell and Sunset Parks as well as at the Althouse property. Mr. Miller reported that there were approximately thirty (30) volunteers who participated in the annual township clean up on Saturday April 14, 2012, and noted that fifty seven (57) bags of trash were picked up, including tires, hypodermic needles, dead animals, etc. Commissioner Miller read a letter from S.A.V.E and explained that it stands for Students Against Violating the Earth. He further explained that the students are from Souderton High School and they are dedicated to promoting sustainability in our schools and communities. Commissioner Miller reported the members of S.A.V.E. have agreed to work with the owner of the Althouse property to help develop a plan, to preserve property and convert it into an educational park. He further reported that the Township has endorsed this plan as a way to connect two (2) existing trails on adjacent public land. Our plan is to add additional trails which will help to enhance the property for environmental education and to convert an existing farmhouse, which dates back to the late 1700's.

**SPECIAL TOWNSHIP PROJECTS** - No report.

**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 as part of the Corrective Action Plan with the Borough Authority the Township televised a number of the laterals within the Regal Oaks Subdivision. Mr. Garner noted that although there were seventy five (75) laterals televised only fifteen (15) appear to have some deficiency. He further noted that one of the Township's obligations is to insist that the property owners repair those laterals and the Township staff is in the process of preparing letters to the residents notifying them of the problems and that they are responsible for taking the necessary corrective action. Mr. Garner reported those letters will be mailed within the next week or two. Attorney Garner referenced the property located at Upland Square Drive and Route 100 and noted that it is a commercial property that had been proposed as a Sonic Restaurant; however that fell through. Mr. Garner reported that representatives from Citadel Credit Union are interested in building on the property; however one of the things causing a problem is the fact that this is the area that used to be the old State Street and Citadel is worried that they can't build because of the existing right of way. He further stated that the current owner of the property has approached the township and has asked the Township to vacate that portion of the right of way so basically that lot becomes a buildable lot and will eliminate the old State Street right of way lines. In another matter; Attorney Garner reported that he along with the Township Manager, Commissioner Taylor and the Township Engineer met with representatives from the bonding company and the bank regarding Coddington View and noted it was a very positive meeting.

**TOWNSHIP MANAGER'S REPORT** - Mr. Layne reported that he assisted in coordinating efforts to meet with Woodbrook residents regarding proposed traffic and parking revisions; assisted in coordinating efforts to meet with West Pottsgrove officials to discuss proposed Police Regionalization; coordinated the receipt of \$8,300 in funding from PEMA for reimbursement for Hurricane Irene and Tropical Storm Lee expenditures; coordinated the procurement of Workers'

**TOWNSHIP MANAGER'S REPORT CONT'D** - Compensation coverage through EHD as opposed to SWIF that saved the Township approximately \$51,000 annually for the same coverage; coordinated the Township's participation in a Weather Alert Emergency Exercise with Montgomery County and PEMA; contacted Coddington View residents to coordinate upcoming meetings with them to review pertinent plans and documentation; assisted in coordinating efforts to address the concerns of the residents living adjacent to the location of the digital billboard on State Route 100 and attended two Montgomery County Emergency Management sessions.

**MONTHLY FINANCIAL REPORTS** - Mr. Layne reported that as of March 31, 2012, the township has collected 25.5% of its budgeted revenues and disbursed 21.3% of its budgeted expenses to date.

**REQUEST FOR ESCROW RELEASE #6** - A motion by Noll, seconded by Miller, to approve the request for Escrow Release #6 for Renovations by Design in the amount of \$19,876.80. All aye votes.

**NEW BUSINESS:**

**DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED REFINANCING OF EXISTING DEBT BY THE TOWNSHIP** - Michael Wolf, Boenning & Scattergood, Inc., as well as Matt Dallas, Dallas Data, were present to discuss the proposed refinancing of the existing Township debt and to answer any questions from the members of the Board. Mr. Wolf explained that the Township, on a regular basis, asks him to look at all of the outstanding debt to see if anything can be refinanced and noted that the interest rates are the lowest they have been since 1967. He further noted that currently the Township has seven (7) or eight (8) loans outstanding; however, the Series of 2004 is "ripe" for refinancing. Mr. Wolf advised that there are certain other outstanding projects would could be refinanced at the same time; the largest being is the funding the Corrective Action Plan. Mr. Dallas explained that the Township is looking as some pretty significant savings on the 2004 bond issue as well as three other items that are sewer related obligations. He further explained the Township is looking at approximately 1.8 million dollars for refinancing the 2004 bond issue; approximately 1.22 million dollars in "new" money of which \$600,000 will be used for the Corrective Action Plan and some existing obligations specifically the biggest one is to the Pottstown Borough Authority. Mr. Dallas stated that over a twenty year term the Township is looking at an additional 1.22 million dollars in new funds that will end up costing us (the township) approximately \$228,000. After discussion, a motion by Spaide, seconded by Dolan, to authorize the Township Manager to advertise a special meeting on Monday, May 7, 2012. All aye votes. A motion by Spaide, seconded by Dolan, to authorize the preparation and advertisement of an Ordinance for the borrowing of \$3.3 million as part of General Obligation Bond Series of 2012 for Upper Pottsgrove Township. All aye votes.

**DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE #455 AUTHORIZING THE TOWNSHIP TO PARTICIPATE IN THE MUNICIPAL RISK MANAGEMENT WORKERS' COMPENSATION TRUST** - A motion by Spaide, seconded by Dolan, to adopt Ordinance #455 authorizing Upper Pottsgrove Township to participate in the Municipal Risk Management Workers' Compensation Trust. All aye votes.

When **JOHN WEST, 1611 Applegate Lane**, questioned whether any fees are involved; Mr. Layne stated “no”.

**DISCUSSION AND POSSIBLE ACTION REGARDING ZHB 2-12 REQUEST TO PLACE A SIGN ON A GARAGE** - Commissioner Taylor reported that the Planning Commission reviewed the applicants request at their meeting and had no objection. After a brief discussion, a motion by Miller, seconded by Spaide, to support the applicant’s request for a variance. All aye votes.

**DISCUSSION AND POSSIBLE ACTION REGARDING THE SUBMITTAL OF A 2012 902 GRANT APPLICATION BY HOUGH & ASSOCIATES** - Mr. Layne reported that he along with Public Works Director, Frank Quinter, met with Tom Hough, Hough & Associates, and discussed the possibility of obtaining a grant which could be used for the purchase of a chipper. The chipper is a compact 12-inch diameter drum capacity specifically designed for municipalities and costs \$31,000 with a 90% reimbursement to the Township. After discussion, a motion by Miller, seconded by Noll, to submit a 2012 902 Grant Application by Hough & Associates for the purchase of a chipper. All aye votes.

When **RICHARD KUMMERER, Farmington Avenue**, questioned the brand and model of the chipper; Mr. Quinter stated a 2011 Brush Bandit 990 XP.

**DISCUSSION AND POSSIBLE AMENDMENT TO THE FALSE ALARM ORDINANCE** - Attorney Garner reported that the current ordinance establishes service fees for false fire alarms to be assessed by the Township so that in any calendar year there are two false alarms that can occur without charge. Attorney Garner stated the Fire Committee is recommending that only one false alarm be free and then the Township would start charging for the second, third, fourth, etc. He further stated that if the Board changes the existing Ordinance so that there is only one free false alarm per calendar year, they should also review the service fees for the second, third and subsequent false alarm charges. Commissioner Dolan stated he would like to further discuss this matter with the Fire Committee. When **COMMISSIONER NOLL** questioned whether any fine requests have been submitted to anyone in the Township; Commissioner Spaide and the Township Manager stated they were not aware of any. Commissioner Noll questioned whether anyone from the Township or the Fire Committee ever submitted a letter to the owner of the KenCrest properties associated with the extensive false alarms that have occurred. Mr. Layne stated he has spoken with a representative from KenCrest several times regarding the matter; however, he will follow up with a letter. Commissioner Noll stated he has a hard time changing an existing ordinance since the Township has never written a letter to the company that has caused the problem. He further stated that there are not enough false alarms in the Township that require changing the current ordinance; we just need to enforce it.

**JOHN WEST - 1611 Applegate Lane** - Suggested investigating the number of times the Fire Company has responded to repeat offenders with regards to false alarms.

**DISCUSSION AND POSSIBLE ACTION REGARDING AN APPLICATION FROM DEBORAH BINGHAM FOR THE VACANT CIVIL SERVICE ALTERNATE POSITION -**

Commissioner Taylor explained that Reggie Leister is recommending and has interviewed Deborah Bingham to fill the vacant position as Alternate on the Civil Service Committee. A motion by Dolan, seconded by Spaide, to appoint Deborah Bingham to fill the vacant position as Alternate to the Civil Service Committee. All aye votes.

**OLD BUSINESS:**

**DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED ROAD IMPROVEMENTS**

- Public Works Director, Frank Quinter, provided a revised 2012 Road Improvement Program listing North Hanover Street and Moyer Road for a 1 ½ inch overlay which totals \$158,000. Commissioner Taylor explained that the Township did not do much in the way of road improvements last year due to financial constraints; however we have approximately \$103,000 plus potentially an additional \$100,000 from the refinancing. When Commissioner Noll questioned why Hanover Drive was removed from the proposed list of road improvements; Commissioner Miller stated that based on his observations there are major arteries that get so much wear and tear from the bus traffic. After a brief discussion, a motion by Spaide, seconded by Miller, to authorize the Township Engineer to prepare the necessary bid specifications for North Hanover Street and Moyer Road. All aye votes.

**DISCUSSION AND POSSIBLE ACTION REGARDING ACCESSORY STRUCTURES**

Commissioner Taylor explained that the Code Enforcement Officer has recently raised some questions with regards to accessory structures and is recommending that the Board consider an amendment to the Zoning Ordinance. A motion by Miller, seconded by Dolan, to authorize the Solicitor to prepare an ordinance to amend the Zoning Ordinance with regards to accessory structures. All aye votes.

**OTHER PUBLIC COMMENT:**

**DIANA UPDEGROVE - 1404 Farmington Avenue** - Expressed her concern that the Township has paid for engineering and legal services for a project on Commerce Corner that never materialized and questioned whether there is anything in place to prevent this from happening again. Township Manager, Jack Layne, stated that the Township now requires that a Professional Services Agreement is executed up front prior to any fees being expended.

In response to a question from **KEITH KEHL, 1941 Gilbertsville Road**, Public Works Director, Frank Quinter, reported that the signs and posts will be replaced. Mr. Kehl noted that he has two signs on his property that have been there since the sewer project.

**COMMISSIONER COMMENTS:**

**COMMISSIONER NOLL** - Stated he received a complaint from a resident regarding the Fire Company using the parking lot for training purposes and noted that recently they used a trailer which some of the residents felt was inappropriate. He further stated that in his opinion the trailer was too large for the training area. Mr. Noll expressed concern that this training took place while there was a ban on burning in the Township. Commissioner Noll suggested looking for another area within the

**COMMISSIONER NOLL CONT'D** - Township that the Fire Company could utilize for training

purposes. Commissioner Miller proposed looking at utilizing the Fire Academy for training.

**PAYMENT OF BILLS - April 16, 2012** - A motion by Dolan, seconded by Noll, to approve the Bill Listed dated April 16, 2012, for General Fund in the amount of 171,072.93; Fire Fund in the amount of \$8,110.32; Sewer Fund in the amount of \$45,791.45; Open Space Fund in the amount of \$5,576.31; State Fund in the amount of \$292.68; Escrow Fund in the amount of \$611.24 and Capital Fund in the amount of \$2,731.98. Total Disbursements ~ \$234,186.91. All aye votes.

When **JOHN WEST, 1611 Applegate Lane**, questioned the expenditure from Scotty's Potty's; Mr. Layne explained this is the monthly cost for the port a potty in Heather Place Park.

**APPROVAL OF MINUTES - March 19, 2012** - A motion by Spaide, seconded by Noll, to approve the minutes of the March 19, 2012, meeting as presented. All aye votes.

**EXECUTIVE SESSION** - At 8:45 P.M. Commissioner Taylor advised that the Board would be meeting in Executive Session to discuss possible real estate acquisition. The meeting reconvened at 9:12 P.M.

**OPEN SPACE PURCHASE** - A motion by Miller, seconded by Spaide, to authorize the Agreement of Sale with Kelly Group Holdings, Inc. for the purchase of the property located at 10 West Moyer Road in the amount of \$65,000. All aye votes.

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

Respectfully submitted,

Cynthia H. Saylor,  
Township Secretary