

A meeting of the Board of Commissioners was held on Monday, September 17, 2012, 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., Public Works Director Frank Quinter, Police Chief William A. Moffett, Township Manager Jack P. Layne, Jr. and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:02 P.M. There were 10 people present in the audience.

MOMENT OF SILENCE - Mr. 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. In another matter, Mr. West stated that over the Labor Day holiday people that were using the pavilion were parking on the grass and suggested that "No Parking on the Grass" signs be installed at Heather Place Park. Mr. West noted that this is not the first time people have parked on the grass. It was agreed that signs would be installed at Heather Place Park.

EMERGENCY SERVICES REPORT - Chief Moffett outlined the monthly Police Report and stated a copy would be posted on the bulletin board. Chief Moffett noted that the Police Department is keeping a watch on vacant homes within the Township due to previously reported copper theft. Commissioner Dolan reported that he will have amendments to the Fire Company By-Laws at the next Board meeting.

PUBLIC WORKS REPORT - Commissioner Spaide reported that the base repair, paving and line painting have been completed on North Hanover Street, Farmington Avenue, and Moyer Road. Ms. Spaide further reported that the Public Works employees cleaned debris from clogged pipes and storm inlets before and during rains; installed downed stop sign at Spruce Street; trimmed brush near stop sign at North Hanover Street and Maugers Mill Road; continued with highway mowing; repaired damaged railing on bridge and cleaned up large downed tree between Hollenbach Open Space and Mocharniak Meadows; cleaned up downed limbs on the trail at Sunset Park; installed plugs in sewer lines at Coddington View that are not in service and completed smoke testing along Farmington Avenue.

PARK, RECREATION AND OPEN SPACE REPORT - Commissioner Miller reported that the Open Space Committee met and approved a sign that would be used to designate open space property and residential property. Mr. Miller presented a picture of the sign for the members of the Board to study. Mr. Miller explained that the signs will cost \$72.50 each and we will need approximately twenty (20) signs and that four (4) of the signs will be at no cost to the Township.

PARK, RECREATION AND OPEN SPACE REPORT CONT'D - Commissioner Miller stated that the members of the Park, Recreation and Open Space Committee are committed residents of the Township and they have suggested utilizing the maroon and white color scheme on the proposed signs. Attorney Garner suggested that Chief Moffett review the proposed signs. Commissioner Miller reported that the signs will be made from sturdy steel in order to deter anyone from vandalizing them. In other matters, Commissioner Miller reported that he has secured prices on environmentally safe stepping stones that will be used to cross Sprogel's Run. Mr. Miller stated the stones will be costly; however, they will be a lot less than building a bridge. Commissioner Miller noted that Public Works Director, Frank Quinter, did a nice job on estimating and drawing the posts and rails that needs to be installed in order to differentiate property ownership at Sussell Park. Mr. Miller stated that on Thursday, September 27, 2012, there will be a bus trip to the Souderton School District to observe a short presentation by the students participating in the SAVE program. Commissioner Miller encouraged those members of the Board who are able to attend. Commissioner Miller reported that the annual township clean-up is scheduled for Saturday, October 13, 2012, from 9:00AM to 12:00 PM and a rain date has been set for Saturday, October 20, 2012. After discussion, a motion by Dolan, seconded by Noll, to approve the proposed signs subject to approval by the Police Chief. All aye votes. Chief Moffett advised that the residents would have to post **NO TRESSPASSING** signs on their own properties in order for the Police Department to be able to cite anyone trespassing. Commissioner Miller expressed his thanks and appreciation to Frank Quinter for all his help and noted he would not have been able to accomplish this project without his assistance.

JOHN WEST - 1611 Applegate Lane - Requested clarification regarding the number of signs that will be installed designating open space property. Mr. West suggested that the signs should be larger in size.

DIANA UPDEGROVE - 1404 Farmington Avenue - Requested clarification with regards to posting **NO HUNTING** signs on Township property.

COMMISSIONER MILLER noted that the Park, Recreation and Open Space Committee have suggested removing "No Dogs Allowed" from the signs in the township parks. Public Works Director, Frank Quinter, advised that years ago there was an issue regarding allowing dogs at Heather Place Park from the Township's insurance carrier. Attorney Garner stated that the Park, Recreation and Open Space Committee should differentiate what signs need to be changed in what parks.

When **COMMISSIONER NOLL** questioned how the wording would be removed from the signs; Commissioner Miller explained a banner would be placed over the wording.

SPECIAL TOWNSHIP PROJECTS REPORT - Commissioner Noll reported that County and State meetings will be coming up in October and early November. Commissioner Dolan asked Commissioner Noll to contact Senator Rafferty regarding the legislation pertaining to the use of open space fund for maintenance purposes.

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

TOWNSHIP SOLICITOR'S REPORT - Attorney Garner reported that several months ago there was an application submitted for a minor two (2) or three (3) lot subdivision for the Makaravitz property located on Pineford Road, which is actually a portion of the Liberty Towers cite. He further reported that the application was submitted and may have been reviewed by the Planning Commission; however, the applicant did receive a review letter from LTL Consultants. Mr. Garner noted that the ninety (90) days will expire on October 7, 2012, and he is recommending that the Board deny the plan subject to the reasons set forth in the review letter from LTL Consultants. A motion by Dolan, seconded by Spaide, to deny the plan subject to the receipt of an extension request by the applicant. All aye votes. In another matter, Attorney Garner stated that the Township has received a request from a resident who wants to pave a driveway and noted that he has been working along with the Township Manager and Public Works Director on this matter. Attorney Garner reported that the proposed driveway is part of the Mineral Street right of way and is a township paper street. Mr. Layne clarified that the property is located at 1005 N. Hanover Street. Attorney Garner stated that the proposed area is pervious or gravel and the property owner wants to pave it. Mr. Garner reported that he has prepared a petition to be signed by all the neighbors whose properties abutt the proposed area to be paved. It was noted that the Township Engineer and the Public Works Director have no issue regarding this proposal.

TOWNSHIP MANAGER'S REPORT - Mr. Layne reported that he is assisting in the coordination of the upcoming Community Day; assisted in coordinating efforts to obtain additional open space; and assisted in coordinating a meeting with West Pottsgrove Township to discuss road swap issues. He further reported that he along with Chief Moffett met with the Governor's Center for Local Government Services regarding the proposed Police Regionalization endeavor with West Pottsgrove and noted that October may be a good month to schedule a joint meeting with them to discuss the matter. Mr. Layne encouraged everyone to attend the annual Community Day which is scheduled for Saturday, October 6, 2012 and noted a rain date of October 13, 2012. Mr. Layne noted that Hopewell Community Church is joining forces with the Township in this year's Community Day celebration.

MONTHLY FINANCIAL REPORTS - Mr. Layne reported that as of August 31, 2012, the Township has received 71.8% of its budgeted revenue and has disbursed 60.2% of its expenditures to date. Mr. Layne noted that the recent road project was \$9,000 under budget. Mr. Layne noted that the Highway Department is looking at purchasing a new truck and the Chief is looking into leasing another police vehicle.

BUDGET MEETING - After a brief discussion, it was agreed that the first Budget Meeting would take place during the Board of Commissioners meeting scheduled for Monday, October 15, 2012. It was agreed that, if needed, a Budget Meeting could be held on Monday, October 29, 2012.

NEW BUSINESS:

DISCUSSION AND BRIEF PRESENTATION BY ARCADIA DEVELOPMENT REGARDING CODDINGTON VIEW

- Jason Duckworth, President of Arcadia Land Company, was present to provide a brief presentation with regards to the plans for the remaining seventy two (72) lots within the Coddington View Development. Mr. Duckworth reported that they are land developers who specialize in the approval process and completing the infrastructure that is necessary for a homebuilder to build a home. He further reported that their business plan for Coddington View is not to build homes but to partner with a homebuilder who they believe will be successful within the community. Mr. Duckworth explained that they have taken the “model” for Coddington View from the Windlestrae Community which is located in New Hanover Township and is being built by Ryan Homes. He further explained that Windlestrae has the distinction as being the single most successful new home community in the Philadelphia region. Mr. Duckworth reported that Ryan Homes’ townhomes are slightly different than those built by THP. He further reported that their plan will entail a preliminary/final plan submission; however, there will not be any change in the roads, utilities, or anything that will violate the Township’s zoning requirements. Mr. Duckworth stated that he has read voluminous agreements between the Township and the Borough Authority and noted that he met with representatives from the Pottstown Borough Authority with regards to sewer capacity. Mr. Duckworth reported that both Arcadia and the Borough Authority agree that there is physically, in the pipes and in the plant, capacity for all seventy two (72) homes; however, the real issue is the fact that the past infrastructure was never completed. Mr. Duckworth stated that he met with representatives from the Pottstown Borough Authority and made them a proposal that would enable them to collect more than \$500,000 that the developer of Coddington View would be entitled to in the future and Arcadia would assign those rights to the Authority. Mr. Duckworth explained that as future developments are built in the township, that take advantage of the infrastructure that was built by the prior developer, those reimbursements could be made available to the Authority to help complete infrastructure as well as other things. He further explained that the Authority wants Arcadia to deal directly with the Township since they do not have a relationship with the Borough. Mr. Duckworth suggested a meeting with Township officials in order to discuss and hopefully come to a comprehensive solution in addressing the Authority’s concerns. In another matter, Mr. Duckworth advised that the seventy two (72) remaining lots are in Phases II and III and noted that First Niagara Bank has provided financial security for Phase III. He further advised that by Arcadia purchasing the remaining seventy two (72) lots it presents a complex situation whereby they (Arcadia) are not only buying the seventy two (72) lots but are also buying the responsibility to complete Phase III. A bonding company has provided the financial security for Phases I and II and while those phases are substantially built out in terms of homes; they are not complete in terms of top coating the roads and providing street lighting which is a major concern of the residents. Mr. Duckworth reported that Arcadia as the developer who would like to finish this community, would like to see Phases I and II completed and have provided a proposal whereby they would be willing to supervise and administer the completion of the whole community and they have provided a draft of that proposal to the Township’s Solicitor. Commissioner Taylor stated that the Township has been working very diligently in order get this project completed for the residents and the community.

DISCUSSION AND BRIEF PRESENTATION BY ARCADIA DEVELOPMENT REGARDING CODDINGTON VIEW CONT'D

- Attorney Garner stated it was good that Arcadia Land Development came to the meeting to provide an overview as to their plans for Coddington View with the members of the Board. Mr. Garner referenced all of the components and issues that Mr. Duckworth mentioned during his presentation the Township has been working on as a Board over the past six (6) months to a year. Mr. Garner advised that the contractual issues that Mr. Duckworth discussed are contractual issues that occurred between the Borough Authority and TH Properties years ago and there were agreements and financial security in place; however he is not sure that the financial security is still in place. He further advised that all of the improvements that were contemplated within the Borough for sewer infrastructure were not completed. Attorney Garner stated that from the staff's prospective we all look forward to working together in order to complete this project and noted that it is in everyone's best interest to do so as quickly as we can.

COMMISSIONER NOLL - Expressed his concern with regards to the remaining fill and dirt that needs to be moved prior to any repaving or resurfacing of roads. Mr. Duckworth agreed that this is a critical issue and agreed that there is a lot of dirt out there. In response to a question from Commissioner Noll; Mr. Duckworth noted that the dirt is located entirely on the seventy two (72) lots and would be Arcadia's responsibility to move it.

COMMISSIONER MILLER - Stated that he was of the opinion that it would take approximately 3,000 tri-axels to move out the dirt on the project site and advised that the soil belongs to the Township which can be utilized for park and recreation purposes. Mr. Duckworth stated that Commissioner Taylor advised him of a park and recreation project at Hollenbach Park; however, the expense of moving the dirt could be an issue. Attorney Garner reported that Arcadia was advised of the Township's interest and use for the dirt for park and recreation purposes during the very first meeting; however, we do not have total control over what they do with it because it is on private property. Commissioner Miller reiterated, "Mr. Duckworth, the dirt is ours."

DISCUSSION AND POSSIBLE APPROVAL OF THE 2013 MINIMUM MUNICIPAL OBLIGATION FOR UNIFORM EMPLOYEES

- A motion by Noll, seconded by Dolan, acknowledging receipt of the 2013 Minimum Municipal Obligation estimate in the amount of \$67,418 for the Uniform Employees as provided by the Township's pension consultant. All aye votes.

DISCUSSION AND POSSIBLE APPROVAL OF THE 2013 MINIMUM MUNICIPAL OBLIGATION FOR NON-UNIFORM EMPLOYEES

- A motion by Noll, seconded by Dolan, acknowledging receipt of the 2013 Minimum Municipal Obligation estimate in the amount of \$29,905 for the Non-Uniform employees as provided by the Township's pension consultant. All aye votes.

OLD BUSINESS:

DISCUSSION AND POSSIBLE APPROVAL OF A CONDITIONAL USE APPLICATION OF LIBERTY TOWERS - Attorney Garner provided a brief overview regarding the Condition Use application from Liberty Towers. A motion by Dolan, seconded by Miller, to approve the Conditional Use application from Liberty Towers. All aye votes.

OTHER PUBLIC COMMENT: None.

COMMISSIONER COMMENTS:

COMMISSIONER DOLAN - Referenced the problem with people parking on the grass when their using the pavilion and suggested that “**NO PARKING ON THE GRASS**” be added to the pavilion application. Mr. Layne noted that there is no deposit required; however, the applicant must pay either \$30.00 for residents of the Township or \$50.00 for non-residents for the use of the pavilion.

COMMISSIONER NOLL - Referenced the Township and Fire Company advertising on the digital billboard and questioned what the township is being charged. Mr. Layne stated that there is no charge to the Township.

COMMISSIONER SPAIDE - Expressed her thanks and appreciation to Mr. Layne for taking her place at the recent COG meeting held at the Borough of Pottstown.

TOWNSHIP MANAGER - Mr. Layne reported that the Township received the annual payment from CF Pottsgrove in the amount of \$52,898.91 as part of the Upland Square Municipal Impact Improvements Agreement. Mr. Layne explained that the payment is for the maintenance of the Route 100/Upland Square intersection.

PAYMENT OF BILLS - September 17, 2012 - A motion by Dolan, seconded by Miller, to approve the Bill List dated September 17, 2012, for General Fund in the amount of \$56,668.80; Fire Fund in the amount of \$4,851.79; Sewer Fund in the amount of \$13,419.01; Capital Fund in the amount of \$11,161.61; Open Space Fund in the amount of \$3,159.70 and State Fund in the amount of \$166,018.09. Total Expenditures ~ \$255,279.00. All aye votes.

JOHN WEST - 1611 Applegate Lane - Requested clarification regarding the invoice from North East Technical Service as noted on the Bill List.

COMMISSIONER NOLL - Questioned invoices from Hach Company and Reading Foundry and Supply Company. Mr. Layne explained the expenditure for Hach Company is a monthly leasing fee for the new sewer meters. Mr. Quinter noted that the invoice from Reading Foundry and Supply Company is for the purchase of a new camera. Commissioner Noll also questioned an invoice from Trammel Testing for the annual storage tank inspection required by DEP.

would be available; Mr. Layne stated possibly for the October Board meeting.

APPROVAL OF MINUTES - August 20, 2012 - Commissioner Noll noted that some of his comments were omitted from the minutes of the August 20, 2012, meeting. It was noted that the minutes would have to be amended to include comments from Commissioner Noll.

ADJOURNMENT - There being no further business, a motion by Spaide, seconded by Miller, to adjourn the meeting at 8:15 P.M.

Respectfully submitted,

Cynthia H. Saylor,
Township Secretary