

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

**January 22, 2013**

A meeting of the Board of Commissioners was held on Tuesday, January 22, 2013, 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., Township Manager Jack P. Layne, Township Secretary Cynthia Saylor and Police Chief William A. Moffett. Mr. Taylor called the meeting to order at 7:00 P.M. There were 14 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:**

**KIM TROTMAN** - Legislative Assistant to State Representative Mark Painter was present in the audience and advised the members of the Board that the district office is officially open and is located at 600 Heritage Drive in Sanatoga.

**REPORTS:**

**EMERGENCY SERVICES** - Commissioner Dolan suggested the Township enforce the requirement to have reflective house numbers placed on all mail boxes. Commissioner Spaide stated the Fire Company could take this project on as a possible fundraiser. Mr. Dolan agreed to discuss the matter with the Fire Committee at their next meeting. Mr. Dolan reported that the Fire Company is in need of a place to train and noted that they are looking at the open space parcel located on Pineford Road; however, they would need a gravel driveway for access to the property. Commissioner Miller expressed his concern regarding cleaning up any debris after the training is finished. Mr. Layne expressed concern regarding a liability issue. Chief Moffett summarized the monthly Police Report.

**PLANNING & ZONING REPORT** - Commissioner Taylor reported the Planning Commission met last week and the items discussed will be addressed later on the agenda.

**PUBLIC WORKS REPORT** - Commissioner Spaide reported that the Highway Department have been patching holes throughout the township; cleaned leaves from storm boxes and performed routine maintenance on the vehicles. She further reported that the Highway Department has been working on extending the trail from North Hanover Street to the top of the hill.

**PARKS, RECREATION AND OPEN SPACE REPORT** - Commissioner Miller reported that additional posts and rails have been installed within Sunset Park to keep people from walking onto neighboring properties. He further reported that the trail between North Hanover Street and Maugers Mill Road is 90% complete and the fallen trees, due to Hurricane Sandy, have been removed from the township parks. Commissioner Miller advised that he along with Engineer Pete Eisenbrown and Township Manager, Jack Layne met with officials from the Pottsgrove School District regarding the need for additional ball fields and working with the SAVE organization.

**PARKS, RECREATION AND OPEN SPACE REPORT CONT'D** - Mr. Miller stated that the entrance to Sussell Park needs to be enlarged. He further stated that the road crew has placed "No Hunting" signs in the open space parks and several residents are waiting for the Chief's letter concerning hunting particularly in the open space behind Hanover Drive. Mr. Miller reported that the Park, Recreation and Open Space Committee is researching the possibility of placing a baseball field at Hoffman's Field to be utilized by children under the age of twelve.

**SPECIAL TOWNSHIP PROJECTS** - Commissioner Noll stated in an effort to support our Open Space Committee he is looking at the amendment to the Open Space Bill to allow use of additional funds for maintaining open space rather than purchasing open space. Commissioner Noll reported that he will be attending the Montgomery County Association meeting as well as the Eastern Association meeting in an effort to discuss the priorities and goals for 2013. He further reported that he will be attending "Lobby Day" and will be meeting with representatives in Harrisburg on Monday, February 4, 2013. Commissioner Miller addressed Kim Trotman, who was present in the audience, and suggested State Representative Mark Painter meet with the Township Manager.

**ENGINEER'S REPORT** - It was noted that a copy of the monthly Engineer's Report would be placed on the bulletin board. Commissioner Miller expressed his concern regarding the property located at 1805 Yarnall Road and noted that the property has not been secured and requested that the Police Chief check into the matter. Mr. Layne stated he spoke with the Zoning Officer and was told the property was closed up and a letter would be sent to the property owner.

**SOLICITOR'S REPORT** - Attorney Garner reported that over the last several months, he along with the Township Engineer and Mr. Layne have been working with the Developer of Woodbrook Estates regarding some of the "loose ends" still associated with the plan. Mr. Garner noted that when the plan was originally approved the two detention basins located on the property would be part of one of the individual lots and the lot owner would maintain the basins. However, when the property was sold and developed; it was sold with the understanding that the lot owners do not own the basins and therefore there have been changes to the Agreements and the Homeowner's Association is now responsible for the basins. Attorney Garner advised that since this was not reflected in the original plan the Township required the Developer to prepare a revised record plan. After a brief discussion, a motion by Spaide, seconded by Miller, to approve the revised record plan for Woodbrook Estates subject to confirmation by the Township Engineer. All eye votes.

**TOWNSHIP MANAGER'S REPORT** - Mr. Layne addressed the representatives from the Citadel Credit Union, who were present in the audience, and apologized that they were not listed on the agenda for tonight's meeting. Mr. Layne reported that the Township is waiting for word from West Pottsgrove Township officials regarding the project. Mr. Layne reported that he contacted American Tower on several occasions regarding the status of the flag and was advised that it should be up shortly. He assisted in coordinating efforts to obtain additional open space; attended Montgomery County Emergency Management Coordinator's training workshop; and attended meeting with Commissioner Miller and Drew Gilchrist to discuss grant opportunities provided by DCNR.

**MONTHLY FINANCIAL REPORT** – Mr. Layne reported that the Township received 93.8% of its budgeted revenues; and disbursed 90.7% of its budgeted expenses and ended the year with approximately \$250,000 in the General Fund.

**DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED #1-12 MAKAREVITZ SUBDIVISION** - Commissioner Taylor explained the plan proposes an exchange of land between two (2) existing parcels located on and adjacent to Pineford Road, with Lot #1 consisting of 1.04 acres, with an existing single family detached dwelling, and Lot #2, consisting of 4.82 acres, with a proposed cell tower leased area and a proposed future single family detached dwelling. Mr. Taylor reported that the Planning Commissioner reviewed minor plans for the Makarevitz Subdivision and also waiver requests submitted by the applicant's engineer. The Planning Commission recommends approval of the waiver requests as outlined in the letter dated November 6, 2012 from All County & Associates, Inc. **RESOLUTION #616** - A motion by Miller, seconded by Dolan, to enact a Resolution granting preliminary/final approval of the Makarevitz Subdivision. All aye votes.

**DISCUSSION AND POSSIBLE APPROVAL OF CONTRACT WITH VARO TECHNOLOGIES (FORMERLY KNOWN AS PATEC ENERGY) FOR ELECTRICAL CHARGES** - Mr. Layne reported that the township could save approximately \$700 in energy costs over the course of the upcoming year. A motion by Dolan, seconded by Spaide, to approve a twelve (12) month contract with VARO Technologies to provide electrical charges for Upper Pottsgrove Township. All aye votes.

**2013 COMMITTEE/BOARD APPOINTMENTS:**

**DISCUSSION AND POSSIBLE ACTION ON THE REAPPOINTMENT OF THE FOLLOWING MEMBERS TO SERVE ON THEIR RESPECTIVE COMMITTEES/BOARD**

A motion by Miller, seconded by Noll, to reappoint Ruth Spaide to serve on the Historical Society; Peter Dolan to serve on the Pottstown Metropolitan Regional Planning Committee; John Bealer & Michael Henges to serve on the Sewer and Water Committee and Dennis Elliott to serve on the Vacancy Board. All aye votes.

**OLD BUSINESS:**

**DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE # 463 AMENDING CHAPTER 168, REIMBURSEMENT FOR EMERGENCY SERVICES** - An Ordinance

repealing in its entirety Chapter 168, Reimbursement for Emergency Services, Section 168-1 through 168-6 and Creating a New Chapter 168, Reimbursement for Emergency Services, of the Code of the Township of Upper Pottsgrove, as amended. A motion by Miller, seconded by Dolan, to adopt Ordinance # 463. All aye votes.

**DISCUSSION AND POSSIBLE ACTION TO ADOPT A FEE RESOLUTION FOR THE REIMBURSEMENT FOR PROVIDED EMERGENCY SERVICES - Resolution #617** - A Resolution of the Upper Pottsgrove Township Board of Commissioners establishing fees for reimbursement for certain emergency services, as provided in Chapter 168, Reimbursement for Emergency Services of the Code of the Township of Upper Pottsgrove, as amended. A motion by Miller, seconded by Dolan, to adopt Resolution #617. All aye votes.

**DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED JOB DESCRIPTION FOR THE FIRE MARSHAL** - Commissioner Spaide provided the members of the Board with a draft of a proposed job description for the Township's Fire Marshal. It was agreed that the Board members would review the draft and action would be taken at a future meeting.

**OTHER PUBLIC COMMENT:**

**GREG CHURACH - 144 Snyder Road** - Referenced Commissioner Miller's concern regarding 1805 Yarnall Road and stated that the property is an "eyesore" and is unsafe. Mr. Churach questioned whether the building is habitable and if it is not why isn't there a condemned sign posted on the property. Attorney Garner stated the property should be posted as being unfit for human habitation. When Mr. Churach questioned whether the Township would be able to tear down the property; Attorney Garner explained that we (the Township) could file a petition with the court to have a judge sign an order to tear the building down due to it being a health and safety hazard. He further explained it would require legal action and the Township would have to fund the money to file a lien. Commissioner Taylor expressed his concern regarding the expense involved and noted that there are probably other properties within the Township that would be considered uninhabitable. Commissioner Noll stated in his opinion the property owner should be responsible for tearing the house down. Mr. Layne stated he would discuss the matter with the Zoning Officer.

**JEANNIE DISANTE - Pineford Road** - Referenced the property at 1805 Yarnall Road and questioned why the owner hasn't been fined. In another matter; Ms. DiSante thanked the members of the Board, the Township Manager and Solicitor for all their help with regards to the Makarevitz subdivision.

**JOHN WEST - 1611 Applegate Lane** - Expressed his concern regarding the Fire Company using the open space parcel on Pineford Road for fire training purposes. Mr. West stated he was concerned about the safety of the children and the liability to the Township.

**MARTIN SCHREIBER - 138 Rose Valley Road** - Reported that he is glad that the Commissioners are working on getting a job description for the Fire Marshal position.

**PAYMENT OF BILLS - January 22, 2013** - A motion by Dolan, seconded by Miller, to approve the Bill List dated January 22, 2013, for General Fund in the amount of \$69,041.81; Fire Fund in the amount of \$6,475.25; Sewer Fund in the amount of \$46,735.87; Capital Fund in the amount of \$4,781.04; Open Space Fund in the amount of \$1,380.95; State Fund in the amount of \$7,924.54 and Escrow Fund in the amount of \$4,220.84. Total Disbursements ~ \$140,560.30. All aye votes.

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

**EXECUTIVE SESSION** - At 8:07 P.M. Commissioner Taylor stated the Board would meet in Executive Session to matters of litigation; however no action would be taken. The meeting reconvened at 8:44 P.M.

**ADJOURNMENT** - There being no further business, a motion by Spaide, seconded by Miller, to adjourn the meeting at 8:45 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor,  
Township Secretary