

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

February 19, 2013

A meeting of the Board of Commissioners was held on Tuesday, February 19, 2013, 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., Township Manager Jack P. Layne, Police Chief William A. Moffett, and Public Works Director Frank Quinter. Commissioner Taylor called the meeting to order at 7:00 P.M. There were 6 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 taping the meeting.

KEITH KEHL - 1941 Gilbertsville Road - Expressed concern that the road crew has not been plowing to the end of Grandy Road during the recent snowstorms and they leave the snow in the middle of his parents driveway. In another matter Mr. Kehl reported that one of Mascaro's garbage totes is overflowing with trash. Commissioner Taylor stated Mr. Layne would look into both of Mr. Kehl's concerns.

FRANCE KRAZALKOVICH - 92 Stonehill Drive - Presented a copy of a proposed resolution to the members of the Board relating to firearms and the protection of the individual right to keep and bear arms. Mr. Krazalkovich requested that the Board consider approving and adopting the proposed resolution. Commissioner Taylor stated that the Board was not in a position to take any action at this meeting and it will be discussed at a future date.

When **COMMISSIONER MILLER** asked Mr. Krazalkovich if he was referring to House Bill #357 he responded "yes" and a copy was included in the proposed resolution he presented to the members of the Board.

REPORTS:

EMERGENCY SERVICES - Commissioner Dolan reported that the Fire Committee has not met since the last Board meeting. Chief Moffett highlighted the monthly police activities.

PLANNING & ZONING REPORT - Commissioner Taylor reported that the Planning Commission's activities will be discussed later during the meeting.

PUBLIC WORKS REPORT - Commissioner Spaide reported that the Public Works employees have been salting and cindering roads during recent snow and ice storms; continued patching and compacting potholes; cleaned storm inlets prior to heavy rains; cleaned debris from large storm inlet

PUBLIC WORKS REPORT CONT'D - in the Regal Oaks development; removed tree branches from roadways after high winds; worked with Northeast Technical Sales calibrating sewage flow meters; had Applebee's sewer line hydraulically cleaned and continued servicing Highway equipment and Police vehicles.

PROPOSED ROAD WORK 2013 - Public Works Director, Frank Quinter, provided the members of the Board with the proposed road work for 2013 which includes Yarnall Road, from Mock Road to Snyder Road; an area of Farmington Avenue at Burden's Corner and Yarnall Road, from Snyder Road to Maugers Mill Road. Mr. Quinter stated he has approximately \$84,000 in Liquid Fuels for road work and suggested that the Township bid all three roads with the option to reduce the scope of work depending on the pricing. After discussion, a motion by Dolan, seconded by Noll, to authorize LTL Consultants to prepare the bid package for the proposed 2013 road work. Aye votes: Dolan, Noll, Miller and Taylor. Opposed: Spaide. Motion carried.

PARKS, RECREATION AND OPEN SPACE REPORTS - Commissioner Miller reported that the entrance to Sussell Park has been widened by the Highway Department. He further reported that the huge tree that fell over the new spur between North Hanover Street and Maugers Mill Road has been cut up and removed by the Public Works employees. The report of the fallen tree came to the attention of Commissioner Miller and the Highway Department on February 9, 2013, and was sawed and cleaned up in four (4) days. Commissioner Miller was pleased with the quick response of the Public Works Department. Mr. Miller stated that at a recent meeting with the Pottsgrove Athletic and Field crew it was suggested that they help us keep the modified up tight against the fifty foot apron off of North Hanover Street. Mr. Miller addressed Frank Quinter and asked for his help in avoiding a break-up of the macadam until the Township meets with the appropriate personnel at the school. Commissioner Miller advised that he along with Jack Layne and Sue Thompson will meet with Eagle Scout, Sebastian Shiffler. Commissioner Miller stated that there must be a misunderstanding by members of this Board regarding the fact that he was in favor of **acquiring** the Ehrhart house at the corner of Yarnall and Snyder Roads. He further stated that while this house is an eyesore and had furniture strewn about the front yard, the fact remains it is a **hazard** waiting to happen. Commissioner Miller explained that his suggestion to Robin Royer and our Solicitor was to write a letter to the property owner with a suggestive option to get out from under a precarious situation by suggesting that the owner **donate** the property to the Township; in as much as there are unpaid taxes in 2010, 2011 and 2012 and it cost our Fire Company money in addition to the numerous letters and now a "Notice of Violation." Commissioner Miller never used or suggested acquiring the property with open space funds. The owner of the property lives in Maryland. She has received many letters and phone calls. If the Board so advises; Commissioner Miller would be happy to travel to her Maryland residence and explain etc. At the request of Commissioner Miller and Township Manager Jack Layne, Mr. Quinter advised that the cost of the removal of this house would come under \$9,000.

Mr. Miller provided a layout for two athletic fields at Hoffman Field and noted that both the baseball and soccer fields will fit on the property. Commissioner Miller stated he, along with the Road crew,

PARKS, RECREATION AND OPEN SPACE REPORTS CONT'D - Sue Thompson, representatives from LTL Consultants, Coaches and Managers for both the baseball and soccer teams met and they will pay for the backstop, equipment to level the field, special soil for the bases and the fences that are needed. The two (2) teams are run by separate organizations but know one another and will share in the cost of all of the above plus reimbursing LTL Consultants for their engineering work. The Township only provides the land.

Commissioner Miller reported that the Open Space Committee would like to purchase two (2) Cuddeback IR cameras for surveillance of vandalism at Sunset Park and Sussell Park where we have had destruction of fences and rubber bollards among trashing the southern area of the large pond.

In another matter; Commissioner Miller requested the Board's support of a Resolution to investigate the recent happenings at the Pottsgrove Middle School and to commend one of the Township's Police Officers for his response and physical action in subduing a student of "manly size". Mr. Miller noted this altercation caused severe injury to our Police Officer. With what has been happening across our Nation and at various schools and colleges and more recently at Sandy Hook Connecticut, we in this Township are fortunate that in the melee the young man did not have access to a weapon. This could have been a travesty of national proportion. What did happen was bad enough. Commissioner Miller further requested that Chief Moffett produce the police report and present a copy to both he and Mr. Layne. Mr. Miller suggested that a ribbon accompany the commendation to the Officer acknowledging his fine police work. This ribbon would be worn on the uniform daily similar to the ribbons worn by the NYPD and PPD, etc. He further suggested that this type of commendation would become standard procedure for any officer who exemplifies excellence in their field.

Commissioner Miller has been in touch on an ongoing basis with Representative Toepel concerning the percentage of referendum money the Township can use for purposes of engineering and maintenance, etc. Representative Toepel is gaining support from Representative Maurice Gingrich (Lebanon County) and Representative Kaye Harper (Montgomery County). Furthermore, Commissioner Miller contacted Senator Erickson (Delaware County) and requested he contact Representative Toepel to work towards a Companion Bill so both chambers are working towards the same goal. Commissioner Miller has been speaking to Natural Lands Trust and Montgomery County Lands Trust to gain their support of the issue. To date, no agreement has been reached; however, percentages range between 10% as a low and 25% as a high. 2013 has to be the year.

Commissioner Miller was informed by the Township Manager that we finally received a grant to enable the Public Works Director to order the chipper. Mr. Miller expressed his thanks and appreciation to Mr. Layne for this achievement; it's so needed.

Commissioner Miller has been working along with the Highway Department to cut through the heavy vines and thicket from North Hanover Street to the top of Mangers Mill Road. It has been

PARKS, RECREATION AND OPEN SPACE REPORTS CONT'D - observed by Mr. Miller, in so doing, that our old tractor is showing signs of wear and tear particularly in this type of terrain. This Commissioner now makes a recommendation that another grant be located to support the purchase of a tractor to take the place of the one we now utilize. The grant and the location of a new tractor should receive priority attention by all those involved.

Commissioner Miller and Open Space Chairperson, Sue Thompson, will be meeting with Jay Young who will be constructing his Eagle Scout project at Sunset Park.

SPECIAL TOWNSHIP PROJECTS - Commissioner Noll provided a brief summary regarding several recent meetings he attended whereby he was supporting and promoting the Open Space Amendment. Mr. Noll stated that he attended "Lobby Day" in Harrisburg on February 4th and was fortunate to have a "sit down" meeting with State Representative Mark Painter whereby he updated him regarding the Township's efforts in getting the Open Space Bill through House. Mr. Noll expressed his thanks and appreciation to Kim Trotman, Legislative Assistant to Mr. Painter, for her support and her attendance at the Township meetings.

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 a brief history regarding some lengthy litigation that has been going on for a number of years. Mr. Garner explained that in 2004 one of the Township's Police Officer's filed a claim against the Township under the State's whistleblower's Act naming the former Police Chief and Interim Manager of retaliatory conduct. Attorney Garner stated that a trial was held in 2008 and the decision of the court finds in favor of the Township and both claims against the Township and the individuals will be dismissed. In another matter, Attorney Garner reported that FEMA is updating its flood maps which will require a revision to the Township's Floodplain Ordinance.

TOWNSHIP MANAGER'S REPORT - Mr. Layne reported that he along with Public Works Director Frank Quinter were invited to meet with the Chief of Staff for State Representative Mark Painter to discuss proposed Township road projects; was notified by the Pennsylvania Department of Environmental Protection that the Township has been awarded a \$42,423 Recycling Grant, which will be utilized for the purchase of a new chipper; attended a Pennsylvania Department of Conservation and Natural Resources grant training workshop; attended two Pennsylvania Emergency Management/Federal Emergency Management meetings to discuss how to obtain reimbursement for funds lost as a result of Hurricane Sandy; assisted in coordinating efforts to obtain additional open space; and attended meeting a Lower Pottsgrove Township along with Lower Pottsgrove and West Pottsgrove representatives to discuss capital sewer projects and other Township/Borough of Pottstown sewer related matters. Mr. Layne requested authorization from the members of the Board

TOWNSHIP MANAGER'S REPORT CONT'D - to act on behalf of the Township in obtaining funds lost during Hurricane Sandy. A motion by Spaide, seconded by Dolan, authorizing the Township Manager to act as the Township's designated agent in obtaining funds lost during Hurricane Sandy. All aye votes.

When Commissioner Dolan expressed his concern regarding a new trash company driving through his neighborhood; Mr. Layne stated they are the former Chest-Mont Trash Haulers. Commissioner Dolan also expressed concern that he has seen recyclable materials being co-mingled with the trash.

JOHN WEST - 1611 Applegate Lane - Requested an update as to whether the Fire Company found a place to train. Commissioner Dolan stated that there hasn't been a Fire Committee meeting since the last Board meeting. Mr. Layne noted he may have an answer after the Fire Committee meeting on Thursday evening.

MONTHLY FINANCIAL REPORT - The members of the Board were provided copies of a draft of the monthly Financial Reports in their meeting packets. Mr. Layne noted that there are some year- end reconciliations that need to be done.

In response to a question from **COMMISSIONER NOLL** regarding the annual audit Mr. Layne noted that the auditors would begin the process sometime in March.

NEW BUSINESS:

DISCUSSION AND UPDATE REGARDING CODDINGTON VIEW AND POSSIBLE ACTION ON PROPOSED PHASE 1 AND 2 IMPROVEMENTS - Attorney Garner reported that a lot has happened with the project since the January Board meeting. He further reported that the bank has sold the property to a subsidiary of Arcadia Development, who has been interested in acquiring the undeveloped lots, and they have submitted revised final plans for the remaining seventy two (72) lots to make some lot line adjustments. Attorney Garner stated that the Bonding Company is willing to provide a check to the Township for the remaining amount of the Phase I bond. He further stated that Arcadia shares the Township's viewpoint in wanting to complete the project as quickly as possible and move ahead with the completion of the remaining homes. Jason Duckworth, President of Arcadia Development, was present in the audience, stated that they are eager to "get going" with this project. Mr. Duckworth advised that Ryan Homes would be the builders for the remaining seventy (72) lots.

COMMISSIONER MILLER referenced the excessive amount of soil which needs to be removed from the site. Mr. Miller advised that the Township in conjunction with Pottsgrove Senior High School plans to construct a large scale athletic field which would encompass a regulation baseball diamond as well as soccer and lacrosse fields. Mr. Duckworth stated that there have been preliminary discussions with the Township staff regarding the soil. Mr. Duckworth suggested that they come up with a plan for the removal of the dirt and the sequence of construction with the Township's Engineer.

COMMISSIONER TAYLOR addressed Mr. Duckworth and extended his thanks and appreciation,

on behalf of the Board, for his outreach to the Homeowner's Association.

DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSAL TO INCREASE TOWNSHIP TAPPING FEES

- Attorney Garner reported that currently the Township charges a connection fee of \$1200 and a tapping fee of \$2435 per EDU. He further reported that LTL Consultants has provided a new tapping fee calculation and noted the maximum permissible charge per EDU for the sewer tapping fee is \$3954. Attorney Garner noted that the Sewer and Water Committee have recommended the increase in sewer tapping fees at their meeting in January. After a brief discussion, a motion by Dolan, seconded by Noll, to amend the Township Sewer Ordinance. All aye votes. In response to a question from **JOHN WEST, 1611 Applegate Lane**, regarding a resident who installed his own sewer on Farmington Avenue; Attorney Garner explained that the homeowner was charged the sewer tapping fee but not the connection fee.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION # 618 APPROVING ACT 192 SCHEDULE OF COSTS

- Attorney Garner stated that H.A. Berkheimer is the named earned income tax collector for the County and they (Berkheimer) are allowed to collect fees for the costs associated with the collection of delinquent earned income taxes. He further stated that the municipalities must adopt a fee schedule to allow Berkheimer to collect those costs for the delinquent rate payers. **RESOLUTION # 618** - A Resolution of the Upper Pottsgrove Township Board of Commissioners approving the Act 192 Schedule of Costs submitted by the Tax Collector. A motion by Spaide, seconded by Dolan, to adopt Resolution #618. All aye votes.

DISCUSSION AND POSSIBLE AUTHORIZATION TO ACCEPT A \$42,423.00 RECYCLING PROGRAM GRANT AWARD FROM THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE PURCHASE OF A CHIPPER

- A motion by Dolan, seconded by Miller, to authorize acceptance of a Recycling Program Grant Award from the Pennsylvania Department of Environmental Protection in the amount of \$42,423.00 for the purchase of a chipper. All aye votes.

DISCUSSION AND POSSIBLE APPROVAL OF THE PRELIMINARY/FINAL PLAN FOR THE CITADEL PROJECT

- Attorney Garner reported that the Applicant is proposing the construction of a Credit Union at the intersection of Route 100 and Upland Square Drive. Mr. Garner explained that a portion of the property is located in Upper Pottsgrove Township and a portion is located in West Pottsgrove Township. He further explained the property is owned by CF Pottsgrove Associates, L.P. The plan has been submitted and reviewed by the Upper Pottsgrove Township Planning Commission whereby they recommended approval of the Final Plan subject to the following conditions: compliance with all conditions and comments set forth in the letter from LTL Consultants dated December 7, 2012; compliance with all conditions and comments set forth in the Montgomery County Planning Commission review letter of December 7, 2012; the Applicant's

DISCUSSION AND POSSIBLE APPROVAL OF THE PRELIMINARY/FINAL PLAN FOR THE CITADEL PROJECT CONT'D

- receipt of any required outside agency permits and/or

approval of said outside agencies, including the Department of Environmental Protection, Montgomery County Conservation District, PennDOT and/or any authority or entities providing public water or public sewer; final and unappealable Land Development approval from West Pottsgrove Township; the execution of a Development Agreement in a form acceptable to the Township's Solicitor, the construction of the State Street cul-de-sac or an Agreement to construct the State Street cul-de-sac between Upper Pottsgrove Township, the Owner, and Applicant, the final form of which shall be acceptable to Upper Pottsgrove Township; State Street being closed to through traffic as required by the Agreement between Upper Pottsgrove Township and CF Pottsgrove L.P.; and the execution by the Applicant of the Resolution noting acceptance of the conditions as stated herein with ten (10) days from the date of approval of this Resolution.

CHRISTOPHER PIPPETT - Who was present in the audience and representing Citadel, expressed his concern with regards to the wording in condition #6 and noted the construction of the State Street cul-de-sac would be between the current owner (CF Pottsgrove) and the Township; not Citadel. Attorney Garner noted he would make that correction in the resolution. **RESOLUTION #619** Citadel Federal Credit Union Land Development (Preliminary/Final Plan. A motion by Dolan, seconded by Miller, to approve the preliminary/final plan for the Citadel project with modification to condition #6. All aye votes.

DISCUSSION AND POSSIBLE ACTION TO ADOPT A RESOLUTION TO APPOINT AN ALTERNATE TO THE ZONING HEARING BOARD - Discussion regarding this matter was tabled to a future meeting.

DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED JOB DESCRIPTION FOR THE FIRE MARSHAL - It was agreed to table discussion regarding the job description for the Fire Marshal to a future meeting.

OTHER PUBLIC COMMENT:

DENNIS ELLIOTT - 576 Evans Road - Expressed his thanks and appreciation to the members of the Board for not having a tax increase during the last four years. Mr. Elliott expressed concern regarding the littering and vandalism within the Township and suggested that motion cameras be installed in an effort to catch the people responsible.

COMMISSIONER MILLER - Addressed Chief Moffett and stated that the Township is looking into purchasing two Cuddeback Ambush cameras at \$199.99 each in an effort to curb the vandalism throughout the Township.

COMMISSIONER NOLL - Stated that he is not opposed to the idea of catching the vandals; however, he would like additional information as to how and where the cameras will be installed and who will be responsible for their maintenance.

COMMISSIONER TAYLOR - Reiterated Commissioner Noll's concerns and stated that this is the first time that this has come before the Board. Mr. Taylor agreed with Mr. Noll in that he would like

some additional information with regards to the enforcement options and possible legal issues regarding the use of the surveillance cameras. It was agreed that Mr. Layne would obtain additional information for discussion at a future meeting.

When **DENNIS ELLIOTT, 576 Evans Road**, questioned the status of the Township's litter fines; Mr. Layne stated he would check into the matter. In another matter, Mr. Elliott expressed concern regarding numerous abandoned properties throughout the Township. Mr. Elliott requested permission that he, along with Commissioner Miller and the Tax Collector go out and photograph the abandoned properties and check them against the tax records to see if they are delinquent. Commissioner Taylor recommended that this matter be forwarded to the Code Enforcement Officer.

COMMISSIONER NOLL - Asked what the township's procedure is with regards to collecting taxes that are due on the abandoned properties. Attorney Garner stated the Tax Collector would file a lien for the present year that the taxes were not paid and sends a report to Montgomery County and the County would then attempt to sell the property and recoup the back taxes that are due.

COMMISSIONER DOLAN - Suggested that the Township draft a vacant building ordinance, similar to that of Pottstown Borough and institute a penalty for having a vacant home where there is an existing safety issue.

COMMISSIONER TAYLOR - Stated the Tax Collector could provide a monthly report

PAYMENT OF BILLS - February 19, 2013 - A motion by Dolan, seconded by Miller, to approve the Bill List dated February 19, 2013, for General Fund in the amount of \$82,857.84; Fire Fund in the amount of \$1,916.75; Sewer Fund in the amount of \$6,481.16; Capital Fund in the amount of \$13,899.12; Open Space Fund in the amount of \$2,191.33; State Fund in the amount of \$7,817.00 and Escrow Fund in the amount of \$1,713.01. Total Disbursements ~ \$116,876.21. All aye votes.

APPROVAL OF MINUTES - January 22, 2013 - A motion by Noll, seconded by Dolan, to approve the minutes of the January 22, 2013, meeting as presented. All aye votes.

EXECUTIVE SESSION – At 8:29 PM Commissioner Taylor reported that the Board would be meeting in Executive Session to discuss matters of real estate and personnel issues with no action being taken. The meeting reconvened at 9:07 P.M.

ADJOURNMENT - There being no further business, a motion by Spaide, seconded by Noll, to adjourn at 9:08 P.M. All aye votes.

Respectfully submitted,
Cynthia H. Saylor
Township Secretary