

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

October 21, 2013

The meeting of the Board of Commissioners was held on Monday, October 21, 2013, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners Miller, Noll, Spaide, and Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., Township Manager Jack P. Layne, Jr., Police Chief William Moffett, Public Works Director Frank Quinter and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:00 P.M. There were 20 people present in the audience. Commissioner Dolan was absent.

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 COMMENTS:

JOHN WEST - 1611 Applegate Lane - Advised that he was recording the meeting.

KEITH KEHL - 1941 Gilbertsville Road - Provided pictures to the members of the Board regarding muddy water running into Sprogel's Run from the Crossroad project. Attorney Garner stated that this is the jurisdiction and authority of the Montgomery County Conservation District which is an arm of the Department of Environmental Protection. Mr. Garner advised that the Township Manager has made numerous phone calls to the Conservation District regarding the matter. When Attorney Garner asked Mr. Kehl if he provided any pictures to the Conservation District; he stated that he did and sent them by registered mail; however, he was told that since he (Conservation District) didn't take the pictures they were not permissible.

COMMISSIONER MILLER - Stated that he received a phone call today from Jessie Howe with the Montgomery County Conservation District and noted that they are very well aware of the situation and want to come out and take pictures after it rains. Commissioner Miller stated he volunteered to go out to the sight with them.

COMMISSIONER TAYLOR - Stated this matter is very frustrating for both the Township as well as Mr. Kehl. He further stated that the Township does not have the authority to make the intervention requested by Mr. Kehl.

ATTORNEY GARNER - Suggested that the Township Manager follow up with written confirmation outlining Mr. Kehls' complaints and his continuous concerns. Mr. Garner noted that he is aware that Mr. Kehl has been concerned regarding this matter for several years.

COMMISSIONER NOLL - Expressed concern regarding a bulldozer driving on the roadway and possibly damaging the road. Mr. Noll questioned whether it would be appropriate to send the picture of the bulldozer with the Township Manager's letter. **COMMISSIONER MILLER** - Stated that normally when a bulldozer, with metal tracks, needs to cross the highway; they put rubber tips on the tracks or put boards down on the highway so as not to damage the road.

FRANCE KRAZALKOVICH - 92 Stonehill Drive - Presented a proposed resolution honoring veterans and recognizing Monday, November 11, 2013 as Veterans Day. Mr. Krazalkovich asked that the Board act on the proposed Resolution before the next Board meeting. Mr. Krazalkovich presented another proposed resolution regarding unfunded state mandates.

REPORTS:

EMERGENCY SERVICES - Chief Moffett read the monthly police report and noted there have been numerous thefts from autos and stated that this is due to the fact that the cars are unlocked. Chief Moffett noted the importance of keeping your cars and homes locked. **COMMISSIONER SPAIDE** - Suggested an article be placed in the next Township Newsletter noting the importance of keeping your homes and vehicles locked. In response to a question from **COMMISSIONER NOLL** regarding a firework display on Saturday evening; Chief Moffett stated that a proper permit had been obtained and was signed by the Fire Marshall. He further stated that the fireworks continued past the allotted time frame. **COMMISSIONER SPAIDE** reported that she was in attendance at the Fire Committee meeting and stated that they discussed several changes to the Fire Company By-Laws. A motion by Noll, seconded by Miller, to approve the proposed changes to the Fire Company By-Laws. All aye votes. Commissioner Spaide advised that the Fire Company applied for and obtained a grant to replace the garage doors. **COMMISSIONER MILLER** requested clarification on the number of missing persons as noted on the monthly Police Report.

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

PUBLIC WORKS REPORT - Public Works Director, Frank Quinter reported that the Highway Department continued patching and compacting potholes in the Regal Oaks Development; patched and compacted potholes on Detweiler Road; provided in house inspection for paving of Levengood Road, Yarnall Road and Farmington Avenue; continued with highway mowing; responded to alarm at the Hollyberry Pump Station; set up and took down chairs and tables from Community Day; and performed routine vehicle maintenance on police vehicles and trucks as needed.

PARKS, RECREATION AND OPEN SPACE REPORTS - Commissioner Miller reported at the recent Parks, Recreation and Open Space meeting there was discussion with regards to changing the name of the Prout Farm Trail to the Prout Farm Park. A motion by Miller, seconded by Noll, to change the sign to read the Prout Farm Park. All aye votes.

SPECIAL PROJECTS REPORT - Commissioner Noll reported that House Bill #1523, which amends the original open space bill, to allow for additional spending did successfully pass through the House.

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 his monthly activities were included as part of the meeting agenda.

TOWNSHIP MANAGER'S REPORT - Mr. Layne reported he coordinated the preparation of the proposed 2014 Annual Budget with Matt Dallas and staff; participated along with Attorney Garner contract negotiations with the Police Department; assisted in the coordination of Community Day; attended meeting at Pottstown Area Health and Wellness Foundation; attended the PAHWF 10th Anniversary Celebration with Commissioner Miller; and attended Senator Mensch's Storm Damage Preparedness program in Pennsburg. Mr. Layne expressed his thanks and appreciation to everyone who supported our annual Community Day. He also extended his appreciation to Commissioner Miller for his involvement with the "clean-up" brigade and noted there are now thirty (30) volunteers. Mr. Layne reported that Mary Highland, the Township's part-time Police Secretary, will be resigning in December. He further reported that her husband will be resigning from his pastor ship. Mr. Layne stated that Mary has been a joy to work with and is very special and unique. Mr. Layne noted that she is also the President of the Pottstown Area Senior Center. Mr. Layne advised that there will be a Limerick Drill on Tuesday, November 19, 2013, between 4:30 PM and 8:00 PM. Mr. Layne stated that anyone running for office during this election should not put their signs in any right of way; on any public property and only on private property with the owner's permission.

COMMISSIONER TAYLOR - Expressed his appreciation to Commissioner Miller and all the volunteers who participated in the annual clean up brigade.

MONTHLY FINANCIAL REPORT - Mr. Layne reported that the Township has received 83.8% of the budgeted revenues and disbursed 73.7% of the budgeted expenses as of September 30, 2013.

NEW BUSINESS:

DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST SUBMITTED BY GERALD J. SITKO AND RUTHANN SITKO TO VACATE A PORTION OF MOCK ROAD

Attorney Garner reported that the Township received a Petition, Agreement and Release from Gerald and Ruthann Sitko to vacate an unopened portion of Mock Road between Yarnall Road and Needhammer Road. Mr. Garner suggested that the request be reviewed by the Police Department, Public Works Department and the Fire Department. Commissioner Taylor stated that the Board will act on the request at a future meeting.

DISCUSSION AND POSSIBLE APPROVAL OF AN AGREEMENT AWARDDING POLICE OFFICER JIM HUMMER GAP PAY WHILE ON MILITARY LEAVE

- Chief Moffett explained that gap pay is the difference between the pay Officer Hummer receives while in the service and his regular pay that he would receive from the Township. A motion by Miller, seconded by Noll, to award Officer Hummer gap pay in the amount of \$800 per month while he is on military leave. All aye votes.

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE CODDINGTON VIEW DEEDS OF DEDICATION FOR THE PHASE 1 ROADS

- A motion by Spaide, seconded by Miller, to authorize the preparation and advertisement of an ordinance accepting the Deed of Dedication. All aye votes.

DISCUSSION AND POSSIBLE ACTION AUTHORIZING CLEAVER CABLE CONSTRUCTION TO COMPLETE THE LATERAL TELEVISIONING PROCESS - A motion by Spaide, seconded by Miller, to authorize Cleaver Cable Construction to complete the lateral televising project. All aye votes.

OLD BUSINESS:

DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED 2014 ANNUAL TOWNSHIP BUDGET - The members of the Board along with Financial Consultant, Matt Dallas, reviewed some minor changes to the proposed 2014 Annual Township Budget. After discussion, it was agreed to have a tentative budget available for further debate at the November 18, 2013, Board of Commissioners meeting.

COMMISSIONER COMMENTS: None.

PAYMENT OF BILLS - October 21, 2013 - A motion by Spaide, seconded by Noll, to approve the October 21, 2013, Bill List, for General Fund in the amount of \$224,603.92; Fire Fund in the amount of \$3,919.91; Sewer Fund in the amount of \$9,422.86; Open Space Fund in the amount of \$1,451.53; State Fund in the amount of \$161,065.66 and Escrow Fund in the amount of \$4,225.00. Total Disbursements ~ \$404,688.88. All aye votes.

APPROVAL OF MINUTES - September 16, 2013 - A motion by Miller, seconded by Noll, to approve the minutes of the September 16, 2013, meeting as presented. All aye votes.

APPROVAL OF MINUTES - September 30, 2013 - A motion by Spaide, seconded by Noll, to approve the minutes of the September 30, 2013, meeting as presented. All aye votes.

EXECUTIVE SESSION - At 8:25 P.M. Commissioner Taylor stated the Board would be meeting in Executive Session to discuss matters of collective bargaining and possible real estate acquisition. The meeting reconvened at 9:07 P.M.

DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED AGREEMENT OF SALE WITH TODD HILSEE - A motion by Miller, seconded by Spaide, to execute the proposed Agreement of Sale with Todd Hilsee and purchase the Hilsee property in the amount of \$400,000. All aye votes.

DISCUSSION AND POSSIBLE ACTION REGARDING THE FIRST AMENDMENT TO THE CURATIVE AMENDMENT SETTLEMENT AGREEMENT INVOLVING THE SPROGELS RUN PROJECT - A motion by Noll, seconded by Miller, to execute the Curative Amendment Settlement Agreement involving the Sprogels Run Project. All aye votes.

ADJOURNMENT - There being no further business, a motion by Spaide, seconded by Noll, to adjourn the meeting at 9:18 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor
Township Secretary