

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

December 16, 2013

A meeting of the Board of Commissioners was held on Monday, December 16, 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, Jr., Police Chief William A. Moffett, Public Works Director Frank Quinter and Township Secretary Cynthia Saylor. Commissioner Taylor called the meeting to order at 7:00 P.M. There were 22 people and a Mercury reporter 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:

KEITH KEHL - 1941 Gilbertsville Road - Reported that he had been in contact with a representative from the Montgomery County Conservation District regarding Sprogel's Run.

EMERGENCY SERVICES - Chief Moffett highlighted the monthly Police Report. **COMMISSIONER MILLER** questioned the number of animal complaints. **FIRE REPORT** - Commissioner Dolan noted that there have been a number of fires due to residents throwing out their fireplace ashes. The Fire Company questioned whether the Opti-Com system for the Route 100/State Street signal has been budgeted in 2014. Mr. Dolan referenced the Firefighter Cancer Bill and noted that the Workers' Compensation for the Fire Company has gone up dramatically and noted the possibility of raising the fire fund tax next year. Commissioner Dolan noted that the Fire Committee will discuss the possibility of changing their meeting dates to the Tuesday prior to the Board of Commissioners meetings.

PLANNING & ZONING REPORT - Commissioner Taylor noted the Planning and Zoning issues would be discussed later on the agenda.

PUBLIC WORKS REPORT - Public Works Director, Frank Quinter, reported that employees excavated and blacktopped swale across the entrance at Prout Farm Trail, called out to salt, cinder and plow; cleaned equipment after snow storms; cleaned leaves from storm inlets before, during and after rain events; picked up, patched and compacted potholes along Hanover Drive; picked up and installed 14 manhole liners along Farmington Avenue as part of the Corrective Action Plan; removed and downloaded images from game cameras at various locations in the township and removed and replaced faded stop signs at Deerfield Way and Juniper Street. **COMMISSIONER MILLER** complimented the Public Works Department for taking good care of the highway equipment especially after the recent snow storms.

PARKS, RECREATION AND OPEN SPACE REPORT - Commissioner Miller reported that finally after a year and half of communicating with numerous Representatives and Senators and a visit to Harrisburg that House Bill #1523, which was supported by Marcy Toepel, passed with a vote

PARKS, RECREATION AND OPEN SPACE REPORT CONT'D - of 194 - 0. Commissioner Miller reported that the trees were planted at the entrance to Prout Farm Park. Commissioner Miller complimented the nurserymen at Hopewell Nursery for a job well done.

SPECIAL PROJECTS - Commissioner Noll reiterated the passing of House Bill #1523 and expressed his appreciation to Marcy Toepel and her Staff for all of their support. Commissioner Noll referenced the Presumption Act for the Firefighters and noted that this is a top priority for the State Association in 2014. Commissioner Noll stated that there will be a "Lobby Day" in early February.

Commissioner Dolan explained that the passing of House Bill #1523 not only allows for open space acquisition but for the development of parks as well.

TOWNSHIP ENGINEER'S REPORT - It was noted that a copy of the monthly Engineer's report would be posted on the bulletin board.

SOLICITOR'S REPORT - Attorney Garner reported that due to a change in the First Class Township Code with respect to the new title of Treasurer; before the Treasurer was the elected Tax Collector. Mr. Garner stated that now the State Legislator has separated those functions so that the Treasurer will now be an appointed position. He further stated that at the January meeting there will be a suggestion for changes in fees for 2014 and the Board will need to enact it at the Reorganization meeting or the regular meeting in January. Attorney Garner provided an update regarding the assertion that Highview Lane was a public road and noted that this has been in litigation in the Court of Common Pleas since 2010. Mr. Garner reported that a judgment has been entered in favor of the Township and that the request entered by James & Kathy Capinski was denied. Attorney Garner reported that the Board has received confirmation from Jack Layne that he intends to resign from Upper Pottsgrove Township and take on a new challenge in Maple Shade, New Jersey. Attorney Garner suggested that the members of the Board consider wrapping up "loose ends" with an appropriate Resignation Agreement and in the future discuss some short-term and long-term placement for a replacement for Jack.

TOWNSHIP MANAGER'S REPORT - Mr. Layne advised that tonight will be his last meeting at Upper Pottsgrove Township. Mr. Layne reported that on Friday, December 13, 2013, the members of the Board presented him with a key to the Township and kidded that the Township will need bigger doors. Mr. Layne expressed his thanks and appreciation to "everyone" in the community, as well as the Commissioners, the Staff and Mercury Reporter, Evan Brandt. Mr. Layne stated that he has been very fortunate to serve this fine community and noted that he will take a lot of memories with him. With regards to his monthly report Mr. Layne reported that he coordinated the preparation of the proposed 2014 Annual Budget with Matt Dallas and staff. He further reported that he along with Attorney Garner participated in contract negotiations with the Police Department; coordinated the Township's participation in the Limerick Generating Station's Exercise; contacted the Pennsylvania Department of Conservation and Natural Resources regarding the Hilsee property grant application.

TOWNSHIP MANAGER’S REPORT CONT’D - Notified that the Township was awarded a \$146,100 grant to acquire the Hilsee property; attended a Pottstown Area Health and Wellness Foundation Recreation Committee; attended meetings to discuss the Phase II of Coddington View; met with the Township’s auditing firm regarding the 2013 audit; attended the Pottstown Area Health and Wellness Foundation Recreation Committee meeting; and met with the Township’s property and liability insurance cover firm (H.A. Thomson).

FINANCIAL REPORTS - Mr. Layne reported that as of November 30, 2013, the Township has received 92.7% of its budgeted revenues and expended 91.4% of its budgeted expenses.

NEW BUSINESS:

DISCUSSION AND POSSIBLE ACTION REGARDING ZHB#1-13 FROM CARTER BEEPOT - Commissioner Taylor reported an appeal has been filed with the Zoning Hearing Board by Carter M. Beepot, requesting a variance. The property is situated in the R-2 zoning district and is located at 1329 Meadowview Drive, Pottstown. The applicant has requested a variance from Section 350-20 of the Upper Pottsgrove Zoning Ordinance in order to locate a utility shed which will not be

at least ten (10) feet farther back from the street line than the rear most portion of the principal building and would be less than ten (10) feet from the side and/or rear property line. A public hearing is scheduled with the Zoning Hearing Board on Thursday, January 2, 2014 at 7:30 P.M. A motion by Miller, seconded by Noll, to send a letter to the Zoning Hearing Board that the Commissioners took no formal action regarding this request. All aye votes.

DISCUSSION AND POSSIBLE ACTION TO APPROVE DESIGNATED PENSION CONTRIBUTIONS FOR UNIFORM AND NON-UNIFORM TOWNSHIP EMPLOYEES FOR 2014 - Attorney Garner explained that a Resolution is not necessary for the Uniform Employees since the police percentage is 5% which is the automatic amount per Act 600.

RESOLUTION # 632 - A Resolution establishing the contribution for members of the Upper Pottsgrove Non-Uniform employee pension plan for the calendar year 2014 ending December 31, 2014. It was noted that the annual member contribution for non-uniformed employees will be established at 1.72% which shall begin January 1, 2014, and remain in effect until December 31, 2014. A motion by Spaide, seconded by Miller, to approve Resolution #632. All aye votes.

DISCUSSION AND POSSIBLE ACTION TO APPROVE AN ORDINANCE AMENDING TOWNSHIP SEWER RATES FOR 2014 – Ordinance # 466 - An Ordinance of the Board of Commissioners of Upper Pottsgrove Township amending Chapter 275, Sewers and Sewage Disposal, of the Code of the Township of Upper Pottsgrove, as amended, for the purpose of amending Sanitary Sewer Rental Charges. The Ordinance establishes a flat rate sanitary sewer rate of Two Hundred Fifteen Dollars (\$215) per quarter for each sewer rental unit in the Township sewer system. A motion by Dolan, seconded by Spaide, to approve Ordinance #466. All aye votes.

DISCUSSION AND POSSIBLE ACTION TO APPROVE A RESOLUTION AUTHORIZING THE TOWNSHIP TO OBTAIN A TAX ANTICIPATION NOTE - Resolution #633 - A motion by Dolan, seconded by Miller, to approve Resolution #633 in the amount of \$300,000.00. All aye votes. Mr. Layne noted that the Township has not utilized the Tax Anticipation Note in the last several years.

DISCUSSION AND POSSIBLE ACTION TO APPROVE A RESOLUTION REGARDING A PROPOSED MINOR SUBDIVISION PLAN FOR 1794 GILBERTSVILLE ROAD - Resolution #634 - Attorney Garner explained that the Applicant, the Hilsee Real Estate Partnership, LP, proposed a two-lot subdivision creating Lot #1 which consist of 1.07 acres net, with an existing dwelling and barn, and Lot #2 which consists of 11.96 acres net with no buildings, which is intended to be conveyed to Upper Pottsgrove Township for open space purchases. Commissioner Taylor reported that the Upper Pottsgrove Township Planning Commission reviewed the subdivision plans and the waiver requests submitted by the applicant's engineer. He further reported that the Planning Commissioner recommends approval of the waiver requests as outlined in the letter dated November 11, 2013, from STA Engineering, Inc. Those requests for waivers are as follows: a waiver from Section 310-7.D which required an inventory and analysis of all elements be provided; a waiver from Section 310-21.A.(1) which requires sidewalks along all roads in residential zoning district, a waiver from Section 310-21.B.(1) which required concrete curbs be provided along all roads, and a waiver from Section 310-35.A to permit iron pins along the right-of-way of Gilbertsville Road, Mickletz Drive, and Grandy Road for Lot #1 and to not require concrete monuments along all road right-of-ways. The Planning Commission also recommends preliminary/final plan approval of the subdivision subject to compliance with all the conditions in the Township Engineer's letter dated November 7, 2013, with the exception of waivers noted and a determination as to whether a conditional use would be required. Commissioner Miller noted a discrepancy with regards to the location of the concrete monuments and discussed the matter with Susan A. Rice, S.T.A. Engineering, who was present in the audience. Attorney Garner stated that the Resolution could be modified to address this issue. After a brief discussion, a motion by Miller, seconded by Spaide, to approve the Resolution, as modified, regarding the minor subdivision plan for 1794 Gilbertsville Road. All aye votes.

DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE TOWNSHIP TO EXECUTE ALL NECESSARY DOCUMENTS FOR CLOSING AND ACQUIRING THE OPEN SPACE PARCEL LOCATED AT 1794 GILBERTSVILLE ROAD (E.G., HILSEE PROPERTY) - Commissioner Taylor noted that the Township received \$146,000 grant in order to purchase this property. A motion by Miller, seconded by Noll, to authorize the President of the Board and the Township Manager to proceed and execute the necessary closing documents regarding acquisition of the open space parcel located at 1794 Gilbertsville Road. All aye votes.

In response to a question from **DENNIS ELLIOTT, 576 Evans Road**, Commissioner Miller advised that in another year and a half the Pottsgrove Cross Country Team will be able to run to Route 100 and back again, which will encompass approximately ten (10) miles. Mr. Miller noted that the Cross Country team will only have to cross three (3) township roads and one (1) PennDOT road.

DISCUSSION AND POSSIBLE ACTION TO APPROVE A RESOLUTION AUTHORIZING THE TOWNSHIP TO SUBMIT AN APPLICATION TO THE PECO GREEN REGION PROGRAM FOR GRANT FUNDING - Commissioner Taylor explained that the Township submitted a grant request in the amount of \$8,000 from the PECO Green Region Program to be used for the Althouse Arboretum Trail in conjunction with the SAVE Foundation and the Pottsgrove School District. **Resolution #635** - A Resolution approving and authorizing the submission of a grant application pursuant to the PECO Green Region Program for funding of the Althouse Arboretum Trail. After a brief discussion, a motion by Dolan, seconded by Miller, to approve Resolution #635. All aye votes.

DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE ADVERTISEMENT OF A COMMISSION REORGANIZATIONAL MEETING FOR 7:00 P.M., MONDAY, JANUARY 6, 2014 - A motion by Spaide, seconded by Miller, to authorize the advertising of the Reorganization Meeting for Monday, January 6, 2014 at 7:00 P.M. All aye votes.

OLD BUSINESS:

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE PROPOSED 2014 ANNUAL TOWNSHIP BUDGET - A motion by Dolan, seconded by Spaide, to approve the proposed 2014 Annual Township Budget. All aye votes.

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE REAL ESTATE TAX ORDINANCE FOR 2014 – Ordinance #467 - An Ordinance of the Upper Pottsgrove Township Board of Commissioners, Fixing the Real Property Tax Millage for the Year 2014. A motion by Dolan, seconded by Spaide, to approve Ordinance #467. All aye votes. It was noted that the Ordinance establishes the Real Property Millage Rate at 3.4 mills of \$0.340 mills per \$100 of assessed valuation and Fire Tax at 3.75 mills or \$0.0375 mills per \$100 of assessed valuation. Total millage for 2014 ~ 3.775.

DISCUSSION AND POSSIBLE ACTION TO ADOPT AN ORDINANCE AMENDING COMMISSIONER COMPENSATION - Attorney Garner noted that the Board has not reviewed the annual compensation rate paid to the Commissioners in approximately twenty (20) years. Mr. Garner reported that based on the population of the Township the annual compensation can be increased to \$2,500. **Ordinance #468** - An Ordinance of the Board of Commissioners of Upper Pottsgrove Township Amending Chapter 65, Salaries and Compensation, of the Code of the Township of Upper Pottsgrove, as amended, to increase the Compensation of Township Commissioners to \$2,500 effective January 1, 2014. Attorney Garner explained that those Commissioners whose term of office began prior to January 1, 2014, shall receive compensation in the amount of \$1,875 annually through December 31, 2015. A motion by Dolan, seconded by Spaide, to adopt Ordinance #468. Aye votes: Dolan, Spaide and Taylor. Abstain: Miller and Noll. Motion carried. Commissioner Taylor noted that the Township could have increased the annual Commissioners salary (3) three or (4) four years ago but the community and the nation was in turmoil and going through economic difficulty.

FRANCE KRAZALKOVICH – 92 Stonehill Drive - Questioned when the Township population exceeded 5,000. Mr. Layne stated in 2010.

DISCUSSION AND POSSIBLE ACTION AUTHORIZING THE TOWNSHIP SOLICITOR TO PREPARE AN ORDINANCE AMENDING THE TOWNSHIP'S MASTER TRAFFIC ORDINANCE IN ORDER TO INSURE THAT SPECIFIED STOP SIGNS AND SPEED LIMITS ARE ENFORCED FOR THE TOWNSHIP'S NEWLY DEDICATED STREETS -

A motion by Miller, seconded by Spaide, to authorize the Solicitor to prepare an Ordinance amending the Township's Master Traffic Ordinance. All aye votes.

DISCUSSION AND POSSIBLE ACTION RECOMMENDED BY THE ADHOC COMMITTEE REGARDING THEIR REVIEW OF THE TOWNSHIP'S EMERGENCY AMBULANCE SERVICE COVERAGE -

Commissioner Dolan reported that the Township is currently using Goodwill Ambulance for emergency services and they have always done a terrific job. He further reported that we now have a greater population in the upper west corner of the Township and there is a good ambulance out there ~ Gilbertsville Ambulance. Commissioner Dolan noted that several residents expressed their concern regarding utilizing Gilbertsville as opposed to Goodwill in an effort to save response time. Mr. Dolan stated that an AdHoc Committee was made up of five (5) members ~ himself, the Police Chief, Keith Kochel, Dennis Elliott and Martin Schreiber. After several meetings they determined that time could be saved in using Gilbertsville for the upper west corner of the Township. The AdHoc Committee's recommendation is to utilize Gilbertsville Ambulance from the Berks County line over to Yarnall Road and also from the Berks County line over to Commerce Drive and Goodwill Ambulance would be utilized for the remainder of the Township. Commissioner Noll expressed concern that the 911 Center needs to make the necessary changes in their system. Commissioner Miller was concerned that there was no map indicating where the changes/locations would occur. Attorney Garner stated that the Township could implement the change by Resolution. After further discussion, the Board agreed to table further discussion until the January meeting.

KEITH KOCHER - 1412 Farmington Avenue - Stated that there are representatives from the County present at the meeting that could answer any questions the Board may have with regards to the changes being made. Mr. Kochel suggested that we utilize the resources that are here.

PUBLIC COMMENT:

KEITH KEHL- 1941 Gilbertsville Road - Advised that the Montgomery County Conservation District will hold a seminar regarding water run-off. Commissioner Taylor stated that when the Township receives the information regarding the seminar it will be forwarded to the appropriate individuals.

COMMISSIONER COMMENTS:

COMMISSIONER SPAIDE - Advised that not only is the Board of Commissioners saying goodbye to Jack tonight but our Police Secretary, Mary Highland, is also leaving. Commissioner Spaide expressed her appreciation to Mary and noted that she was a great addition to our whole organization. Ms. Spaide addressed Commissioner Dolan and stated that he did a "great Job" with

COMMISSIONER SPAIDE CONT'D - Ms. Spaide addressed Commissioner Dolan and stated that he did a great job with the Fire Committee and noted he will be missed. She further stated that she couldn't believe Commissioner Dolan didn't run again for office. Commissioner Spaide stated that there is no way we will ever replace Jack. She further stated that every time she looks in the dictionary and sees the word "gentleman" she sees a picture of Jack. Commissioner Spaide he's done a terrific job for the Township; has attended every meeting and took the notes and she expressed his appreciation for everything he has done for the community.

COMMISSIONER MILLER - Addressed Commissioner Dolan and stated he would definitely miss him. He further stated that they didn't also agree on everything but we always came back to agree on something. Commissioner Miller always referred to Commissioner Dolan as his "colleague" to the right. Commissioner Miller addressed Mr. Layne and stated that not only did we discuss problems within the Township; but we also agreed on the Eagles and various other sports. One of the biggest things he will miss is the "Wawa coffee" and their "special formulation" that they enjoyed. He further stated that we'll fill the spot but there is more to life than just work; it's putting in the right effort at the right time. Commissioner Miller noted that he didn't anyone who would be able to write the grants like Jack. He kidded that Frank will have to pick him up now when it snows. Mr. Miller wished Jack "God speed."

COMMISSIONER NOLL - Stated the Township is losing three (3) good people. Commissioner Noll addressed Police Secretary, Mary Highland, and stated she would be missed and he would miss her smiling face every time he visited the Police Department. Mr. Noll addressed Commissioner Dolan and stated he would be missed and noted that he was a good man. Commissioner Noll addressed Mr. Layne and stated that Pottstown Borough's loss was Upper Pottsgrove's gain. Mr. Noll stated that Jack always gave 110% and he has never heard him say "no" to any request that was given. Commissioner Noll stated he remembered calling Mr. Layne to see if he was interested in coming to Upper Pottsgrove Township. Commissioner Noll stated it was a great honor for him to call and invite him for an interview. Mr. Noll wished Mr. Layne and his wife "all the best in their future endeavors." Commissioner Noll stated that Jack would be greatly missed by this Board, this Staff and this Township and expressed his thanks and appreciation to him.

COMMISSIONER DOLAN - Extended his thanks for the past eight (8) years and stated when he thinks back to when he first started on the Board; there were several gentlemen that sat in the front row. Mr. Dolan further stated that he used to refer to these gentlemen as "negative row" because whatever the Board did; they always complained. He further stated that over time they were able to talk about their differences. Commissioner Dolan advised that one of his first meetings took place at 7:00 AM to get Jack appointed and he started working that day at 9:00 AM. Mr. Dolan noted even though the meeting took place at 7:00 AM the "negative row" was there and his kids were sitting behind them. He further noted that Elwood lost his temper "just a little bit" and hit the gavel so hard the plate flew up in the air. Mr. Dolan stated that his kids were so afraid that they never wanted to come to another meeting. Commissioner Dolan stated it was funny that he and Jack started at the same time and now they are leaving together. Some of the things Mr. Dolan is most happy with is the open space; but most important was the team work the members of the Board had and noted they were a "great team" throughout his eight (8) years. Mr. Dolan said he remembers when there was

COMMISSIONER DOLAN CONT'D - something "nasty" in the newspaper about the Township

every week; but now we are a model township. Mr. Dolan said that now he gets phone calls asking for his advice regarding open space. One of the things he is most happy about is the recent passing of the Open Space Bill and he noted that he is jealous that he won't be around to see those park benches in place. Commissioner Dolan stated he remembered when the Fire Committee was a question mark and they were still under the "Letter of Understanding." Mr. Dolan stated the leadership of the Fire Company came around and they are on a great path and he hopes they continue down that way.

COMMISSIONER TAYLOR – Addressed Commissioner Dolan and stated he is appreciative of the time he has spent on the Board and with his participation with the Open Space Committee. Mr. Taylor stated it's "karma" that the Open Space Bill passed at the same time that Commissioner Dolan is leaving. Commissioner Taylor presented Commissioner Dolan with a plaque which read: presented to Peter J. Dolan by the Board of Commissioners of Upper Pottsgrove Township ~ in recognition of his service as Commissioner from 2006 to 2013, and as a member of the Fire Committee, the Open Space and Park and Recreation Board, the Pottstown Metropolitan Regional Planning Committee and as Emergency Services liaison much appreciation. Commissioner Taylor addressed Mr. Layne and stated that he has been trying to discern exactly why it was that he is leaving us. Commissioner Taylor stated that everyone he has talked to has guaranteed him that we didn't chase him away and the best he can figure out is that the Township wasn't challenging enough for him. He further stated that Jack is going over to Maple Shade to take on another challenge. Commissioner Taylor noted that the Township did have some difficult times for lots of reasons and Jack came in and took on the challenge. The words Commissioner Spaide used ~ "Gentleman Jack" which fit him perfectly, noted that Jack was always that calming face to the community; even the bad things we had to tell people went down easier. Commissioner Taylor stated that at the Township's recent Christmas party, there were about sixty (60) to seventy (70) people here representing the various volunteers and staff that work for our community. He further stated that at that time, the Board presented him with the "Key to the City." Commissioner Taylor presented Mr. Layne with a Certificate of Excellence ~ in recognition of your contributions as Township Manager (2006-2013); your considerate executive leadership anchored and encouraged a cohesive administrative team, and your own untiring efforts on behalf of our residents exemplified the ideal of government service. "Thank you for your time and noteworthy consideration!" Signed the Upper Pottsgrove Township Board of Commissioners.

Mr. Layne expressed his sincere thanks and appreciation for everything everyone has done.

PAYMENT OF BILLS - December 16, 2013 - A motion by Noll, seconded by Spaide, to approve the Bill List dated December 16, 2013, for General Fund in the amount of \$82,675.28; Fire Fund in the amount of \$44,506.65; Sewer Fund in the amount of \$8,447.37; Open Space Fund in the amount of \$4,652.06; State Fund in the amount of \$247.21 and Escrow Fund in the amount of \$3,297.62. Total Disbursements ~ \$143,826.19. All aye votes.

APPROVAL OF MINUTES - November 18, 2013 - A motion by Dolan, seconded by Spaide, to approve the minutes of the November 18, 2013, meeting as presented. All aye votes.

meeting in Executive Session to discuss matters of litigation, collective bargaining and a personnel issue. The meeting reconvened at 9:10 P.M. No action was taken.

ADJOURNMENT - There being no further business, a motion by Miller, seconded by Dolan, to adjourn the meeting at 9:12 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor
Township Secretary