

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

**March 17, 2014**

A meeting of the Board of Commissioners was held on Monday, March 17, 2014, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners Miller, Noll, Schreiber, Spaide and Taylor present. Also present were Township Solicitor Charles D. Garner, 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 8 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 as well as John Buck who was a life time member of the Upper Pottsgrove Township Fire Company.

**PLEDGE OF ALLEGIANCE** - Those assembled pledged allegiance to the flag.

**EXECUTIVE SESSIONS** - Commissioner Taylor reported that the Board has met in Executive Session on February 20, February 26, and March 8, 2014, to discuss personnel matters.

**REPORTS:**

**FIRE COMPANY** - Commissioner Schreiber reported that the Fire Company has expressed concern with regards to their vehicle maintenance budget for 2014.

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

**PUBLIC WORKS REPORT** - Commissioner Spaide reported that the Highway employees responded to a call out for dual pump failure at the Hollyberry Court pump station, had All American Septic pump down wet well as needed, worked with Bartman Plumbing and Excavating, jackhammered and replaced broken pipe, removed metal piece that jammed pump from running, temporarily repaired air relief valve located on Rose Valley Road, will need to expand work area as soon as possible.

**POLICE REPORT** - Commissioner Miller reported that there was a domestic assault between a boyfriend and girlfriend, a theft at the Sunoco Gas Station whereby a woman left without paying; however, when she realized it she returned to the gas station and paid, and vandalism whereby sugar was placed in a gas tank. Mr. Miller reported there was a total of 45 incidents during the month most of them were traffic citation.

**PARKS, RECREATION AND OPEN SPACE REPORT** - Commissioner Miller reported that the Committee will discuss the Hoffman field expansion at their next meeting. Mr. Miller discussed the Prout Farm loop trail and noted that the engineering work is proceeding. He further reported that the pavilion for Sunset Park has been ordered.

**PARKS, RECREATION AND OPEN SPACE REPORT CONT'D .** - Mr. Miller advised that the Parks and Recreation Committee created its own face book page. Mr. Miller noted that Greg Churach is the new representative for the Pottstown Metropolitan Regional Planning Commission. Commissioner Schreiber reported that the boy scouts will clean up the parks within the Township on Saturday, April 26, 2014. Commissioner Miller noted that the annual clean up brigade will be held on Saturday, April 12, 2014.

**SPECIAL TOWNSHIP PROJECTS** – Commissioner Noll reported that the Pennsylvania State Association for Township Commissioners will hold an Executive Committee meeting on March 28, 29, and 30<sup>th</sup>. Mr. Noll noted that the First Class Township's Conference will be held in June and encouraged the Board to take out a one page ad promoting Upper Pottsgrove Township. Commissioner Noll advised that he is looking into getting faster internet service with Comcast and noted the monthly cost would be \$89.95 per month for the administrative office building.

**TOWNSHIP ENGINEER'S REPORT** - It was noted that a copy of the monthly Engineer's Report would be posted on the bulletin board. Commissioner Schreiber noted that his address was listed on the Building and Zoning report and expressed concern regarding the permit's issue date and the completion date. Commissioner Taylor stated he would look into the matter.

**TOWNSHIP SOLICITOR'S REPORT** - Attorney Garner reported that the township is in the process of finalizing the settlement agreement with IFIC, the bond company for the Coddington View project. Mr. Garner stated that he delivered a petition to exempt the real estate taxes for the newly acquired Althouse open space property to the Interim Township Manager.

**TOWNSHIP MANAGER'S REPORT** - Commissioner Taylor reported that he attended a preconstruction meeting for Citadel. Mr. Taylor stated that there is the possibility of working and Saturday's and blasting. He further reported that he met with representatives of the School District to discuss the imminent construction of a second field at Hollenbach and the emergency access drive between Coddington View and the Middle School. Commissioner Taylor questioned the members of the Board as to whether the township would consider taking excess fill from upcoming school building projects to complete parking facilities at Hollenbach Park. Mr. Taylor continued to monitor Emergency Dispatch Center to confirm changes to the ambulance service map. Mr. Taylor reported that he coordinated the transfer of pension administrator to Greystone Associates in consultation with uniform and non-uniform pension representatives and met with Pottstown/Pottsgrove Regional Sewer Committee to discuss the upcoming audit of sewer services which will hopefully discover ways to reduce the costs of sewer services. Commissioner Taylor expressed his appreciation to the Public Works employees for making the Vocational Trainee feel at home while doing some valuable work with the Highway Department.

**MONTHLY FINANCIAL REPORT** - Copies of the February Financial Statements were included in the Board members meeting packets.

**NEW BUSINESS:**

**CONSIDER PREPARATION OF A DOG KENNEL ORDINANCE** - Commissioner Taylor gave a brief update with regards to the barking dog issue on Orlando Road. Mr. Taylor stated that the Police continue to cite and fines have been issued. Attorney Garner reported that a staff meeting with LTL Consultants was held and it was agreed that the Township's zoning ordinance could be upgraded to better regulate kennel operations and require larger pieces of ground so it doesn't impact so much on neighboring properties. After a brief discussion, it was agreed to have the Solicitor draft a dog kennel ordinance.

**CONSIDER PREPARATION OF AN ORDINANCE TO REGULATE WOOD BOILERS**

Commissioner Taylor reported that last year there was an installation of a wood-burning boiler in the Township whose smoke release became a nuisance with smoke wafting across yards and into the windows of nearby neighbors. LTL Consultants was successful in getting larger/taller stack constructed, but we won't know until this summer if it will be helpful in remediating the problem. Attorney Garner stated since there is no specific ordinance regulating these boilers, the Township may want to consider adopting one that would limit where they could be built so that smoke would not infringe on any neighboring properties. After further discussion, it was agreed to have the Solicitor draft an ordinance regulating wood boilers.

**DIANA UPDEGROVE** - **1404 Farmington Avenue** - Questioned whether the proposed ordinance would define what is permitted to be burned. Attorney Garner stated the ordinance will define the type of unit and what is permitted to be burned.

**APPROVE REVISED FIRE COMPANY RUN CARDS** - A motion by Noll, seconded by Miller, to approve the revised Fire Company run cards. All aye votes.

**CONSIDER APPROVING INTEREST RATE REDUCTION OF DELVAL 2005 SERIES B**

**NOTE - RESOLUTION #642** – A Resolution authorizing the Conversion of all or a portion of the General Obligation Note, Series B of 2005 Issued by the Township of Upper Pottsgrove to a New Loan Fixed Rate; and the Repeal of any Inconsistent Resolutions. A motion by Miller, seconded by Schreiber, to approve Resolution #642 with the five (5) year option. All aye votes.

**STORM WATER MS4 PROJECT UPDATE** - Commissioner Taylor reported that the Department of Environmental Protection is stepping up the oversight of storm water management with more rigorous requirements. He further reported that LTL Consultants and the Public Works Director have embarked on a joint project to map all the inlets and outfalls within the Township. Mr. Taylor advised that one of the requirements is public education. Mr. Taylor stated that in conjunction with the Township's Pennsylvania Department of Environmental Protection MS4 Storm Water Management Permit the Board of Commissioners is providing this educational brochure to the public titled When It Rains, It Drains. The brochure provides useful information regarding storm water, storm sewer systems and steps the public can take to help prevent the unnecessary pollution of storm water run-off. We encourage everyone here to take a copy of the brochure with you to read and we ask that you consider following the recommendations in the brochure to help prevent pollution.

**OLD BUSINESS:**

**CONSIDER ADOPTING CURB AND SIDEWALK ORDINANCE** - Commissioner Taylor reported that at a previous meeting the members of the Board briefly discussed and authorized the Solicitor to draft an ordinance that would make the maintenance of curb and sidewalk on your property, your responsibility. A motion by Miller, seconded by Noll, to authorize the advertisement of the proposed Curb and Sidewalk Ordinance. Aye votes: Miller, Noll, Spaide and Taylor. Opposed: Schreiber. Motion carried.

**FRANCE KRAZALKOVICH - 92 Stonehill Drive** - Questioned whose responsibility is it to clear snow from fire hydrants. Attorney Garner stated the obligation that the owner shall, within twenty four (24) hours after the cessation of any snowfall, remove or clear away snow and/or ice from a path of at least 30 inches in width from an area around any fire hydrant on the property leading to the street.

**CONSIDER APPOINTMENT OF TOWNSHIP FIRE MARSHAL** – A motion by Noll, seconded by Miller, to appoint Stanley Hildenbrand as the Township Fire Marshal. Commissioner Schreiber expressed his concern with regards to the required training for the Fire Marshal. Aye votes: Miller, Noll, Spaide and Taylor. Opposed: Schreiber. Motion carried.

**OTHER PUBLIC COMMENT:** None.

**COMMISSIONER COMMENTS:** None.

**PAYMENT OF BILLS - March 17, 2014** - Commissioner Noll questioned invoices from the Pa. State Association of Boroughs and PMRPC. After a brief discussion, a motion by Noll, seconded by Miller, to approve the Bill List dated March 17, 2014, for General Fund in the amount of \$ 93,178.84; Fire Fund in the amount of \$ 5,288.00; Sewer Fund in the amount of \$ 28,892.78; Open Space Fund in the amount of \$ 11,307.55; State Fund in the amount of \$ 10m759.49 and Escrow Fund in the amount of \$ 1,693.40. Total Disbursements ~ \$ 151,120.06. All aye votes.

**APPROVAL OF MINUTES - February 18, 2014** - A motion by Miller, seconded by Noll, to approve the minutes of the February 18, 2014, meeting as presented. All aye votes.

**EXECUTIVE SESSION** - At 7:58 P.M. Commissioner Taylor stated the Board would be meeting in Executive Session to discuss matters of real estate, personnel and litigation with the possibility of action being taken. The meeting reconvened at 9:00 P.M.

**REAL ESTATE PURCHASE - Matlock Building** - A motion by Spaide, seconded by Miller, to approve and authorize the execution of a Real Estate Sales Agreement with Matlock Family Trust and Michael A. Matlock Jr., to purchase a total of six separate parcels owned by Matlock at Willow and Diamond Streets for the purchase price of \$425,000.00.

**REAL ESTATE PURCHASE CONT'D** – The final form of the Agreement of Sale will be subject to review and approval of the Solicitor or Manager but would contain the following conditions:

- 1) Township due diligence through June 30, 2014
- 2) Closing on or before July 31, 2014
- 3) Upper Pottsgrove Township obtaining financing which it deems to be acceptable in its discretion, which can include Seller financing. All aye votes.

Following the vote, the Board returned to Executive Session indicating no further action would occur following the Executive Session.

**ADJOURNMENT** - There being no further business, the meeting adjourned at 10:30 P.M.

Respectfully submitted,

Cynthia H. Saylor