

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

January 20, 2015

The regular meeting of the Board of Commissioners was held on Tuesday, January 20, 2015, at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Commissioners Elwood Taylor, Renee Spaide, Martin Schreiber and Russell Noll present. Also present were Township Solicitor Charles D. Garner, Jr., Police Chief William Moffett, Township Manager Carol R. Lewis, and Public Works Director Frank Quinter. The meeting was called to order at 7:00 P.M.

MOMENT OF SILENCE - Mr. 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 (non-agenda items)

RICH MINGEY had a presentation for the Board to discuss a piece of ground on the northwest corner of State Route 100 and Moyer Road. There are sixteen (16) vacant acres at that location. He wanted to discuss with the Board the feasibility to develop apartments on that lot. All traffic would exit onto Moyer Road and would not impact any other properties or open space. Montgomery County has preliminarily approved grant funding for this project. R. Mingey would be the developer for Delaware Valley Development Company who would own and manage the property. There is sewer and water in the area which would get those utilities to the residents of Mingey Drive. At this time they are looking for support for the project realizing that they still need to go through financing and development. They explained that the project could be subsidized or non-subsidized but either way, the project would be a managed property. At this point R. Mingey turned the presentation over to Glenn Worgan, Principal of DVDC. G. Worgan explained that there would be approximately fifty six (56) units of mixed one, two and three bedroom projects. He reviewed previous projects that the Company has done in the past. For the first time their Company is seeking passive house certification. This is given to residents that use very little energy. They reviewed the potential financing package and proposed rents and income needed to live there. They pointed out Kennett Square and Granite Ridge which would be a similar architecture to what they are proposing to use at Cross Roads Apartments. E. Taylor explained that the Board of Commissioners has been very careful of what is developed where. He feels that this is a location that does not impact other residents and would result in revenue for the Township and sewer for the area. He advised the Developers that they would need zoning relief from the Commissioners. He asked about the number of units whether it was fifty six (56) or one hundred and twenty (120). R. Mingey explained that there is the possibility for a Phase II for over fifty five (55) but they are not sure at this time. He explained that one of the benefits to the Township is they would not have to wait eight (8) to ten (10) years for build out; it would all be built and installed at one time. In response to a question from R. Noll; it was explained that the utilities would be paid out of the rents that would be collected and the DVDC would be paying for the sewer fees as they are the owner of the property. The plan would still need to go through all regular channels including the Planning Commission etc. R. Spaide feels

that it is a good idea as the land is currently not doing anything. R. Noll expressed concerns regarding traffic at the light at Route 100. R. Mingey explained that even with 120 units the lot would still be over 50% open space. M. Schreiber asked why it was originally zoned R-80. E. Taylor explained that at the time they were trying to match density with utilities and infrastructure. M. Schreiber also explained some concern about the drain on Emergency Services. The plan is going from eight (8) houses on sixteen (16) acres to 120. R. Noll expressed that he liked the managed, quality and financial benefits to the Township. He just wants to be cautious during planning. Keith Kehl, 1941 Gilbertsville Road, asked if it is a commercial property would the taxes be lower. C. Garner explained that the property is assessed by the Board of Assessments and the number is attached. K. Kehl also feels that he should finish the project across the street before being allowed to undertake this project. Diana Updegrove, 1404 Farmington Avenue, asked about concerns regarding what area on the Patel property was to be developed as it is in close proximity. She does like the concept of the managed property. R. Mingey explained that they would have to deal with all engineering when they get the necessary approvals and permits to do the project. Keith Kachel also expressed concerns regarding Emergency Services; not only for Fire but also Police due to people in close proximity of each other. G. Worgan explained that on other properties of a similar size and density they have ten (10) to fifteen (15) calls a year. He explained that all apartments will be fully sprinklered and that no pets would be allowed. Once they submit an application to the County for grant funding it is ninety to 120 days until the hearing. The Board generally agreed that the project could have merit and gave the developer the go-ahead to explore the project options.

REPORTS

FIRE COMPANY REPORT – M. Schreiber reported that the Santa Run was held and they handed out over 1000 candy canes. He reported that the Fire Committee discussed implementing a Safety Committee in order to help lower workman comp rates. They also reviewed a new phone system for the Fire Company. He asked whether the Fire Marshall should be added to the system. It is an extra fee of \$5 a month. He also asked once again about a smaller vehicle for the trails and explained that the ice storm on Sunday would have been a great time to have that. E. Taylor reported that he spoke to Representative Marcy Topel and she said they are still working on the Cancer Presumption Bill and asked us to give them some supporting information for that.

PARKS, RECREATION AND OPEN SPACE REPORT – C. Lewis presented the report as Mr. Miller was not in attendance at the meeting. Charles Note volunteered to be the new Committee Chairman. The Board is revising the Athletic Agreements putting the mowing responsibility to the township and other maintenance will be handled by the club. Jeffrey Hartong will be installing a shed at the Arboretum as an Eagle Scout project. The Board is working on a Park and Recreation Ordinance. A motion by R. Spaide, seconded by R. Noll and unanimously carried to approve a two sided changeable sign to be mounted under the Althouse Arboretum sign. A motion by R. Spaide, seconded by R. Noll and unanimously carried to approve the preparation and bidding of the Dallas portion of the Snyder Trail. The Commissioners then discussed the Board's recommendation of posting the open space property

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

January 20, 2015

with signs to read Welcome to Upper Pottsgrove Township Parks and Open Space governed by Ordinance XYZ, 123. R. Noll thought it was important to make the signs professional looking but state No Hunting. They discussed the State’s hunting rules. C. Lewis will look into materials, sizes and prices for the signs.

POLICE REPORT – Chief Moffett reported that there was one (1) burglary and three (3) thefts. There were a lot of suspicious call-ins which is good he is glad that the community is calling things in. M. Schreiber asked if the new SUV was on order. Chief Moffett explained that it is not needed yet and they are investigating one that West Pottsgrove has gotten. M. Schreiber expressed that he is worried because he knows there is a vehicle issue. Also he asked about the 107 traffic citations a year. He noticed that the Fire Company has had more traffic accidents and he is wondering if more citations would help. Chief Moffett explained that one issue has been man power. Also they have put out a number of lines for speeding but unless they have the manpower they cannot enforce it. M. Schreiber asked about gun ownership. Chief Moffett explained that they check with the ATF to determine ownership and they are required to run checks on all weapons before they are returned to the owner.

PLANNING AND ZONING REPORT – E. Taylor explained that the Planning Commission discussed the Regional Planning Comprehensive Plan; they had two recommendations to be sent up to the County. This Plan will come before the Board of Commissioners within the next month or two.

PUBLIC WORKS REPORT – R. Spaide reported that they have been preparing and taking care of storms and maintaining equipment. Two new trail cameras have been added. D. Updegrave asked if they had been tampered with; which they have not.

SPECIAL PROJECTS REPORT - R. Noll reported that another Executive Committee meeting will be held on February 1st and that he will be attending Lobby Day on February 2nd in Harrisburg.

TOWNSHIP SOLICITOR’S REPORT – C. Garner reported that the FCC is promulgating new regulations regarding the Township’s ability for regulating cell towers. If the Commissioners are concerned regarding the State overriding their ability to regulate they could ask C. Lewis to write a letter. The proposed regulation gives the Township no control and not much time to act. It was decided to have C. Lewis write the letter. C. Garner also reported that there is nothing on our books at this time regarding gun ordinances that would be a problem.

TOWNSHIP MANAGER’S REPORT - C. Lewis indicated that her full report is included in the Commissioner packets. She reported that Michelle Reddick and H. Miller met with Pete Eisenbrown regarding the new storm water and grading ordinance and some permit modifications that will need to be made. She is working with the Open Space and Recreation Board to develop a Park and Recreation Ordinance. She attended a conference call to set up new employee healthcare with United Healthcare and has been processing the paperwork for health

insurance renewal. In a meeting with Justin Keller regarding upcoming grants and regional grant priorities they looked into extending the current grant for Sure Catch Pond to extend it to allow other municipalities to participate in remediation for their ponds. This was denied but they are allowing the Township to receive proposals for Sure Catch and Sussell Ponds. If the proposals come in at a good number they will amend the current grant to allow us to include Sussell Pond with Sure Catch Pond. The grants for the Hilsee acquisition and the gazebo at Sunset Park are being closed out at this time. Letters have been sent out to the new and old auditors. C. Lewis is coordinating preliminary information for the 2014 audit. She explained that the staff will be getting training on Clarity on January 27th, 28th and 29th. Lastly, she reported that she would be attending the APMM Executive Development Conference held February 11th to February 13th.

NEW BUSINESS:

CONSIDER APPOINTMENTS AND REAPPOINTMENTS FOR 2015 – M. Schreiber questioned the Planning Commission having two (2) Commissioners sit on it because it could add weight to their decision. He suggested that they see if someone else is willing to do it. A motion by R. Spaide, seconded by R. Noll and unanimously carried to accept the slate of reappointments as proposed except for the Planning Commission. R. Noll said he is comfortable with what we have now and suggested soliciting someone for 2016 for the Planning Commission. A motion by R. Spaide, seconded by R. Noll, to appoint Herbert Miller, Jr. to the Planning Commission with M. Schreiber voting nay. **Resolution #652** - A motion by M. Schreiber, seconded by R. Spaide and unanimously carried to appoint Robert Anthony to the Zoning Hearing Board for three years. **Resolution #653** - A motion by R. Noll, seconded by R. Spaide, to appoint Ken Iatesta to the Zoning Hearing Board for one year. C. Lewis explained that the reason two appointments are being made for different time frames is to stagger the Zoning Hearing Board members appropriately. The motion passed with M. Schreiber voting nay. The appointment for Tax Collection Committee delegate will be tabled until next month.

CONSIDER AMENDMENT OF MASTER TRAFFIC ORDINANCE – A motion by R. Noll, seconded by R. Spaide and unanimously carried to enact the Ordinance amending the Master Traffic Ordinance so the new signs in Coddington can be enforced by the Police.

DISCUSS JOINT TAX COLLECTION AGREEMENT WITH WEST POTTS GROVE -

The Township negotiated with West Pottsgrove for Tax Collection. The contract is for four (4) years with a two (2) year opt out if someone runs for the office from the Township. C. Garner suggested that the Township write a letter to West Pottsgrove and the Tax Collector that we are inclined to continue the contract unless a qualified person runs and is elected for two years. A motion by R. Spaide, seconded by M. Schreiber and unanimously carried to write that letter.

CONSIDER DEPUTY TAX COLLECTOR – C. Garner explained that there has been a change in state law that requires all Tax Collector's to appoint a Deputy Tax Collector. All bodies must approve the Deputy. A motion by M. Schreiber, seconded by R. Spaide and unanimously carried to appoint Tracey Gray as the Deputy Tax Collector for Upper Pottsgrove Township. The Board then discussed the duties of the Deputy Tax Collector.

DISCUSS WAIVER REQUEST FROM MONTGOMEY COUNTY BOARD OF COMMISSIONERS – The Board discussed the tower location and what will be involved. Keith Kachel expressed that this could be essential in improving communications throughout the township as currently there are areas where they do not have any. A motion by R. Spaide, seconded by R. Noll, to approve the waiver of all building permit requirements and fees to expedite the development process for this site. A motion by M. Schreiber to table the item. There was no second to this motion. The motion passed unanimously.

OLD BUSINESS

DISCUSS REGULATION OF PORTABLE STORAGE UNITS – It was brought to the Board’s attention that these could be and have been a problem in the past. C. Garner explained that regulating these on the street can be done by amending the Traffic Ordinance and on private property it can be done by amending the zoning. If the Board chooses to do both it could be a stand-alone ordinance with times, permits, etc. needed. Violations would be investigated by the Police Department or the Code Enforcement Officer depending on where in the ordinance it is. R. Noll expressed his opinion that these should be regulated on the street but not on private property. It was agreed to address pods and dumpsters under the Traffic Ordinance. C. Garner will prepare a draft ordinance for the Board’s consideration.

DISCUSS MODIFICATION OF TAPPING FEE RESOLUTION - C. Garner explained that the Engineer has made calculations for a new tapping fee based upon the costs of the siphon project. There has been a request from the Pottstown Borough Authority to accelerate the payments of the siphon project. The tapping fee is reimbursable under state law unless users of the system repay the amount over time. M. Schreiber asked if there was any word on the Regal Oaks septic project. E. Taylor explained that any movement on that would have to come from the Board of Commissioners. C. Garner explained that it is on the long term plan and that it will have to be addressed at some point. E. Taylor explained that it is a several million dollar project. The Board could create a separate sewer district and make them pay but in the past they have always shared the cost over the entire system.

OTHER PUBLIC COMMENT

DIANA UPDEGROVE asked about an article she saw in the paper and in the Inquirer regarding in-law quarters and regulating solar panels. She asked if the Board had considered such ordinances. E. Taylor will have C. Lewis research to see what is in place.

APPROVAL OF MINUTES – **December 15, 2014** – A motion by M. Schreiber, seconded by R. Spaide and unanimously carried to approve the minutes of the December 15, 2014 meeting as presented.

PAYMENT OF BILLS - A motion by R. Noll, seconded by R. Spaide and unanimously carried to approve the Bill List dated January 20, 2015, for \$126,880.96.

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

January 20, 2015

EXECUTIVE SESSION – The Board retired into Executive Session at 9:19 PM to discuss two real estate items and one item of litigation; no decision will be rendered. The Board reconvened at 10:23 PM at which time the meeting was adjourned on a motion by R. Spaide, seconded by R. Noll and unanimously carried.

Respectfully Submitted,

Carol R. Lewis, Assistant Secretary