

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

May 7, 2007

The meeting of the Board of Commissioners was held on Monday, May 7, 2007, at the Upper Pottsgrove Administrative Offices, 1409 Farmington Avenue, with Commissioners Dolan, DeLena, Iatesta and Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., Township Manager Jack P. Layne and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:02 P.M. There were 13 people present in the audience. Commissioner Noll was unable to attend the meeting

MOMENT OF SILENT PRAYER - 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:

ROBERT SLOSS - 2097 Needhammer Road - Expressed his concern that there were insufficient copies of the Bill List available for the public.

GILBERT DUNCAN - 72 Hanover Drive - Questioned who is financially responsible for the trails that are being built in the Township and asked whether the Open Space money would be used to pay for them. Commissioner Taylor stated the Open Space money will not be used for anything but for the purchase of open space. Mr. Duncan further questioned who is paying for the plaques being purchased to designate the historical properties in the Township. Mr. Layne stated the historical plaques will be paid from the Park and Recreation Fund; however, the Township is still in the process of obtaining estimates.

ROBERT SLOSS - 2097 Needhammer Road - Wanted to poll the members of the Board as to their opinions regarding a question on the ballot pertaining to a 1% increase in earned income taxes. Commissioner Taylor stated "that is a personal opinion and has nothing to do with this Board." Mr. Taylor further stated it is a School District issues; not a Board issue. Commissioner Iatesta stated "it is not an issue for this Board to handle." Mr. Iatesta offered to share his opinion on the matter with Mr. Sloss after the meeting.

HOWARD MERKEL - 1581 Farmington Avenue - Requested a clarification with regards to the sewer installation.

GILBERT DUNCAN - 72 Hanover Drive - Expressed his concern regarding the members of the Board meeting in Executive Session in order to discuss real estate issues. Attorney Garner stated under the Sunshine Law Executive Sessions are appropriate for the acquisition of real property; once the property is under agreement any discussions can be in a public setting.

#2-04 409 EVANS ROAD SUBDIVISION REVIEW EXTENSION REQUEST - A motion by Dolan, seconded by DeLena, to approve a 90 day review extension for the 409 Evans Road Subdivision from May 15, 2007. All aye votes.

#1-06 ALTHOUSE SUBDIVISION REVIEW EXTENSION REQUEST - A motion by DeLena, seconded by Iatesta, to approve a 30 day review extension for the Althouse Subdivision from May 12, 2007. All aye votes.

SUMMER GROVE PROJECT IMPROVEMENTS EXTENSION REQUEST - Attorney Garner reported Summer Grove is requesting an extension of time in order to complete public improvements at their project site. A motion by Dolan, seconded by DeLena, to approve a one (1) year improvements extension. Aye votes: Dolan, DeLena and Taylor. Opposed: Iatesta. Motion carried.

HEATHER PLACE PARK IMPROVEMENTS - Steven Ailes, Chairman of the Park & Recreation Committee, presented the proposed improvements to Heather Place Park. Mr. Taylor stated that approximately \$35,000 has been donated by Rouse Chamberlin for upgrades to the Park and noted that the plan has been in the works for a number of years. After a brief discussion with regards to the bidding process, it was agreed that the Solicitor would review the documents.

CARL SPECHT - 150 Primrose Lane - Questioned how the Township regulates people wanting to reserve the pavilion (residents vs. non - residents). Mr. Layne stated reservations are taken on a “first come - first serve basis.” When Mr. Specht questioned who is responsible for the upkeep of the Park; Mr. Layne stated “the Township.” Mr. Specht suggested that the Rules and Regulations should be posted at the park.

GILBERT DUNCAN - 72 Hanover Drive - Stated he was in agreement with Mr. Specht with regards to the procedure for reserving Heather Place Park.

ROBERT SLOSS - 2097 Needhammer Road - Stated if the existing Park at Heather Place is not in compliance with the federal guidelines it should be shut down due to safety issues. Commissioner Taylor stated the Township’s Insurance carrier is aware of the Park.

After discussion, a motion by DeLena, seconded by Iatesta, to authorize the Township Manager to proceed with the paperwork for the Heather Place Park improvements pending review of the documents by the Township Solicitor. All aye votes.

PUBLIC HEARING:

PROPOSED ORDINANCE THAT CREATES AN AQ-AGE QUALIFIED OVERLAY DISTRICT - An Ordinance Amending the Code of Ordinances and the Zoning Ordinance of Upper Pottsgrove Township to establish an “AQ – Age-Qualified Overlay District. Commissioner Taylor stated the proposed ordinance allows for an age qualified community to be developed within the Route 100/Farmington Avenue interchange. Mr. Taylor further stated the ordinance allows for three (3) dwelling units per acre and noted the development would be restricted to people fifty five (55) years of age or older. It was noted that the Upper Pottsgrove Township Planning Commission as well as the County Planning Commission have recommended approval of the proposed ordinance.

GILBERT DUNCAN - 72 Hanover Drive - Expressed concern with regards to the open space

requirements with regards to the Age Qualified Overlay District.

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ROBERT SLOSS - 2097 Needhammer Road - Questioned what type of checks and balances will be put into place in order to prevent an older citizen from registering a “relative” in the Township’s school system. Mr. Garner stated that would be a school district enforcement issue.

RESOLUTION #511- A Resolution Accepting the Conditions of the Montgomery County Commissioner Grant Resolution of April 12, 2007 for the Prince/Austerberry Property - A motion by Dolan, seconded by Iatesta, to approve Resolution 511. All aye votes.

When **ROBERT SLOSS, 2097 Needhammer Road**, requested a copy of the conditions Mr. Layne state he would provide him a copy.

AUTHORIZATION FOR DELINQUENT SEWER ACCOUNTS TO BE FORWARDED TO PORTNOFF FOR COLLECTION - Commissioner Taylor stated the Township received a request from a resident, asking that their sewer account not be forwarded to Portnoff for collection and stated they submitted a payment plan. A motion by Dolan to forward the entire list of delinquent sewer accounts to Portnoff for collection. Motion died for lack of a second. A motion by Iatesta, seconded by DeLena, to forward the list of delinquent sewer accounts to Portnoff with the exception of the individual who submitted the payment plan. Aye votes: DeLena, Iatesta and Taylor. Opposed: Dolan. Motion carried.

HENRY BEALER - 1382 Farmington Avenue - Expressed his concern that the Winpenny property is not connected to the public sewer system and stated there is no running water in the house. Mr. Layne stated he would contact the Montgomery County Health Department regarding the matter.

ACT 167 WATERSHED PLAN - A draft ordinance was provided to the members of the Board for discussion at a future meeting.

AGREEMENT TO AUTHORIZE THE APPLIED WATER MANAGEMENT GROUP TO OPERATE THE REGAL OAKS SEWAGE TREATMENT FACILITY - After a brief discussion, a motion by DeLena, seconded by Dolan, to approve and authorize the execution of a contract with Applied Water Management Group for operation of the Regal Oaks Sewage Treatment Plant for a base monthly operation fee not to exceed \$2,105.25 per month until December 31, 2007. All aye votes. Commissioner Iatesta requested clarification with regards to all fee agreements being subject to adjustment with a thirty day written notice.

REQUEST TO CLOSE THE PRIVATE AND UN-ORDAINED ALLEY RUNNING PARALLEL TO NORTH WILLOW STREET AND POPLAR STREET - Commissioner Taylor stated the Township received a request from Michael Matlock to explore the possibility of closing the private and un-ordained alley running parallel to North Willow Street and Poplar Street for the purpose of creating additional parking facilities. Commissioner Iatesta stated that he and the Public Works Director visited the site and noted there are resident’s garages that can only be accessed from the alley. After a brief discussion, it was agreed that the applicant obtain additional information from those resident that would be affected by closing the alley.

PUBLIC COMMENT:

HENRY BEALER - 1382 Farmington Avenue - Suggested the Township institute a tree ordinance with regards to the removal of dead trees.

GILBERT DUNCAN - 72 Hanover Drive - Expressed concern regarding the grader parked at the municipal building and noted it hasn't been used in twenty five (25) years. Mr. Layne stated he would look into the matter.

ROBERT SLOSS - 2097 Needhammer Road - Referenced the tract of land along Levensgood Road, which is owned by Waste Management, and stated it is an ideal location for a prison. At a previous meeting; Mr. Sloss questioned whether the Township ever considered purchasing the property for open space.

DIANA UPDEGROVE - 1404 Farmington Avenue - Requested a status with regards to the Natural Lands Trust Tour. Mr. Layne stated a report with regards to the tour will be presented by Herb Miller, Chairman of the Open Space Committee, at their next meeting. He further stated the next Open Space meeting will be held on Tuesday, May 8 at 7:00 P.M. and invited Mrs. Updegrove to attend.

COMMISSIONERS COMMENTS:

COMMISSIONER IATESTA - Requested an update with regards to the monument needed at the Pottsgrove Middle School. Mr. Garner and Mr. Layne both stated they are following up on the matter with the School District.

PAYMENT OF BILLS - A motion by DeLena, seconded by Iatesta, to approve the Bill List dated May 7, 2007, for General Fund in the amount of \$32,995.57; Fire Fund in the amount of \$721.69; Park & Recreation Fund in the amount of \$11,506.45; Sewer Fund in the amount of \$82,243.65; State Fund in the amount of \$5,400.30 and Capital Fund in the amount of \$85,894.52. Total Expenditures: \$219,522.18. All aye votes.

APPROVAL OF MINUTES - April 16, 2007 - A motion by DeLena, seconded by Dolan, to approve the minutes of the April 16, 2007, meeting as presented. Aye votes: DeLena, Dolan and Taylor. Abstain: Iatesta.

EXECUTIVE SESSION - At 8:25 P.M. Mr. Taylor reported the Board would be meeting in Executive Session to discuss the possible acquisition of estate issues. The meeting reconvened at 8:52 P.M.

ADJOURNMENT - There being no further business the meeting adjourned at 8:55 P.M.

Respectfully submitted,

Cynthia H. Saylor

Township Secretary