

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

February 19, 2008

A meeting of the Board of Commissioners was held on Tuesday, February 19, 2008, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners Dolan, DeLena, Noll, Spaide and Taylor present. Also present were Solicitor Charles D. Garner, Jr., Township Engineer John Theisen, Township Manager Jack P. Layne and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:30 P.M. There were 13 people and a Mercury Reporter present in the audience.

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 COMMENT:

ANTHONY GAMBONE & TIMOTHY SPECHT - Addressed the members of the Board and stated they own two parcels adjacent to the proposed Upland Square Shopping Center. Mr. Gambone and Mr. Specht expressed their concerns with regards to the proposed shopping center and the configuration of State Street. Attorney Chuck Garner suggested Mr. Gambone and Mr. Specht meet with Mr. Layne to address their concerns as to the impact the proposed shopping center will have on their property.

JIM CAPINSKI - 1958 Yarnall Road - Suggested the members of the Board consider rezoning the intersection located at Route 100 and State Street as commercial.

NEW BUSINESS:

SPROGELS RUN TRAIL - Jake Lea, Director of Land Acquisition from the Montgomery County Lands Trust, gave a brief presentation with regards to the proposed Sprogel's Run Trail. Mr. Lea explained there are trail easements needed from three "crucial parcels" in order to complete the trail.

ROBERT SLOSS - 2097 Needhammer Road - Requested clarification with regards to funding and maintaining the Sprogel's Run Trail.

BETH PILLING - Montgomery County Planning Commission - Praised the members of the Board for their efforts in obtaining funding and working with developers with regards to the Sprogel's Run Trail.

GILBERT DUNCAN - 72 Hanover Drive - Questioned whether Mrs. Ott agreed to grant the Township an easement for the Sprogel's Run Trail and stated he knows that she is not favor of giving up any of her land.

DISCUSSION OF THE PROPOSED ORDINANCE AMENDING THE WATER CONNECTION ORDINANCE

- An Ordinance amending certain provisions of Article 4, Wolf Run Area Water Connections, of Chapter 342, Water, of the code of the Township of Upper Pottsgrove. Attorney Garner explained the main purpose of the ordinance is for individual property owners living on Hanover Drive whose water is not contaminated and have inadequate water pressure. He further explained that those property owners would be exempt from having to connect to the improvements of existing water line. Such exemption would continue until the property tests positive for contamination, or can be shown that water pressure has been increased and is satisfactory for use without a pump and pressure tank system. Commissioner Taylor clarified that if those properties ever get adequate water pressure they would be required to hook up to the public water system. When Commissioner Dolan questioned the cost of a pump Mr. Garner stated approximately \$3,000.

DIANA UPDEGROVE - 1404 Farmington Avenue - Expressed concern regarding individual homeowners being financially responsible for the cost of the pump.

GILBERT DUNCAN - 72 Hanover Drive - Stated he disagreed with the Hanover Drive water pressure issue. Mr. Duncan expressed his concern regarding the water pressure and the fire hydrants.

REQUEST BY RENOVATIONS BY DESIGN FOR ESCROW RELEASE FOR WOODBROOK PHASE I AND PHASE III

- A motion by Dolan, seconded by Spaide, to authorize an escrow release for Woodbrook Phase I in the amount of \$16,011.00 as recommended by the Township Engineer. All aye votes. A motion by Dolan, seconded by Spaide, to authorize an escrow release for Woodbrook Phase III in the amount of \$29,984.00 as recommended by the Township Engineer. All aye votes. Mr. Theisen explained he did not recommend a full release because the escrow amount should have been increased by the Developer by 10% and since this did not occur the amount is being withheld.

THP REQUEST TO SUBSTITUTE OF FINANCIAL SECURITY

- Attorney Chuck Garner stated he received a request from TH Properties to amend the existing Development Agreement so that the Developer would be permitted to utilize a bond as financial security. Mr. Garner stated a bond is a permitted type of financial security as described in the provisions of the Pennsylvania Municipalities Planning Code. After discussion, a motion by Dolan, seconded by Spaide, to permit TH Properties to substitute a bond as financial security subject to the bond being in a form that is acceptable to the Township Solicitor, Manager and Engineer. All aye votes.

ROBERT SLOSS - 2097 Needhammer Road - Addressed Attorney Garner and questioned the type of protection the Township has currently with TH Properties. Mr. Garner explained it is a set aside account with Willow Financial Bank and basically there is an agreement between the bank, the Township and the Developer and if there is a problem the bank will produce the monies to the Township for the remaining improvements to be completed.

Commissioner Noll arrived at 8:20 P.M.

DISCUSSION REGARDING BACHMAN AND ALTHOUSE SUBDIVISION REQUEST FOR EXTENSION OF TIME

- Commissioner Taylor stated both the Bachman and Althouse subdivisions have received final plan approval; however due to the housing market as well as some legal issues it would be difficult for the developer to satisfy the conditions as outlined in the Plan Resolutions in the standard 90 day time frame. Attorney Garner reported both plans have been appealed by a neighboring property owner making it impossible to satisfy these conditions while litigation is pending. He further reported the developer has requested that the time for satisfying these conditions be extended for a five year extension of time. After discussion, a motion by DeLena, seconded by Spaide, to grant an extension of time to December 31, 2009, to satisfy the conditions in the Plan Resolution. All aye votes.

GILBERT DUNCAN - 72 Hanover Drive - Stated he felt the Board should have approved the five year extension of time due to the housing market.

REPORTS: ENGINEER'S REPORT - Township Engineer John Theisen summarized the monthly Engineer's Report and noted a copy of the monthly report will be posted on the bulletin board.

EMERGENCY SERVICES REPORT - Commissioner Noll read the monthly Police Report and noted the Fire Company will hold their meeting on Thursday, February 21, 2008.

PLANNING REPORT - Commissioner Taylor reported the Planning Committee did not meet during the month of February.

PUBLIC WORKS REPORT - Commissioner Spaide reported the Highway Department patched and compacted potholes along Farmington Avenue, Kummerer Road, North Hanover Street, Snyder Road and Chestnut Grove Road; cleaned up gravel driveways that had washed out onto Farmington Avenue, made necessary repairs to downed fence at Kulp Fields, made necessary repairs to fence located in the Turnberry Farms Open Space parcel, responded to call outs for icy road conditions, video taped and photographed all properties involved in the Farmington Avenue West sanitary sewer project; completed Chapter 94 Municipal Waste Water Load Report and sent to the proper authorities; continued to download data from sewage flow meters and worked with septic hauler at the Cherrytree Farms pumping station during heavy rains as pumps could not keep up with heavy flows.

GILBERT DUNCAN - 72 Hanover Drive - Questioned the number of highway employees that responded to the incident at the Cherrytree Farms pumping station. Mr. Duncan expressed his concern that the public works employees should have been salting the roads.

ROBERT SLOSS - 2097 Needhammer Road - Stated he placed two phone calls to the Township office in order to have Needhammer Road salted and noted that snow removal should be a priority. Mr. Layne explained the Public Works employees were salting the roads and noted the Public Works Director was out due to a death in his family. Commissioner Spaide stated she would discuss the matter with the Public Works Director.

PARKS AND OPEN SPACE REPORT - Commissioner Dolan reported the Open Space meeting was rescheduled and will hold their meeting on Tuesday, February 26, 2008 at 4:00 P.M.

ADMINISTRATIVE REPORT - Commissioner DeLena requested suggestions for the Newsletter.

TOWNSHIP SOLICITOR'S REPORT - Attorney Chuck Garner reported he met with the Developer for the proposed Upland Square Shopping Center, met with representatives from DEP regarding Regal Oaks sewer issues and is working with Rouse/Chamberlin with regards to sewer reimbursement.

TOWNSHIP MANAGER'S REPORT - Mr. Layne reported the Township received the last payment for the Wolf Run Waterline project and discussed the Regal Oaks Wastewater Treatment Facility with DEP and the Pottstown Borough Authority. He further reported that per the invitation of Reggie Leister, he attended the Radio Amateur Civil Emergency Services Radio Room and Tower unveiling on Saturday, January 19, 2008. Mr. Layne recommended that advertising be provided in the Township Newsletter at the following rates - business card size (approximately 1/10th size) \$50.00 per issue and one quarter page size at a rate of \$75.00 per issue. A motion by DeLena, seconded by Noll, to approve the above mentioned rates for the Township Newsletter. All aye votes.

FINANCIAL REPORTS - Copies of the December and January monthly financial reports were provided to the members of the Board. Mr. Layne reported that going forward the monthly reports would be supplied to the Board in a more timely fashion.

ROBERT SLOSS - 2097 Needhammer Road - Requested clarification regarding the year end balance for the Fire Fund.

OLD BUSINESS:

APPROVAL OF ORDINANCE #422 AMENDING THE TRAFFIC ORDINANCE - An Ordinance amending Section 330-10, Maximum Speed Limits on Certain Streets, of Article II, Traffic Regulations, of Chapter 330, Vehicles and Traffic, of the Code of Ordinances of Upper Pottsgrove, as amended, to establish Maximum Speed Limits on Certain Township Streets and Roads. A motion by Noll, seconded by Spaide, to approve Ordinance #422. All aye votes.

DISCUSSION ON CONDITIONS OF SALE FOR THE STAUFFER PROPERTY - The Board discussed the draft Conditions of Sale for the Stauffer property as prepared by the Township Solicitor. Attorney Garner stated that the conditions were based upon recommendations from Beth Pilling of the Montgomery County Planning Commission with respect to potential restrictions on the development and use of the property. He further stated that the document contemplates that the property will be sold through a public auction and noted that the Township will need to prepare an appropriate Conservation Easement Agreement. Commissioner Taylor requested clarification with regards to the size of the house and the building footprint. After discussion, it was agreed that the Township Manager would contact Trayman Auction Group with regards to the auction process.

COMMISSIONER COMMENTS:

COMMISSIONER DOLAN - Stated that Rettew Engineering is interested in creating a master plan for the Prince/Austerberry tract.

COMMISSIONER NOLL - Provided a brief summary of his recent meetings in Harrisburg.

PAYMENT OF BILLS - Commissioner Taylor noted there were two invoices from The Mercury that were paid from the General Fund that should have been paid from the Sewer Fund. A motion by DeLena, seconded by Dolan, to approve the Bill List dated February 4, 2008, for General Fund in the amount of \$54,608.44; Fire Fund in the amount of \$2,048.55; Sewer Fund in the amount of \$16,619.61; Capital Fund in the amount of \$25,130.30; Open Space Fund in the amount of \$5,327.22; State Fund in the amount of \$2,642.38 and Escrow Fund in the amount of \$6,192.87. Total Disbursements - \$112,569.37. All aye votes.

APPROVAL OF MINUTES - A motion by DeLena, seconded by Spaide, to approve the minutes of the February 4, 2008 meeting as presented. Aye votes: DeLena, Dolan, Spaide and Taylor. Abstain: Noll. Motion carried. Commissioner Noll explained he abstained from voting due to the fact he was not present at the meeting.

EXECUTIVE SESSION - At 9:25 P.M. Commissioner Taylor reported the Board would be meeting in Executive Session to discuss possible litigation, real estate and personnel; however no decision would be made. The meeting reconvened at 10:44 P.M.

ADJOURNMENT - There being no further business, a motion by DeLena, seconded by Spaide, to adjourn the meeting at 10:45 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor
Township Secretary