

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

April 7, 2008

A meeting of the Board of Commissioners was held on Monday, April 7, 2008, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners DeLena, Dolan, Noll, Spaide and Taylor present. Also present were Solicitor Charles D. Garner, Jr., Township Manager Jack P. Layne and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:03 P.M. There were 12 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:

REG LEISTER - 1695 Farmington Avenue - Reported the Township facility has been designated as the collection site for used, soiled and unusable American flags. Mr. Leister stated the flags will be “retired” during a ceremony which will be held at Memorial Park. It was noted that last year 117 flags were collected.

HENRY BEALER - 1382 Farmington Avenue - Referenced the pictures of the Winpenny property he previously sent to the members of the Board and stated he is tired of the branches from her trees falling onto his property. Mr. Bealer presented a picture of the property when it was owned by his grandfather and expressed concern regarding the private water supply at the residence. Mr. Bealer questioned the status of the proposed tree ordinance which was discussed months ago. Commissioner Taylor stated the proposed ordinance that the Board considered was too burdensome on the Township and the rest of the community because it involved taking down thousands of trees. Mr. Bealer stated that there was a tree ordinance in place years ago. Mr. Layne stated he would research the status of the ordinance in question and authorize the Code Enforcement Officer to inspect the Winpenny property.

GILBERT DUNCAN - 72 Hanover Drive - Addressed the Solicitor and questioned whether it is the property owner’s responsibility to clean up her yard. Attorney Garner stated it is a legal matter between the two property owners and not the Township.

RICHARD KEER - 2097 Detweiler Road - Stated he and his neighbors are interested in purchasing the Bacon property in order to preserve open space and prevent a home from being built on the property. Mr. Keer stated there is some confusion as to the proper procedure for subdividing the property into three (3) separate lots and whether annexation of these lots is required. Commissioner Dolan reported the interested parties did attend an Open Space meeting; however it was the consensus of the Committee that this property did not seem like a “good purchase.” Mr. Dolan suggested the Board do whatever they can in order to help with the expenses and make the subdivision process easier on the applicant. Commissioner Taylor reported Mr. Keer has provided information to the administrative staff for their review and Mrs. Reddick has been spearheading answers to their questions.

RICHARD KEER CONT'D - He further reported that there are certain expenses such as surveying and recording the deed that are beyond the Township's control.

DOUGLAS BARNETTE - 2160 Hollyberry Court - Expressed his concern regarding the concrete monuments and the cost involved.

RICHARD KEER - 2097 Detweiler Road - Questioned whether any open space funding is available to help with the subdivision costs. Commissioner Taylor explained the Township is being very careful not to benefit just a small number of people; it needs to be continuous with other larger open space plans that are in place.

DISCUSSION REGARDING SWAMP SCIOTO INTEGRATED RESOURCE PLAN - Crystal Gilchrist, Executive Director of the Perkiomen Watershed Conservancy, was present to discuss the Swamp Scioto Integrated Resource Plan. Ms. Gilchrist explained an Integrated Water Resource Plan is a plan that looks at water resources in an integrated way i.e. storm water, groundwater, surface water, wastewater and all aspects of our water use to determine our future water supply. Phase I of the Study was conducted by the Montgomery County Planning Commission. The first finding of the Integrated Resource Plan is that groundwater is the sole source of drinking water for all communities in this area. The second finding was that the distribution and sustainability of groundwater, even though it is our sole source of water in the watershed, is not consistent throughout the watershed. The third finding was that competition for groundwater could have some serious impacts i.e. it could change the base flow of creeks and wetlands and it could affect adjacent wells. The fourth finding was that the geographic pattern of development is consistent with the expected availability of groundwater in the area. Ms. Gilchrist provided a draft resolution for the Board's review incorporating the Integrated Resource Plan into the Township's Comprehensive Plan. Municipalities that are incorporated in this Study include Schwenksville Borough and the Schwenksville Borough Authority, Upper Frederick, Lower Frederick, Limerick, Lower Pottsgrove, Upper Pottsgrove and New Hanover Township. Commissioner Taylor stated Upper Pottsgrove does not have its own individual Comprehensive Plan we are part of the region of which New Hanover is also a part. Attorney Garner clarified the Regional Comprehensive Plan supersedes the Township's prior Comprehensive Plan. After discussion, it was agreed that the Township Manager would review the recommendations and report back to the Board at the next meeting.

JOHN BEALER - 1521 Farmington Avenue - Expressed concern regarding water quality issues. Ms. Gilchrist responded and stated there weren't any stream monitoring or ground water monitoring testing done in this study; however, it does point out that there are potential sources of contamination throughout the region.

PUBLIC HEARING

PROPOSED RIPARIAN CORRIDOR - Attorney Garner explained the effect of the proposed Ordinance is to establish specific requirements in the Township's Zoning Ordinance for a Riparian Corridor Overlay. Mr. Garner stated the proposed ordinance would amend the Zoning Ordinance and Subdivision Ordinance to provide for Riparian Corridor Buffers. There was no public comment.

PROPOSED RIPARIAN CORRIDOR CONT'D - ORDINANCE #423 - An Ordinance creating certain new sections to Chapter 310, Subdivision and Land Development, and Chapter 350, Zoning, of the Upper Pottsgrove Township Code of Ordinances, as amended, to establish a Riparian Corridor Conservation District. A motion by Spaide, seconded by Dolan, to adopt Ordinance #423. All aye votes.

CRYSTAL GILCHRIST - Perkiomen Watershed Conservancy - Questioned whether the proposed ordinance requires residential mowing to the edge of a waterway.

ROBERT SLOSS - 2097 Needhammer Road - Expressed concern regarding the effect the proposed ordinance has on homeowners that have a stream located on their property. Attorney Garner stated if it is a developed property the ordinance would not have much impact except for possible limitations regarding disturbing the riparian corridor.

GILBERT DUNCAN - 72 Hanover Drive - Expressed his concern regarding boats and gazebos being stored in the Regal Oaks Subdivision.

AWARD OF REGAL OAKS LINING CONTRACT - A motion by Noll, seconded by Dolan, to award the Regal Oaks Lining Contract to the low bid submitted by Am Liner East at a cost of \$91,177.87. All aye votes.

GILBERT DUNCAN - 72 Hanover Drive - Questioned what happened to the Act 537 Plan. Mr. Duncan stated according to the Act 537 Plan every house in the Regal Oaks Development is supposed to be hooked up to public sewer. Mr. Duncan expressed his concern and questioned why the Township would spend \$91,177.87 when the entire development has to be connected to public sewer. Commissioner Taylor explained this bid is for portions of the sewer system that will remain intact.

When **ROBERT SLOSS, 2097 Needhammer Road**, asked what year the Regal Oaks Sewage Treatment Facility was completed; Attorney Garner stated the plant went on line in 1979.

DISCUSSION REGARDING PROPOSED WATERLINE CONNECTION ORDINANCE #424 - Attorney Garner briefly outlined the changes to the proposed Waterline Connection Ordinance and noted there is a clarification regarding costs to individual property owners within the Wolf Run area. Ordinance #424 - An Ordinance amending certain provisions of Article IV, Wolf Run Area Water Connections, of Chapter 342, Water, of the Code of the Township of Upper Pottsgrove - A motion by DeLena, seconded by Spaide, to approve Ordinance #424 regarding the proposed Waterline Connection Ordinance. All aye votes.

DIANA UPDEGROVE - 1404 Farmington Avenue - Expressed concern regarding those people who do not have adequate water pressure. Commissioner Taylor stated that the DEP will pay for connection to the house.

ROBERT SLOSS - 2097 Needhammer Road - Expressed his concern with regards to inadequate water pressure on Hanover Drive and the proper pressure in the fire hydrants. Commissioner Noll explained the fire hydrants have adequate water pressure.

ROBERT BEALER - 1402 Farmington Avenue - Referenced the Waterline Connection Ordinance and stated his well tested “clean” and has adequate water pressure at 32 gallons per minute. Mr. Bealer questioned if he would be required to hook up to public water when and if his property was sold. Attorney Garner stated the Township’s concern is making sure that everyone has safe drinking water. Commissioner Taylor explained the Waterline Connection Ordinance does not change the basic ordinance which requires hooking into the public water system when the house is sold.

DISCUSSION ON PROPOSED AMENDMENTS TO THE REGIONAL COMPREHENSIVE PLAN - Discussion on this topic was tabled to a future meeting.

DISCUSSION REGARDING PROPOSED ROAD IMPROVEMENT PROJECTS - Commissioner Spaide discussed the 2008 revised road projects and cost estimates submitted by the Public Works Director. The cost estimates for Concord Drive, Continental Drive, Schwenk Road, Juniper Street and Snyder Road totaled \$222,031. Ms. Spaide reported the Liquid Fuels Account has \$155,000 budgeted for paving and drainage work leaving a deficit of approximately \$67,000. The Board agreed to table action on this matter until the April 21, 2008 meeting when the Public Works Director will be in attendance to answer any questions.

ROBERT SLOSS - 2097 Needhammer Road - Questioned if storm water run-off was taken into consideration in the cost estimates provided by E.J. Brenneman.

DISCUSSION REGARDING PROPOSED REQUEST FOR FUNDING FOR THE ACQUISITION OF OPEN SPACE AND FOR INFRASTRUCTURE UPGRADES – Commissioner Dolan reported Michael Wolf, from Boenning & Scattergood, had attended a previous Board meeting to discuss the bonding for the open space acquisition and for sewer upgrades. At that time the Board had requested \$1,500,000 for open space and \$500,000 for sewer upgrades for a total of \$2,000,000. Since then, the Open Space Committee has suggested raising the amount from \$1,500,000 to \$2,500,000 for open space acquisition. After discussion, a motion by Dolan, seconded by DeLena, to authorize the Manager to contact Michael Wolf, with Boenning & Scattergood and execute the necessary documents to initiate the borrowing process in the amount of \$2,500,000 for open space acquisition and \$500,000 for infrastructure upgrades. All aye votes. Commissioner Taylor noted that this borrowing does not change the 2008 budgetary figures.

APPROVAL OF RESOLUTION #531 ENACTING THE RADIOLOGICAL EMERGENCY RESPONSE PLAN - A motion by Dolan, seconded by Spaide, to approve Resolution #531 enacting the Radiological Emergency Response Plan. All aye votes.

DISCUSSION ON THE SALE OF THE STAUFFER HOUSE - Mr. Layne provided the members of the Board with a list of auction proposals for the Stauffer property. Mr. Layne reported that O'Dell and Company, Inc. offered the lowest price to the Township for providing this service and Traiman Real Estate Auction Company presented the highest. Mr. Layne explained the proposals were based on a selling price of \$250,000. Commissioner DeLena stated she would feel more comfortable going with an auction company that is going to pool from a wider area even if it costs a little more and suggested we accept the proposal from Kenneth Geyer Auction Company. Mrs. DeLena explained the more people that come to the auction the better the chances are that the Township will get a better price for the house. After discussion, it was agreed that the Open Space Committee would meet with the Township Manager and the Solicitor to review the proposed open space parcels.

DISCUSSION REGARDING REVISED PERSONNEL POLICY MANUAL - Commissioner DeLena outlined the revisions to the Personnel Policy Manual which was adopted by the Board on October 24, 2005. Those revisions include the classification of regular full-time employees who must work 35 hours or more per week (as opposed to 30 or more hours per week); a probationary period of 6 months (as opposed to 12 months for new employees); however, during the first 90 days (as opposed to 12 months) of their employment full-time employees will not be entitled to vacation or personal leave; the residency requirement amended to denote an approved ordinance authorizing the fact that the Township Manager must reside within a 15 mile radius of the Township; work schedules - 45 minute lunch break period for the Public Works employees (as opposed to 30 minutes) to be consistent with the Administration and Police employees; Holiday Overtime - that full-time employees shall be paid at a rate of two times the number of hours worked on Christmas, Thanksgiving, New Year's Day and Easter; Holidays - Primary Election Day added as a holiday due to the fact the Administrations Office is utilized for both Primary Election Day added as a holiday due to the fact the Administrations Office is utilized for both Election Day and Primary Election Day; Annual Leave - added that after 2 years of service full-time employees would be eligible for 80 hours of annual leave (as opposed to 3 years of service); and Annual Leave - employees may carry up to 40 hours of vacation leave into the next year, but such leave must be used in that year. Commissioner Dolan suggested keeping the probationary period of 12 months for new employees to be consistent with the Police Department but allow vacation and personnel time after 90 days.

REG LEISTER - 1695 Farmington Avenue - Clarified that the Police Department's 12 month probationary period does not begin until after they receive their Act 120 certification.

Commissioner Noll questioned whether the revision to the Personnel Policy is adding Primary Election Day to the list of holidays. He further questioned whether the Primary Election Day is a holiday for all employees or just the Administrative Staff. Commissioner DeLena explained the Primary Election Day and Election Day were holidays only for the Administrative Staff due to the fact that the Administrative building is used for voting purposes. Commissioner Noll stated originally the Administrative building was closed because there was too much distraction for the employees to be productive and questioned if that is still an issue. Commissioner Dolan stated he is in favor of keeping the office open and have the voters "meet the staff."

REG LEISTER - 1695 Farmington Avenue - Suggested moving the voting upstairs, the way it used to be, or give the Public Works Department a “floating” day off.

Commissioner Taylor questioned Commissioner Noll why the voting was moved from the firehouse (upstairs) to the meeting room. Mr. Noll stated the meeting room was newly renovated and it was easily accessible for the elderly and handicapped.

Mr. Noll stated if we continue to close the Administrative building for the Primary and the Election than the holiday should be consistent with all non-uniform employees.

ROBERT SLOSS - 2097 Needhammer Road - Questioned whether the Board was negotiating a contract with the Administrative Staff. Mr. Layne stated the revisions are within the Personnel Policy; the Administrative Staff does not have a contract.

ROBERT SLOSS - 2097 Needhammer Road - Questioned why the employees were paid if the Primary Election Day was not classified as a holiday in the Personnel Policy Manual. Commissioner DeLena stated it was the decision of a previous Board to close the Administrative building on the Primary Election Day.

After discussion, a motion by DeLena, seconded by Dolan, to the following revisions in the Personnel Policy Manual: keeping the probationary period for new employees at twelve months and striking number six (Primary Election Day). All aye votes.

PUBLIC COMMENT:

JOHN BEALER - 1521 Farmington Avenue - Reported the Farmington Avenue West sewer construction is underway. Mr. Bealer noted the Environmentalists have been inspecting homes and taking pictures and have been very thorough.

COMMISSIONERS COMMENTS - None.

APPROVAL OF MINUTES - March 17, 2008 - A motion by Spaide, seconded by DeLena, to approve the minutes of the March 17, 2008, meeting as presented. All aye votes.

EXECUTIVE SESSION - At 9:00 P.M. Commissioner Taylor stated the Board would hold an Executive Session to discuss pending litigation, a personnel matter and real estate issues. The meeting reconvened at 10:15 P.M.

ADJOURNMENT - There being no further business, a motion by Noll, seconded by DeLena, to adjourn the meeting at 10:16 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor
Township Secretary