

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

April 21, 2008

A meeting of the Board of Commissioners was held on Monday, April 21, 2008, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners DeLena, Dolan, Noll, Spaide and Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., Township Manager Jack P. Layne, Jr., Township Engineer John Theisen, Public Works Director Frank Quinter and Township Secretary Cynthia H. Saylor. Mr. Taylor called the meeting to order at 7:00 P.M. There were 10 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:

JANET BRANDEL - 1757 Yarnall Road - Requested the members of the Board to “rethink” the current dog ordinance. Mrs. Brandel asked that the timeframe for barking be reduced from thirty (30) minutes to fifteen (15) minutes and expressed concern regarding the proper disposal of dog feces. Mrs. Brandel explained that she has had an on going problem with her neighbor’s dogs barking for the past five (5) or six (6) years. She further explained that she previously discussed the problem with the former Police Chief. Mr. Layne stated he would look into the matter.

DIANA UPDEGROVE - 1404 Farmington Avenue - Stated she thought there was something in the current dog ordinance with regards to the number of pets allowed per household.

REPORTS: EMERGENCY SERVICES - Commissioner Noll reported the Township received a letter of praise from a resident regarding Officers Farrell and Sigoda for the manner in which they handled a recent incident. Commissioner Taylor suggested copies of the letter be placed in each Officer’s personnel file. **FIRE REPORT** - Mr. Noll reported a copy of the monthly Fire Report will be posted on the bulletin board. Mr. Noll stated the Township received four (4) applications for the Citizen at Large position and the applicants will be interviewed at the next Fire Committee meeting. He further stated the Township received a note from Scott Mickalonis, Deputy Director, Emergency Management, regarding the Fire Department’s response to a minor spill on Maugers Mill Road and the great job they did in securing the spill and preventing it from traveling down into the Sprogels Run creek. Mr. Layne noted the Fire Marshall recently applied for a grant for the purchase of a new pumper and the Township received a letter of support from Congressman Dent’s office.

PUBLIC WORKS REPORT - Commissioner Spaide reported the Highway Department cleaned up illegal dumping on Levengood Road, cleaned debris for approximately 500 feet from the drainage swale located between Willow and Poplar Streets storm water system, filled in low shoulder areas located in the 1200 block of Farmington Avenue, patched potholes at the intersection of Route 100 & State Street, straightened leaning speed limit and stop sign posts in the Maugers Mill Subdivision. To date the Public Works Department has located 60 underground utilities as required by the PA One Call System. The annual street sweeping program has been completed.

PUBLIC WORKS REPORT CONT'D - The Public Works Department excavated and installed new trash receptacles at Hollenbach Open Space & Mocharniak Meadows, replaced missing street identification marker at Maugers Mill Road and North Hanover Street, made necessary repairs to the salt storage shed, pressure washed, removed, prepped, painted and placed in storage winter maintenance equipment, and prepared spring maintenance equipment. The Farmington Avenue West sewer extension began on April 14, 2008. The Public Works Department replaced faulty transient noise and surge protector on automated telemetry Pine Ford Road pumping station, repaired light bars on police vehicles and repaired faulty wiring harness on 1992 Chevy Dump truck. Commissioner Dolan reported he received several complaints from residents with regards to the Maugers Mill and Orlando Road intersection and noted there is some confusion regarding the intersection being a two-way stop as opposed to a four-way stop. Mr. Dolan suggested placing a sign on Maugers Mill Road indicating the intersection is a two-way stop. The Public Works Director stated he would contact PennDot since Maugers Mill Road is a state road.

PARKS, RECREATION AND OPEN SPACE REPORTS - Commissioner Dolan reported he along with Commissioner Taylor, Mr. Layne, Herb Miller and Attorney Chuck Garner met and reviewed the open space parcels

ADMINISTRATION REPORT - Commissioner DeLena expressed her thanks to everyone who contributed to the spring edition of the Township Newsletter.

TOWNSHIP ENGINEER - Mr. Theisen reported there are currently twenty five (25) homes under construction within the Coddington View Development and noted Phase III is expected to start soon. Mr. Layne reported the Halfway House is expected to open within the next month.

TOWNSHIP SOLICITOR'S REPORT - Attorney Garner reported he attended a staff meeting with the Township Manager, Commissioners Dolan and Taylor and Herb Miller to discuss the status of various open space parcels. Mr. Garner stated the Township received the auction proposal for the Stauffer property. He further stated he recently attended several meetings with regards to the Upland Square project. Mr. Garner advised he has been working with Mr. Layne and LTL Consultants with respect to the Farmington Avenue West Sewer Project.

TOWNSHIP MANAGER'S REPORT - Mr. Layne reported he took a tour of the Pottstown Wastewater Treatment Facility. Mr. Layne expressed his thanks to the members of the Board for giving him the authorization to extend an offer of employment to an applicant who applied for the vacant Public Works position. He also expressed his appreciation to Public Works Director, Frank Quinter, for contacting Montgomery County regarding the utilization of County prisoners for the painting of the outside of the Administrative Office and Fire Company. Mr. Layne noted the only cost to the Township would be for paint and supplies. This activity will occur on May 6th through May 9th. Mr. Layne reported the Township has received numerous resumes for the Police Chief position. Mr. Layne stated he prepared and submitted a grant application to the Pottstown Health and Wellness Foundation for \$40,000 in funding for the Goose Run Pedestrian Trail. He also attended various meetings to discuss the proposed Upland Square Shopping Center Complex.

FINANCIAL REPORT - Mr. Layne reported to date the Township has utilized \$200,000 from the \$600,000 monies available from the Tax Anticipation Note. He also reported an increase in the number of sewer customers and noted with the expansion of Coddington View, the Halfway House and the Montessori School additional EDU's will be added bring the total number of users to over 1200.

ROBERT SLOSS - 2097 Needhammer Road - Referenced the recent sixty two percent (62%) tax increase and questioned the Manager as to whether the township's finances should be within budget this year. Mr. Layne stated "yes" however; we are watching our expenses very carefully for example we are leasing a truck for the Public Works Department rather than borrowing the money to buy a new one.

REG LEISTER - 1693 Farmington Avenue - Clarified that the Montessori School has a holding tank and will not be connected to the public sewer system.

NEW BUSINESS:

APPROVAL OF RESOLUTION #532 ADOPTING THE SWAMP-SCIOTO RESOURCE PLAN - Attorney Garner reported he will include additional language to the Resolution stating that nothing contained in the resolution will require a financial obligation from the Township.

Resolution #532 - A Resolution supporting and adopting the recommendations of the Swamp-Scioto Subbasin Integrated Resource Plan. A motion by Dolan, seconded by DeLena, to adopt Resolution #532 with the amendment stating there will be no financial obligation from the Township. All aye votes.

DISCUSSION AND UPDATE ON THE PROPOSED REGIONAL COMPREHENSIVE PLAN AMENDMENTS AND THE ESTABLISHMENT OF A DATE FOR A PUBLIC HEARING –

Commissioner Taylor provided a brief summary of the proposed amendments to the Regional Comprehensive Plan. After discussion, a motion by DeLena, seconded by Spaide, to authorize a public hearing date of June 2, 2008 for the proposed Regional Comprehensive Plan Amendments. All aye votes.

#4-07 REQUEST FOR 90-DAY EXTENSION OF TIME FOR THE REVIEW OF THE PROPOSED PASCAL ANNEXATION

- A motion by Dolan, seconded by DeLena, to grant a 90-day extension of time from May 10 through August 8, 2008, for the review of the proposed Pascal Annexation. All aye votes.

APPROVAL OF RESOLUTION # 533 AUTHORIZING THE APPLICATION OF FUNDING FROM THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

(GOOSE RUN) - Mr. Layne explained the Township is requesting funding in the amount of \$37,500. He further explained the total project will cost \$75,000 with a fifty percent match from the Township. Mr. Layne noted Rouse Chamberlin is contributing \$30,000 leaving a balance of \$7,500. A motion by Spaide, seconded by Noll, to adopt Resolution #533. All aye votes.

ROBERT SLOSS - 2097 Needhammer Road - Requested clarification with regards to the funding

of the Goose Run Trail. Mr. Layne explained \$37,500 from the Department of Conservation and Natural Resources, \$30,000 from Rouse Chamberlin and \$7,500 from the Township. When Mr. Sloss questioned whether the \$7,500 would be expended from the General Fund; Mr. Layne stated the balance would be expended from the Open Space Fund. Mr. Sloss requested clarification with regards to the liability insurance for the Goose Run Trail.

APPROVAL OF RESOLUTION #534 ADOPTING THE MONTGOMERY COUNTY COMMISSIONERS' CONDITIONS IMPOSED ON THE FUNDING FOR THE STAUFFER OPEN SPACE PROPERTY - A Resolution accepting the conditions of the Montgomery County Commissioners Grant Resolution of February 7, 2008. A motion by Dolan, seconded by DeLena, to approve Resolution #534 adopting the conditions imposed on the funding for the Stauffer property. All aye votes.

When **ROBERT SLOSS, 2097 Needhammer Road**, asked Commissioner Taylor to read the conditions imposed on the funding for the Stauffer Open Space property; Commissioner Dolan provided Mr. Sloss with his copy of the grant listing the eleven (11) conditions. Mr. Sloss questioned whether hunting would be permissible on the property. Commissioner Taylor stated this land cannot be hunted on now and it won't be hunted on when it is purchased.

APPROVAL OF THE PHASE III DEVELOPER AGREEMENT FOR CODDINGTON VIEW Attorney Garner referenced the letter from LTL Consultants dated April 9, 2008, regarding the Phase III revised cost estimate and noted the Engineer deducted \$20,000 for the repairs to Master Street. Mr. Garner stated that this will be replaced by an agreement with THP that the contingency money from all three phases can be used as needed to repair Master Street. A motion by Spaide, seconded by DeLena, to approve and authorize the execution of the Developer's Agreement for Phase III of Coddington View. All aye votes.

APPROVAL OF THE PHASE IV SANITARY SEWER LINE FOR CODDINGTON VIEW – A motion by Noll, seconded by Dolan, to accept the Phase IV Sanitary Sewer Line for Coddington View. All aye votes.

AUTHORIZATION TO EXECUTE AND RATIFY THE AGREEMENT OF SALE FOR THE SCHWENK OPEN SPACE EASEMENT - Commissioner Dolan expressed his thanks and appreciation to Herb Miller and Jack Layne for their efforts in spearheading the Schwenk Open Space Easement Agreement. Mr. Dolan explained that Mrs. Schwenk owns property located at the corner of Snyder and Schwenk Roads and has agreed to sell the Township a trail easement along the Snyder Road frontage. The purchase price of the easement is forty thousand dollars (\$40,000.00). Commissioner Dolan stated the easement is for the purpose of a walking trail and noted this would be the Township's first purchase using Referendum monies. After discussion, a motion by DeLena, seconded by Spaide, to approve and authorize the execution of the Agreement of Sale for the Schwenk Open Space Easement. All aye votes.

DISCUSSION ON PROPOSED ROAD IMPROVEMENTS - There was a brief discussion regarding the prioritizing of the proposed roads as noted in the memorandum from the Public Works

Director. A motion by DeLena, seconded by Spaide, to authorize the bidding process. All aye votes.

ROBERT SLOSS - 2097 Needhammer Road - Questioned whether storm water run off will be included in the bids for the proposed road improvements. Public Works Director, Frank Quinter, stated there are storm inlets already in place along Continental Drive, Schwenk Road and Juniper Street.

DISCUSSION ON TRI-STAR PROPOSAL - Mr. Layne reported that TriStar Investors, Inc. has submitted a revised offer of \$185,000 for the purchase of the rights to the cell tower. The Board agreed to take no action regarding the matter at this time. Commissioner Noll requested that Staff research the amount of monthly revenue generated from the cell tower.

REG LEISTER - 1693 Farmington Avenue - Expressed his concern that if the Township sells the rights to the cell tower we will lose all control; there will be additional carriers placed on the tower and the problems with the American flag will reoccur. Mr. Leister asked that the members of the Board give strong consideration before the Township sells the rights to the cell tower.

PUBLIC COMMENT: None.

COMMISSIONERS COMMENTS:

COMMISSIONER DELENA - Expressed concern regarding abandoned garages within the Township and cited a safety issue.

COMMISSIONER NOLL - Questioned the possibility of installing some type of lighting on Farmington Avenue at the entrance to Irwin Place. Mr. Quinter stated he would contact PECO regarding the matter.

PAYMENT OF BILLS - A motion by Noll, seconded by DeLena, to approve the Bill List dated April 7, 2008, for General Fund in the amount of \$178,585.05; Fire Fund in the amount of \$9,135.53; Sewer Fund in the amount of \$65,264.38; State Fund in the amount of \$6,777.53; Capital Fund in the amount of \$24,363.14; Escrow Fund in the amount of \$1,819.43 and Open Space Fund in the amount of \$25,000. Total Disbursements - \$310,945.06. All aye votes.

COMMISSIONER NOLL - Questioned clarification with regards to an invoice from McMahon Associates and questioned whether the Township is sharing the costs of the traffic review for the Upland Square Shopping Center with West Pottsgrove and the Borough of Pottstown. Mr. Layne stated the Township will submit copies of invoices regarding the Upland Square Center (McMahon, LTL, and Garner & Bauer) to the Developer for reimbursement.

ROBERT SLOSS - 2097 Needhammer Road - Requested a clarification with regards to the insurance premiums.

APPROVAL OF MINUTES - April 7, 2008 - A motion by DeLena, seconded by Spaide, to approve the minutes of the April 7, 2008, meeting as presented. All aye votes.

EXECUTIVE SESSION - At 8:13 P.M. Commissioner Taylor reported the Board would hold an Executive Session to discuss pending litigation and real estate acquisition; however no decisions would be made. The meeting reconvened at 8:51 P.M.

ADJOURNMENT - There being no further business, a motion by DeLena, seconded by Spaide, to adjourn the meeting at 8:52 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor,
Township Secretary