

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

June 2, 2008

The meeting of the Board of Commissioners was held on Monday, June 2, 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 and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:02P.M. There were 18 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:

TOM WERT - 183 Primrose Lane - Reported he received a notice from Superior Water regarding a rate increase for public water and fire hydrant rentals. Mr. Wert questioned whether the Board members planned to take any action with regards to the rate increase. Attorney Chuck Garner stated the Township has the option of forwarding a letter to the PUC regarding the matter.

NEW BUSINESS:

DISCUSSION ON RECOMMENDATION BY SEWER AND WATER COMMITTEE THAT THE TOWNSHIP'S SEWER RATE STRUCTURE FOR COMMERCIAL PROPERTIES BE REVIEWED - John Bealer, representing the Sewer Committee, reported that the owners of the Laundromat, located on North Hanover Street, expressed their concern regarding a \$1200 increase in their quarterly sewer bill. He further reported that the Laundromat is currently assessed at 16 edu's and noted this has had a severe impact on their business. Mr. Bealer suggested the possibility of a tier system whereby the commercial businesses would pay one rate and the residents would pay another rate. Mr. Bealer stated we should be encouraging commercial growth within the Township not discouraging it. After a brief discussion, it was the consensus of the Commissioners that the Sewer Committee would gather information from surrounding municipalities regarding their sewer rates for commercial property owners and residential property owners.

CARL SPECHT - 150 Primrose Lane - Expressed his concern that the Township would be giving a "break" to commercial property owners and not the residents. Mr. Specht noted that the homeowner's have experienced an increase in their sewer rates too. Mr. Bealer outlined the benefits of commercial businesses i.e. no increase in the number of students within the school system and an increase in tax revenue.

ROBERT SLOSS - 2097 Needhammer Road - Addressed John Bealer and questioned the amount of water being discharged by the Laundromat. Mr. Sloss stated that if the Laundromat is discharging more than the 16 edu's allocated the Township may actually have to increase their rates. Commissioner Taylor stated the township's ordinance allows customers to elect the water meter method and pay on actual usage.

AUTHORIZATION TO SUBMIT THE PROPOSED CORRECTIVE ACTION PLAN TO THE POTTSTOWN BOROUGH AUTHORITY - John Bealer explained a Corrective Action Plan is deemed necessary with the Pottstown Borough Authority when our inflow and infiltration flows approach 93% of our actual allocation. He further explained the proposed Corrective Action Plan was developed by LTL through communications with the Township Manager, the Public Works Director and the Sewer Committee. After discussion, a motion by Noll, seconded by DeLena, to authorize the submission of the proposed Corrective Action Plan to the Pottstown Borough Authority. All aye votes.

DIANA UPDEGROVE - 1404 Farmington Avenue - Questioned what the Township will be looking for as part of the Proposed Corrective Action Plan. Mr. Bealer responded the Township will perform inspections of floor drains and sump pumps, smoke testing, dye testing and check manholes during a rain event.

DISCUSSION REGARDING THE DRAFTING OF AN ORDINANCE THAT IMPOSES ANNUAL CHARGES FOR THE RESERVATION OF SEWER CAPACITY - After discussion, a motion by Dolan, seconded by Spaide, to authorize the Solicitor and the Engineer to draft an ordinance imposing annual charges for the reservation of sewer capacity. All aye votes.

Mr. Bealer stated he wanted to make the members of the Board aware that Resolution #235 allows for a payment plan with regards to sewer connection fees.

NEW BUSINESS:

APPROVAL OF FATS, OILS AND GREASE ORDINANCE # 426 AMENDMENT - An Ordinance amending Article VIII, Fats, Oils and Grease, of Chapter 275, Sewers and Sewage Disposal, of the Code of Upper Pottsgrove Township as amended. A motion by Dolan, seconded by DeLena, to approve Ordinance # 426. All aye votes.

REQUEST FOR SUMMER GROVE ESCROW RELEASE #7 IN THE AMOUNT OF \$71,500.00 - A motion by DeLena, seconded by Noll, to approve the request from Rouse/Chamberlin for the Summer Grove Subdivision Escrow Release #7 in the amount of \$71,500.00 as recommended by the Engineer. All aye votes.

POSSIBLE ACTION ON THE PROPOSED ORDINANCE AMENDMENT TO CHAPTER 100 REGARDING BARKING DOG - Action on this matter was tabled to a future meeting.

APPROVAL OF THE PURCHASE OF THE LAMB PROPERTY UNDER THE OPEN SPACE PROGRAM - A motion by DeLena, seconded by Spaide, to approve and execute the Agreement of Sale for the purchase of the Lamb property under the Open Space Program. All aye votes.

APPOINTMENT OF CITIZEN REPRESENTATIVE TO THE FIRE COMMITTEE - A motion by Dolan, seconded by Noll, to appoint Gilbert Duncan as Citizen Representative to the Upper Pottsgrove Fire Committee. All aye votes.

PUBLIC HEARING

PROPOSED AMENDMENTS TO THE POTTSTOWN METROPOLITAN REGIONAL COMPREHENSIVE PLAN - Attorney Garner and Commissioner Taylor provided a brief overview of the proposed amendments to the Pottstown Metropolitan Regional Comprehensive Plan.

ROBERT SLOSS - 2097 Needhammer Road - Questioned whether there are any provisions for prisons in the proposed amendments to the Pottstown Metropolitan Regional Comprehensive Plan. Mr. Sloss stated that he is concerned with the property owned by Waste Management.

JACK SCHAEFFER - 1520 Farmington Avenue - Requested clarification as to whether this is the same Village Commercial Plan that was discussed several years ago and a lot of the residents were opposed to it.

CARL SPECHT - 150 Primrose Lane - Requested clarification regarding the proposed amendments to the Comprehensive Plan and the homes that are being identified as historical properties.

RESOLUTION # 535 - A Resolution of the Upper Pottsgrove Township Board of Commissioners Approving certain Amendments to the Pottstown Metropolitan Regional Comprehensive Plan - A motion by DeLena, seconded by Spaide, to approve Resolution #535. All aye votes.

OLD BUSINESS:

ADOPTION OF ORDINANCE #425 AUTHORIZING BORROWING FOR THE ACQUISITION OF OPEN SPACE AND FOR INFRASTRUCTURE UPGRADES - Michael Wolf, from Boenning and Scattergood was present to discuss the borrowing for the acquisition of open space in the amount of \$2,500,000 and for infrastructure upgrades in the amount of \$500,000. A motion by Dolan, seconded by Spaide, to approve and adopt Ordinance #425. All aye votes. Roll call vote: Dolan – aye; DeLena – aye; Noll – aye; Spaide – aye; Taylor – aye. Aye votes – 5. Nay votes – 0. Motion carried.

ROBERT SLOSS - 2097 Needhammer Road - Requested clarification with regards to the borrowing for open space purposes and sewer upgrades.

OTHER PUBLIC COMMENT:

JACK SCHAEFFER - 1520 Farmington Avenue - Expressed his concern regarding hooking into the public sewer system through the back of his property as opposed to the connecting in the front of his property. Attorney Garner suggested he meet with Mr. Schaeffer as well as the Township Engineer, the Township Manager, Mr. Bealer from the Sewer Committee and the Public Works Director to discuss the matter.

COMMISSIONERS COMMENTS:

COMMISSIONER NOLL - Reported the Fire Company will be holding a pig roast on July 5th at Heather Place Park at 2:00 P.M. and a concert which will be held at the Gilbertsville Fire Company at 7:30 P.M.

APPROVAL OF MINUTES - May 19, 2008 - A motion by Spaide, seconded by Noll, to approve the minutes of the May 19, 2008, meeting as presented. All aye votes.

TOWNSHIP MANAGER - Mr. Layne stated he would like to report, on behalf of Reggie Leister, that 175 flags were collected and officially “retired” at the annual flag ceremony that was recently held at Memorial Park. Mr. Layne also reported that Mr. Leister and Mr. Miller will continue placing plaques on the designated historical properties throughout the Township.

EXECUTIVE SESSION - At 8:00 P.M. Commissioner Taylor announced there would be an Executive Session to discuss matters of real estate and pending litigation. The meeting reconvened at 8:48 P.M. with no decisions being made.

ADJOURNMENT - There being no further business, a motion by DeLena, seconded by Spaide, to adjourn the meeting at 8:50 P.M.

Respectfully submitted,

Cynthia H. Saylor,
Township Secretary