

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

February 2, 2009

A meeting of the Board of Commissioners was held on Monday, February 2, 2009, at the Upper Pottsgrove Township Administrative Offices, 1409 Farmington Avenue, with Commissioner DeLena, Dolan, Spaide and Taylor present. Also present were Solicitor Charles D. Garner, Jr., Township Manager Jack P. Layne, Jr. and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:02 P.M. There were 15 people and a Mercury Reporter present in the audience. Commissioner Noll was at conference in Harrisburg and unable to attend the meeting.

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:

KEITH KEHL - 1941 Gilbertsville Road - Advised his address was listed incorrectly in the minutes from the January 5, 2009 meeting. Mr. Kehl requested clarification with regards to the Regal Oaks Sewer Projects. Commissioner Taylor addressed Mr. Kehl and stated the program that is being put in place now is to handle the sewer needs of the Township and part of it requires an easement through your property. He further stated the connection of Cherrytree to Regal Oaks is the most economical way to handle the sewer flows. Mr. Kehl expressed his concern that the Sewer Committee meetings are held at 5:00 P.M. and stated he shouldn't have to go through the Township Manager to find out what's being discussed at these meetings. He further stated that the volunteers that make up to the Sewer Committee should be available at a time that better suits the residents.

JACK SCHAEFFER - 1520 Farmington Avenue - Expressed his concern as to why he must pay for sewer rental fees when he is not yet connected to the public sewer system. Attorney Garner stated the overall cost of the system, whether you're connected or not, has a fixed value and needs operating monies in order to function. He further advised Mr. Schaeffer that once a resident receives a "notice to connect" under the law and the ordinance you have so many days to connect and the Township has the right to charge rental fees.

NEW BUSINESS:

REAUTHORIZATION TO APPROVE RESOLUTION #553 FOR THE REGAL OAKS PUMP STATION - Attorney Garner explained that since the last meeting the figures for the H2O Grants for the Regal Oaks Pumping Station Project and the Regal Oaks Sewer Project Phase II have been reconfigured and revised and therefore it is necessary to reauthorize approval of two of the Resolutions.

COMMISSIONER DOLAN - Explained that these projects are not optional to the Township; they are required by the State in order to be compliant.

RESOLUTION #553 - A Resolution requesting an H2O Grant from the Commonwealth Financing Authority to be used for the Township's Regal Oaks Pumping Station Project in the amount of \$2,016,693.77. A motion by Dolan, seconded by DeLena, to approve Resolution #553 for the Regal Oaks Pump Station in the amount of \$2,016,693.77. All aye votes.

ARMANDO JOHNSON - 236 Micklitz Drive - Questioned whether either of the two grants would provide water for the Regal Oaks Subdivision. Commissioner Taylor stated that was included in the five grants approved at the January 20th meeting.

REAUTHORIZATION TO APPROVE RESOLUTION #552 FOR THE REGAL OAKS SEWER PROJECT PHASE II - A Resolution requesting an H2O Grant from the Commonwealth Financing Authority to be used for the Township's Regal Oaks Sewer Project Phase II in the amount of \$1,158,612.63. A motion by Dolan, seconded by DeLena, to approve Resolution #552 for the Regal Oaks Project Phase II in the amount of \$1,158,612.63. All aye votes.

ROBERT SLOSS - 2097 Needhammer Road - Requested clarification as to whether the H2O PA Grant has to be repaid. Commissioner Taylor stated the Township could receive as much as two thirds or as little as one half of the total cost of the project. He further stated the Township will be financially responsible for the balance. Mr. Sloss expressed concern regarding the economy and questioned whether the Township would proceed with the projects if we are unable to obtain the grants. Attorney Garner stated the Township's Agreement with DEP is that there are certain infrastructure upgrades that must as a result of the Regal Oaks Treatment Plant whether we like it or not. Mr. Garner explained the monies were made available by the Commonwealth and we were told that these monies are available and will be allocated to those that qualify for projects. Mr. Garner stated the Township has a couple things in our favor; one - it's a multijurisdictional project because it involves the Borough of Pottstown and two - we are under a consent order from DEP to complete the sewer upgrades in Regal Oaks. Mr. Sloss expressed concern regarding future increases to the sewer rates.

RESOLUTION TO APPLY FOR PENNVEST LOAN - Commissioner Taylor reported he along with the Township Manager met with representatives from PennVest last week with regards to the application of a low interest loan and/or possible grant.

RESOLUTION #554 - A Resolution authorizing the Township to submit a Financial Assistance Application to the Pennsylvania Infrastructure Investment Authority for the purpose of financing/partially financing the construction, rehabilitation and/or extension of the water/sewer system. A motion by Spaide, seconded by DeLena, to approve Resolution #554 authorizing the submission of a Financial Assistance Application to PennVest. All aye votes.

KEITH KEHL - 1941 Gilbertsville Road - Questioned whether the Township was looking into any financial assistance from PennVest for the homeowners. Commissioner Taylor stated it would be up to the individual homeowner to apply for any possible grants.

RICHARD BALL - Chestnut Grove Road - Stated that he is does use the sewer system and questioned whether the principal payment for the loan would be funded by the General Fund. Commissioner Taylor advised that it is possible that the General Fund would finance a portion of the costs of the sewer projects. Mr. Taylor reported that during the budget process he made it very clear that nothing in the sewer fees accounted for the borrowing for the sewer projects and there may be a possible increase in future sewer rates.

REGAL OAKS RESIDENT LETTER - Commissioner Taylor stated the DEP has expressed concern regarding the amount of flows coming into the Regal Oaks Pump Station. He further stated there are several possible sources of the additional flows, including basement floor drains or the discharge of sump pumps that homeowners may be using to eliminate water in their basements. Commissioner Taylor stated a letter was previously sent to the Regal Oaks residents requesting that they disconnect prohibited connections to the public wastewater system; however the Township has not heard from anyone and we continue to experience high flows. He further stated in order to comply with the mandates of the PADEP, the Township must now begin inspecting individual homes in Regal Oaks in order to validate the connection status of each residence. Township employees will perform these inspections between March 1st and April 16, 2009. Any homeowner who does not schedule an inspection by March 1st will be assessed an additional \$75 fee per quarter.

PUBLIC COMMENT:

ROBERT SLOSS - 2097 Needhammer Road - Addressed Commissioner Taylor and asked him the definition of the word “grant.” Mr. Taylor stated the definition of the word “grant” is money that doesn’t have to be repaid if it is used in the fashion for which the grant was given.

APPROVAL OF BILL LIST - February 2, 2009 - A motion by DeLena, seconded by Spaide, to approve the Bill List dated February 2, 2009, for General Fund in the amount of \$16,106.80; for Sewer Fund in the amount of \$12,071.62; for Capital Fund in the amount of \$1,831.00; and State Fund in the amount of \$6,448.23. Total Disbursements - \$36,457.65. All aye votes.

APPROVAL OF MINUTES - January 20, 2009 - A motion by Spaide, seconded by DeLena, to approve the minutes of the January 20, 2009, meeting as presented. All aye votes.

EXECUTIVE SESSION - At 7:35 P.M. Commissioner Taylor announced there would be an Executive Session to discuss a matter of real estate acquisition. The meeting reconvened at 8:28 P. M. with no decisions being made.

ADJOURNMENT - There being no further business, a motion by Spaide, seconded by DeLena, to adjourn the meeting at 8:30 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor,
Township Secretary