

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

April 20, 2009

A meeting of the Board of Commissioners was held on Monday, April 20, 2009, 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., and Township Secretary Cynthia H. Saylor. Mr. Taylor called the meeting to order at 7:00 P.M. There were 15 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:

JENNIFER GROVES - 1425 Chestnut Grove Road - Referenced the minutes from the April 6th meeting and requested an explanation regarding the Highview Lane issue. Commissioner Taylor stated there is someone in the community that would like the Township to take dedication of a private lane. Mr. Taylor stated the Board could not discuss the matter any further due to potential litigation.

KEITH KEHL - 1941 Gilbertsville Road - Requested a clarification with regards to the Township sewer ordinance. Commissioner Taylor explained there is a sewer ordinance that requires a property owner to hook into the public sewer system if the property is within 150 feet of the right of way of the street line where there is a municipally constructed sewer line.

HENRY BEALER - 1382 Farmington Avenue - Advised the members of the Board of a resident living on Farmington Avenue that is not yet hooked up to the public sewer system.

ROBERT SLOSS - 2097 Needhammer Road - Questioned if the Township has an ordinance in place why isn't everyone hooked up to the sewer system. He further questioned the intent of the ordinance. Commissioner Taylor stated the intent of the ordinance is to make sure that the residents have properties that are functioning properly and that the Township is not being polluted with failing systems. Mr. Sloss expressed his concern that if the Township has an ordinance in place why the property owner is still not hooked up to the sewer system. Commissioner Taylor stated he is not aware of all the details and noted this "issue" has been going on prior to him being on the Board. Attorney Garner stated he could not give a legal response because the matter was involved in litigation and he is not familiar with the outcome. He further stated if he is directed by the Board to do something regarding the matter he will.

REGGIE LEISTER - 1693 Farmington Avenue - Reported that the Township facility will be used as a collection point for tattered and soiled American flags during the month of May. Mr. Leister noted the flags will be "retired" during a formal ceremony which will take place on June 7th at Memorial Park.

JIM CAPINSKI - 1958 Yarnall Road - Stated the Township would benefit by utilizing the TDR (Transfer of Developer's Rights) program and emphasized it would allow for the preservation of open space at less cost. Mr. Capinski discussed how the TDR program has benefited West Vincent Township.

REGGIE LEISTER - 1693 Farmington Avenue - Questioned whether the Township received reimbursement for the Act 147 funds. Mr. Layne stated he would look into the matter.

RICHARD BALL - 1371 Chestnut Grove Road - Requested an update with regards to State Street and the cul-de-sac. Commissioner Taylor stated the Township is anticipating the opening of the Upland Square Shopping Center in late spring or early summer. He further stated that the Township has been planning to have it closed down until such a time that the property north of the shopping center is developed. Until that development takes place the Township is prepared to put up barricades and proper signage to close the road to thru traffic.

KEITH KEHL - 1941 Gilbertsville Road - Expressed his concern regarding the emergency access on State Street.

When **ROBERT SLOSS, 2097 Needhammer Road**, asked who owns the development (Upland Square) Attorney Garner stated C. F. Pottsgrove and Gambone Development. Mr. Sloss stated the cul-de-sac should be installed prior to the opening of the Upland Square Shopping Center.

HENRY BEALER - 1382 Farmington Avenue - Questioned the status of the tree ordinance.

REPORTS:

EMERGENCY SERVICES - Commissioner Noll reported a copy of the monthly Police Report would be placed on the bulletin board. **FIRE REPORT** - Commissioner Noll reported a copy of the monthly Fire Committee Report would be placed on the bulletin board. He further reported the Fire Company had a successful Easter egg hunt and flower sale as well a recent concert held at the Gilbertsville Fire Company and noted that all proceeds will go towards the fire truck fund. Mr. Noll stated the next Fire Committee meeting will be held on the third Thursday of next month.

ROBERT SLOSS - 2097 Needhammer Road - Clarified that 75% of the proceeds from the Easter flower sale, egg hunt and concert went towards the fire truck fund and 25% of the proceeds went towards the operation costs of the Fire Company.

PUBLIC WORKS REPORT - Commissioner Spaide summarized the monthly activities performed by the Public Works Department and noted a copy of the report would be placed on the bulletin board. Ms. Spaide reported the Public Works employees placed utility poles on Hoffman Field to prevent vehicles from causing damage during the wet weather.

KEITH KEHL - 1941 Gilbertsville Road - Expressed his concern regarding the creosote on the telephone poles and its effect on the environment.

PARKS, RECREATION AND OPEN SPACE REPORTS - Commissioner Dolan reported the Open Space Committee discussed sponsoring a contest in an effort to provide a name for the Prince/Austerberry Park.

TOWNSHIP ENGINEER - It was noted that a copy of the monthly Engineer's report will be placed on the bulletin board.

TOWNSHIP SOLICITOR'S REPORT - Attorney Garner stated most of his monthly activities will be discussed later on the agenda.

TOWNSHIP MANAGER'S REPORT - Mr. Layne reported he attended a Montgomery County Planning Commission meeting regarding the PENNVEST and Federal Stimulus funding for water and sewer projects; assisted in providing requested information to the Township's Audit firm; attended a Montgomery County Emergency Management Coordinator training session; assisted in coordinating efforts to contact Regal Oaks residents regarding the inspection of their property for sump pumps. Mr. Layne reported that out of 74 homes within the Regal Oaks Development 70 have been inspected. He further reported if the remaining inspections aren't made the homeowners will be assessed an additional \$75.00 per quarter. With respect to the Regal Oaks pumping station – the permit has been granted by the Department of Environmental Protection and the bids will be advertised on April 23rd and April 26th and to have a pre-bid meeting on Friday, May 15th at 10:00 A.M. in the meeting room. Mr. Layne requested authorization to instruct the Engineer to move forward with the plan. A motion by Spaide, seconded by DeLena, to begin the bid process for the Regal Oaks pump station. All aye votes.

FINANCIAL REPORT - Copies of the monthly Financial Reports were provided to the members of the Board in their meeting packets.

NEW BUSINESS:

DISCUSSION AND POSSIBLE APPROVAL OF THE CONSENT ORDER AND AGREEMENT AMENDMENT WITH THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION - Attorney Garner explained that when the Board originally approved the Consent Order and Agreement with DEP they (DEP) when drafting the document failed to provide any penalties for instantaneous maximum violation of the permit. Mr. Garner stated this was an oversight on the part of DEP. He further stated DEP was kind enough to allow the Township to amend the Agreement and explained that in the event the Township violated the permit for instantaneous maximum we would be better off with this amendment in effect than if we chose to ignore it. Attorney Garner stated that both he and the Township Engineer recommend that the Board approve the Agreement Amendment. A motion by Dolan, seconded by Noll, to approve the Agreement Amendment with the Pennsylvania Department of Environmental Protection. All aye votes.

DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED REGIONAL PLAN AMENDMENT

- Commissioner Taylor stated the Township is looking into the land around the Upland Square Shopping Center and noted there are commercial opportunities in that area; however before it can be developed we need to confirm our zoning maps with the Regional Planning Commission. Mr. Taylor explained that currently the land is zoned as residential and the Township is looking to amend the Regional Planning map to designate a commercial type zoning in that area. Commissioner DeLena noted this topic has been discussed at the Regional Planning Commission and they are in agreement. After a brief discussion, a motion by Spaide, seconded by Dolan, to authorize the Township Manager to prepare and submit the application for the proposed Regional Plan Amendment to the Regional Planning Commission. All aye votes.

ROBERT SLOSS - 2097 Needhammer Road - Questioned the number of homeowners that would be affected by the change in zoning. Commissioner Taylor stated the properties involved are all under agreement with a commercial developer. Mr. Sloss further questioned how the change from Residential to Commercial would affect the taxes. Attorney Garner explained the amendment won't change an existing use; there's no basis to change the assessment based on a change in zoning.

DISCUSSION REGARDING POSSIBLE CELL TOWERS - Commissioner Taylor explained that currently the Township has three proposals with regards to cell towers. He further explained that two of them are proposing to build a cell tower pole on the Kulp Field property and the other is interested in being the Township's broker for handling cell tower revenue. Mr. Layne noted the opportunity looks like it would be beneficial to the Township and suggested we explore all options. Attorney Garner suggested the interested parties make a presentation to the members of the Board at a future meeting.

ROBERT SLOSS - 2097 Needhammer Road - Requested clarification regarding the location of the proposed cell towers. Mr. Sloss expressed his concern regarding the Township purchasing open space and then building a cell tower on it.

HENRY BEALER - 1382 Farmington Avenue - Questioned whether the proposal for the cell tower would be placed on Kulp Field or Hoffman Field. Mr. Layne stated the proposal is for Kulp Field; however not the baseball fields.

JIM CAPINSKI - 1958 Yarnall Road - Questioned whether the Township has a cell tower ordinance. Mr. Capinski also questioned whether Kulp Field was located in a flight zoning.

PUBLIC COMMENTS:

REG LEISTER - 1693 Farmington Avenue - Reported the Civil Service Committee received two applicants who expressed interest in filling the vacancy on the Committee.

COMMISSIONERS COMMENTS:

COMMISSIONER NOLL - Provided a brief update with regards to a proposed bill that would increase sales tax by 1% and the revenue generated would be used to reduce property taxes.

PAYMENT OF BILLS - A motion by Dolan, seconded by Noll, to approve the Bill List dated April 20, 2009, for General Fund in the amount of \$42,200.59; Fire Fund in the amount of \$1,804.94; Sewer Fund in the amount of \$36,823.10; Open Space Fund in the amount of \$6,080.22; State Fund in the amount of \$900.64 and Escrow Fund in the amount of \$927.13. Total Disbursements - \$82,656.40. All aye votes.

RICHARD BALL - 1371 Chestnut Grove Road - Stated that half of the amount of the total Bill List goes towards paying LTL Consultant's invoice of \$40,000 and questioned whether the Township ever considered looking at a different Engineering firm that would charge us a lower rate. Mr. Layne stated that LTL Consultants has been selected as the Township's engineering firm until the end of 2009. Commissioner Taylor explained that a lot of the expenses depicted on the Bill List are reimbursable to the Township and noted that LTL's rates are in line with surrounding engineering firms.

ROBERT SLOSS - 2097 Needhammer Road - Expressed concern regarding the amount of the invoice from the auditing firm of Reinsel, Kuntz and Leshner and questioned why the increase from this year compared to last year. Mr. Layne noted the Township budgeted \$11,500 for this year's audit and noted there was more emphasis on the Treasurer's role and other additional items that we need to be in compliance with. Mr. Sloss questioned invoices from PeopleShare for the part-time Police Secretary and suggested that the Township sub out all the work in order to save money. Mr. Sloss questioned the percentage of LTL Consultants' invoice that is reimbursable. Mr. Layne stated he could obtain the information for Mr. Sloss; however he didn't have the figures available at the meeting.

JOE KAMINSKI - 1369 Chestnut Grove Road - Questioned the percentage of LTL Consultants' invoice that represents work for the Regal Oaks sewer project. Commissioner Taylor the Township must comply with DEP requirements.

APPROVAL OF MINUTES - April 6, 2009 - A motion by Spaide, seconded by Noll, to approve the minutes of the April 6, 2009, meeting as presented. All aye votes.

EXECUTIVE SESSION - At 8:10 P.M. Commissioner Taylor announced there would be an Executive Session to discuss three (3) matters of real estate and two (2) matters of pending litigation with no decisions being made. The meeting reconvened at 9:15 P.M.

ADJOURNMENT - There being no further business, a motion by Spaide, seconded by DeLena, to adjourn the meeting at 9:17 P.M.

Respectfully submitted,

Cynthia H. Saylor,
Township Secretary