

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

September 21, 2009

A meeting of the Board of Commissioners was held on Monday, September 21, 2009, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners Dolan, Miller, Noll, Spaide and Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., Township Manager Jack P. Layne, Jr., and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:00 P.M. There were approximately 70 people and a Mercury reporter present in the audience.

MOMENT OF SILENCE - Commissioner 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 - 1693 Farmington Avenue - Complimented Commissioner Spaide with regards to the newly installed stop sign located at Gilbertsville and Moyer Roads. Mr. Leister referenced a recent newspaper article with regards to the Borough of Pottstown discovering \$702,565.20 in a Capital Fund for which they have no explanation. Mr. Leister stated the money belongs to Upper Pottsgrove Township and questioned the Solicitor as to the plans for the money. Attorney Garner stated the money rests with the Borough Authority which is a separate entity from the Borough; it has its own Board and its own Solicitor.

KEITH KEHL - 1941 Gilbertsville Road - Expressed his concern regarding a metal stake that was left in his front yard and questioned the repercussions had he hit it with his lawn mower. Attorney Garner stated it would be the developer's responsibility.

REPORTS:

EMERGENCY SERVICES REPORT - Commissioner Noll read the monthly Police Report and stated a copy would be posted on the bulletin board. Commissioner Noll commended the Police Chief as well as the Police Department for their diligence regarding the newly installed four-way stop sign at the intersection of Gilbertsville and Moyer Roads.

FIRE REPORT - Commissioner Noll reported the volunteers are continuing with the fund drives and provided a brief update on the new pumper tanker fire truck. Mr. Noll further reported that delivery is expected in late November. It was noted that a copy of the monthly report would be posted on the bulletin board. Commissioner Noll referenced the letter from Superior Water Company regarding their intent to remove fire hydrants in the Maugers Mill Estates area on October 1st unless the Township and/or the Fire Department requests further discussion on this issue. Commissioner Noll recommended that the Township Manager notify Superior Water Company and request that they not remove the fire hydrants in Maugers Mill Estates and request further information regarding this issue. Mr. Layne stated he would address the matter with Superior Water Company. Commissioner Noll commended Mr. Layne regarding his on-going emergency management training.

REG LEISTER - 1693 Farmington Avenue - Questioned whether there have been any accidents at the intersection of Gilbertsville and Moyer Road since the installation of the new four-way stop sign. Commissioner Noll stated that there was an accident the day after the stop sign was installed. Mr. Layne advised the Township received a phone call from a bus driver expressing her appreciation for the installation of the stop sign.

PLANNING AND ZONING REPORT - Commissioner Taylor reported the Planning Commission met last week and discussed the proposed R-2 zoning amendments.

PUBLIC WORKS REPORT - Commissioner Spaide reported that along with patching potholes and mowing the Public Works Department replaced downed signs at Route 100 and Upland Square Drive. Commissioner Spaide noted that a copy of the monthly report would be posted on the bulletin board.

PARKS, RECREATION AND OPEN SPACE REPORT - Mr. Layne reported there was a recommendation from Commissioner Miller to appoint Sue Thompson as the new Chairperson for the Parks and Recreation Committee.

TOWNSHIP ENGINEER'S REPORT - A copy of the monthly Engineer's Report will be posted on the bulletin board.

TOWNSHIP SOLICITOR'S REPORT - Attorney Garner reported the Board of Commissioners will hold a public hearing on the Retail Office Ordinance Zoning Amendment on October 19, 2009. Mr. Garner explained the RO Ordinance will replace the CO District presently in effect in the Township. In another matter Mr. Garner stated that when the Upland Square project was approved the Township negotiated with the Developer an Agreement to attempt to off set some of the impacts that had occurred as a result of the project. Mr. Garner further stated that one of the items of that Agreement contemplated improvements to the intersection of Chestnut Grove Road and State Street and as part of that proposed improvement the Township was attempting to get right of way in order to realign the intersection. Mr. Garner noted that shortly after the Agreement was executed the Township learned that we could not get the right of way necessary to realign the intersection. However; under the Agreement, if the Township were unable to do the road work we are entitled to receive \$65,000 from the Developer in lieu of the road work. After discussion, a motion by Noll, seconded by Spaide, to make a request of the Developer for the \$65,000 in order for the Township to do the roadwork. All aye votes. Commissioner Dolan suggested the \$65,000 be set aside in a separate account designating it for the roadwork. Commissioner Noll amended his motion to make a request of the Developer for the \$65,000 in order for the Township to do the roadwork and establish a separate account designating it specifically for that purpose. Commissioner Spaide seconded the amended motion. All aye votes.

In response to a question from **STEPHANIE KAMINSKI, 1369 Chestnut Grove Road**, regarding Chestnut Grove Road; Commissioner Taylor explained the Township has tried two different options: one was to cut across the angle and the other was to extend a loop across State Street. Mr. Taylor

STEPHANIE KAMINSKI CONT'D - stated the Township will be rebidding the whole State Street project and requesting that State Street be shifted over approximately four or five feet in order to give people coming out onto Chestnut Grove Road a better eyesight.

TOWNSHIP MANAGER'S REPORT - Mr. Layne reported he coordinated discussions and meetings with staff to prepare and submit a reimbursement request for \$508,342.39 from the PENNVEST program; assisted in efforts to obtain needed easements for Regal Oaks Pumping Station and Farmington Avenue West Projects; planned and coordinated efforts to insure that there will be a successful Limerick Generating Station Emergency Management Exercise in November and assisted in the planning and preparation for the October 3rd, 2009 Community Day at Heather Place Park between the hours of 11:00 AM - 4:00 P.M. Mr. Layne noted that he has responded to numerous resident concerns regarding the single-hauler trash collection and recycling contract. Mr. Layne reiterated the fact that there is an opt-out clause for those residents who are not interested in participating in the contract.

MONTHLY FINANCIAL REPORTS - Mr. Layne reported that public Budget Meetings will start in mid October. He further reported that to date the Township has collected 76% of its revenues and has expended 62.9% of its expenses.

JOHN WEST - 1611 Applegate Lane - Expressed his concern regarding some confusion pertaining to the opt-out clause and questioned whether residents would be notified by mail. Mr. Layne explained that postcards or brochures will be sent in the mail and residents will have thirty days to respond.

MONTGOMERY MORIAS - 1485 Lotus Drive - Stated he received a letter from Ches-Mont Haulers regarding the bid specifications for the single-hauler trash collection. Mr. Morias expressed his concern and questioned why the Board is "rushing" into appointing a single-trash hauler when there was some confusion pertaining to the bid specifications. Commissioner Taylor stated it was not a rush in judgment; it was a many month process for the Board to agree on what to include in the bid documents. He further stated there were several meetings with the contractors interested in bidding on the contract and there was plenty of time for a professional person to figure out what was wanted from the Township.

PUBLIC HEARING REGARDING THE PROPOSED R-2 AMENDMENTS - Solicitor Garner explained the purpose of the public hearing was to obtain public comment with respect to a proposed Ordinance amending Article IX, R-2 Residential District, of Chapter 350, Zoning, for the Upper Pottsgrove Township Code to provide for two-family twin homes in the R-2 Residential District under and subject to certain conditions and provide for development standards for twin homes. Mr. Garner noted that there are many requirements set forth in the ordinance change in order to permit twin homes. Mr. Garner reported the proposed amendments were reviewed by both the Upper Pottsgrove Township Planning Commission and the Montgomery County Planning Commission and both commissions support the text change to the ordinance.

COMMISSIONER TAYLOR: Commissioner Taylor read the following statement. The Township Planning Commission has unanimously recommended that we consider amending the Township Zoning Code to allow for the development of twin-family homes within the R-2 zoning district. The existing R-2 standards permit development of medium-density housing (5 units per acre) in a matter to create a strong neighborhood identity around an open-space focal point. Small single-home lot sizes are balanced by a requirement to set aside 25% of the property as shared, community open-space. The addition of two-family twin homes to this zoning district, while increasing overall tract density, will also be coupled with a mandate to expand the open-spade requirement to 40% of the development. Twin homes will not be permitted throughout the entire R-2 zoning district, but will be restricted to those parcels comprising at least 15 acres, so that there is enough space to create a unique community environment. While single-homes are not subject to strict design standards, under this ordinance, twin-family homes will need to satisfy specific requirements to ensure a quality housing project. These include: all the units will share a unified architectural design which must be approved by the Board of Commissioners; flat roofs are prohibited; building facades will be composed of at least two different facing materials ranging from wood to brick to stone to stucco; adjacent structures will not be identical, garages are required and may not be converted into living space; at least two additional off-street parking spaces must be provided for each living unit along with adequate guest parking interspersed throughout the development; fencing may only be constructed in the rear yard per uniform standards established by the Home Owners Association. As I noted earlier, 40% of the development site shall remain as open-space, but if there are any environmentally sensitive natural features such as steep slopes and wetlands, these areas must be left in their natural state and cannot be included in the 40% open-space requirement – but must be in addition to it. Landscaping requirements provide for a 35-foot wide vegetative buffer as a separation from existing neighborhoods and additional street trees are required throughout. I don't know if I'm speaking for any of the other Commissioners, but I would like to explain why I favor adopting the ordinance amendment. I do know that we CAN all agree that we have not been happy about adopting budgets in the last two years that have required doubling the tax rate – not to mention sewer fees which have also doubled. These increases were not required due to poor stewardship. To the contrary, I am confident that we have taken every reasonable measure possible to minimize the expense needed to provide basic government services. Tonight, we are meeting in a building that physically demonstrates the extent of our commitment to finding the most economical way to satisfy our community's needs. Some of you may remember when the Township's Administrative offices shared space with Public Works and the Police next to the Public Works garage and held public meetings such as this down a flight of stairs to a room 1/3 this size. Rather than building new, we partnered with the Township Fire Company, who were themselves facing serious financial straits, to repurpose and remodel unused space in their building for expanded Administrative and Public spaces. This decision relieved the Fire Company of the expenses involved in maintaining a building, allowed the Police and Public Works to create their own administrative spaced in the old Administrative offices, and allowed us to expand Township services to the community at a fraction of the cost of a new building. We certainly can't be accused of building any Taj Mahal!! In many other big and small ways, we have reduced the cost of government services.

COMMISSIONER TAYLOR CONT'D - No vendor or contractor or broker is guaranteed our ongoing business as we continue to search out service providers that will give us a better deal. Jack has investigated and implemented several such changes during his tenure that have saved the Township significant expense. Frank continues to be very creative in the ways he is able to manage his limited resources to focus on the most critical needs throughout the Township's roads, parks, and sewer infrastructure. The Police Department also makes do in office spaces they built with their own sweat equity. Our overall staffing is at the minimal level required to satisfy our taxpayer's needs, but in spite of our best efforts, the cost of doing business continues to outpace the revenue we collect through taxation. We have been successful in supplementing this revenue through grant funding that has provided various police equipment, office computers, and emergency preparedness materials. Most recently, after a lot of diligent effort and networking, we were able to obtain an outright grant of almost ½ million dollars to defray the cost of our ongoing sewer infrastructure improvements as well as a below-market-rate-interest loan of about 3 ½ million dollars. These were both extremely competitive programs and our Township was just one of two in Montgomery County who was awarded these funds. You may remember that we also were successful in convincing DEP to grant full funding to cover the entire multi-million dollar expense of providing clean public drinking water to our residents whose wells were in danger of contamination with carcinogenic TCE. We also arranged for several more million dollars worth of work from private developers to expand the Farmington Avenue sewer line so that those now being connected to the public system would not need to bear that expense as well. Developer funds were also used to cover the cost of repairing the sewer infrastructure in the Greengate Development, reducing Inflow and Infiltration and therefore the cost to process our sewage. However, in spite of this careful management of our budget and the influx of funds by way of grants and developer contributions, it is not enough to eliminate the need to raise taxes and fees. The Township had been expecting about 1000 new residential units to be built by this time – the plans had already been approved – but the national economic crisis has put all of those plans on the back burner, if not out in the trash. Instead of having 1000 new units pumping upwards of a million new dollars yearly into our general fund through real estate and earned income taxes, and another million dollars in annual sewer fees to help defray the cost of our expanding sewer infrastructure – we are left to pay our mounting bills by increasing the taxes of our existing residents. Tax assessments will continue to rise so long as we do not have more residents to share the cost of required services and infrastructure. I do not believe we can expect that any significant number of typical single-home developments will be built in our community for many years to come, if at all. I believe the shock of our nation's recent economic downturn has changed the mindset of homebuyers who have seen how easily their most important investment can be devalued through forces over which they have no control. That is why I believe the Township cannot plan on more single-home buyers to help balance the Township's budget. To that end, the Township is in the process of revising our Commercial Ordinance to prepare for the anticipated development of business properties in the area of the new Upland Square Shopping Center, which will add revenue without adding residents to the Township. The Township has already amended our zoning ordinance to encourage the sorts of residential development that may be more viable in the foreseeable future, when it adopted an age-restricted zoning district that would allow smaller homes on smaller lots for a smaller price to satisfy the needs of our senior population.

COMMISSIONER TAYLOR CONT'D - The Twin-family home ordinance we are considering tonight is another attempt to be proactive in responsibly expanding the tax base. Twin-family homes, being more economical to buy, will be more likely built in the near future than the larger-lot single homes that predominate in our Township. I believe that it is prudent to encourage a variety of development options within our community – Commercial, Singles, Townhouses and now Twins – so that our community is better prepared to survive the economic turbulence that I believe will mark our lives for many years to come.

JOHN WEST - 1611 Applegate Lane - Advised the members of the Board that he had a petition containing one hundred and eighty eight (188) signatures from residents in the Summer Grove, Chestnut Grove Road, Lotus Drive and Heather place area, stating that they are opposed to the proposed R-2 zoning changes. Mr. West advised he would get the petition notarized and submit it to the Township.

MONTGOMERY MORIAS - 1485 Lotus Drive - Expressed his concern regarding an increase in traffic and increased taxes.

LORI GRESKO - 1405 Chestnut Grove Road - Expressed her concern with regards to children walking along Chestnut Grove Road, which has no sidewalks, in order to catch the school buses. Ms. Gresko stated, as a school teacher, West Pottsgrove Elementary School cannot accommodate anymore children than it already has.

JIM CAPINSKI - 1958 Yarnall Road - Expressed his concern regarding the language in the proposed ordinance pertaining to two family twins and noted it should be single family twins.

In response to a question from **MELODY MORIAS, 1485 Lotus Drive**, Attorney Garner stated the Board is considering a change to the ordinance; there are no development plans that are being considered and it is certainly premature to second guess what could happen. Mr. Garner reiterated that this is a text change to the ordinance and an illustration as to what the homes could look like.

RALPH FREED - 1385 Chestnut Grove Road - Expressed his concern as to how “critical” the Chestnut Grove Road and State Street intersection is whether twin homes or single-family homes are built. Attorney Garner stated the Board is discussing a potential ordinance change and development plans/subdivision plans get reviewed by the Planning Commission. He further stated that typically there are a lot of road improvements that are required when developments takes place, whether it’s under this ordinance or the existing R-2.

In response to a question from **STEPHANIE KAMINSKI, 1369 Chestnut Grove Road**, Commissioner Taylor stated that during the development process both the Developer and the Township have to come to an agreement on the whole “package.” Mr. Taylor further stated that in any other developments, where improvements were required they have been done.

MARY ANN WILLIAMS - 1485 Heather Place - Advised that she has lived in her home for twenty one (21) years and expressed her concern regarding additional traffic and speeding cars. Ms. Williams suggested that the Township use the \$65,000 to negotiate with the people who are willing to give up their land in order to improve the traffic flow at the State Street intersection. She further suggested that the Township “run out” a ten year budget showing the projected taxes with and without the twin homes. Ms. Williams stated she is retired; however she is willing to pay higher taxes in order to live well in her community. Ms. Williams added “let the people decide whether or not they can afford to pay for a different life style or whether or not they really have to accept a higher density in order to be able to afford living here – give the residents that option.

MIKE ANDERSON - 320 Summer Grove Road - Suggested the Board “reach out to the community” and let them vote. Mr. Anderson stated in his opinion people would be willing to pay higher taxes for slower development with single-family homes.

ADRIAN HARRISON - 1422 Kummerer Road - Stated she moved to Upper Pottsgrove Township from Philadelphia and noted what drew her to the area was the peacefulness. Mrs. Harrison expressed her concern regarding the possibility of increasing the police department if the proposed zoning change goes through.

MIKE MANCINI - 1612 Applegate Lane - Expressed his concern regarding the increased traffic and safety issues.

JOE YOUNG - 1508 Heather Place - Stated he is against the proposed zoning change and noted that Upper Pottsgrove is supposed to be a rural type township.

HENRY BEALER - 1382 Farmington Avenue - Suggested the Board consider an age restricted development that would not impact the school district. Attorney Garner stated there are areas in the Township zoned for age restricted housing.

In response to a question from **JOHN WEST, 1611 Applegate Lane**, Commissioner Taylor stated the intent was to encourage new development. Mr. West expressed his concern regarding loss of home value.

ROBERT BEALER - 1406 Farmington Avenue - Questioned why the Township doesn’t pursue Commercial property.

STEPHEN BURZICK - 1211 Springhill Lane - Advised that he just moved into the Township in July. Mr. noted that he has attended several meetings and stated it seems that we, as a township, have budget problems, scheduling problems and we don’t have enough money to fix the roads. Mr. Burzick stated that he is worried that the amount of money the Township will have to spend for more police, more roads, more schools and more of everything put together will outweigh the benefit of the twin houses.

In response to a question from **JIM KAMINSKI, 1369 Chestnut Grove Road**, with regards to a “compromised development” Commissioner Taylor stated you can’t leave a whole community without sewage. He further stated that much of this “stuff” has been pushed on the Township; we are forced into spending money to take care of problems that we did not create; we’re just trying to manage them. Mr. Taylor explained the compromise was not necessarily to improve the tax base; the compromise was to allow sewer lines to be fixed. Mr. Taylor summarized his comments by saying the only thing that brings in new money is new people.

In response to a comment from **JOHN WEST, 1611 Applegate Lane**, Commissioner Taylor stated he is proposing solutions to problems that the Township needs to solve. He further stated there is one group of people who will come in and complain about raising taxes and they will not understand why we have to raise taxes. And then there is another group who are willing to pay higher taxes. Mr. West asked why the questioned can’t be placed on the ballot in order for the residents to decide whether they want it. Attorney Garner stated because there is not a provision that allows you to place this type of matter on the ballot.

WILL ROCHA - 1608 Applegate Lane - Asked what type of action the Board will take on proposed zoning change. Commissioner Taylor explained a public hearing is to get information from the public regarding the proposal and the Board has sixty (60) days to vote on the proposed zoning change.

When **JOHN WEST, 1611 Applegate Lane**, questioned whether any building currently have a vested interest in the proposal; Commissioner Taylor stated there are builders that do have approved plans in the R-2 district. When Mr. West asked for a specific location within the R-2 district; Commissioner Taylor explained that any 15 plus acre existing parcel within the R-2 zone would be eligible for a twin development. Mr. Taylor stated there is an approved plan for the Boerner tract for approximately 30 single houses. After a brief discussion, Mr. West addressed the Solicitor and asked what legal recourse the residents have to take actions against the Township. Mr. West also questioned the impeachment process to have people removed from this Board. Attorney Garner stated there is no impeachment process; however under the State Constitution you may have rights to remove Supervisors or Commissioners for wrong doing. With regards to the residents legal recourse; Attorney Garner stated you have the right to appeal or file a request for an appeal of the ordinance approval if it is approved.

JIM CAPINSKI - 1958 Yarnall Road - Questioned whether the ordinance must be voted on, as written, within sixty days. Mr. Capinski reiterated his concern regarding some of the language pertaining to two family twins within the proposed ordinance.

LEON PACE - 1208 North State Street - Questioned if it were possible to develop single-family dwellings as opposed to twins in order to keep the “rural flavor” within the Township. Commissioner Taylor explained it is currently zoned for single family homes; however, they are not being built because they cannot be sold and so the Township is stuck paying for infrastructure that was intended for them but they are not being built.

In response to a question from **DENIS KOUZNETSOV, 1015 Fallbrook Lane**, Commissioner Taylor stated the Solicitor has already explained the way the ordinances are adopted. He further stated that Mr. West has done a very good job of getting to all the interested people regarding this particular project. The Board has heard and understands your concerns.

In response to a question from **GREGORY YOUNGBLOOD, 1012 Fallbrook Lane**, Commissioner Taylor explained that the residents pay taxes to help the Township purchase open space; we designate properties throughout the community that are of natural significance and we are in the process of purchasing them partially to protect the environment and partially to control development within the Township. He further explained the problem we are trying to address is that over 1,000 single units have been planned for this community and the Township was counting on them to pay our bills. We put sewer infrastructure in the ground and because of today's economy those homes aren't being built. Mr. Taylor stated that he doesn't anticipate an increase in township taxes this year; however, the Township is currently installing between \$3 and \$4 million worth of sewer infrastructure in the ground and those bills are going to start coming due next year. Mr. Youngblood questioned whether the Township would take the property along State Street in order to widen the road. Commissioner Taylor stated that this Board has not been amenable to taking property for those sorts of reasons; however, it can be done if it has to be done. He further stated that all of the roads within the community are about the size of State Street and many of them are built as densely as that one. With regards to the intersection of State Street and Chestnut Grove Road Mr. Taylor stated that the Township has been trying to work with that but has been unsuccessful and the Board is not ready to take property.

REG LEISTER - 1693 Farmington Avenue - Questioned whether the pressure to change the R-2 zoning an internal one or an external one. He further questioned whether this is a guaranteed proposal. Commissioner Taylor responded "no"; it's just opening up the community to options that we have been told and we understand will be more viable in our coming economic future.

Attorney Garner closed the public hearing at 8:40 P.M.

Commissioner Taylor requested a copy of the notarized petition from Mr. West. Mr. Taylor stated he would like to have all 188 residents who signed the petition attend our upcoming budget meetings.

NEW BUSINESS:

DISCUSSION AND POSSIBLE APPROVAL OF THE HARTMAN SUBDIVISION PLANS

Attorney Garner explained the project is located in the Township's R-1 Residential District. The applicant proposed to subdivide the 22.81 acre property into three (3) lots. Lot 1 has a single-family home, shed and pool. Lot 2 has a single-family home and detached garage. Lot 3 is for public open space. Mr. Garner stated the Upper Pottsgrove Township Planning Commission reviewed the plans and recommends approval of the minor subdivision plans subject to the satisfactory completion of all of the outstanding items in LTL Consultant's letter dated August 28, 2009.

DISCUSSION AND POSSIBLE APPROVAL OF THE HARTMAN SUBDIVISION PLANS

CONT'D - A motion by Miller, seconded by Spaide, to grant final approval of the Hartman Subdivision subject to compliance with the letter from LTL Consultant's dated August 28, 2009. All aye votes.

REG LEISTER - 1693 Farmington Avenue - Requested clarification with regards to the current property owners of the Hartman Subdivision.

DISCUSSION AND POSSIBLE APPROVAL OF THE HARTMAN SUBDIVISION PLANS

CONT'D - A motion by Dolan, seconded by Miller, to grant the waivers as set forth in the letter from LTL Consultants dated August 28, 2009. All aye votes.

DISCUSSION AND REQUEST FOR AUTHORIZATION FOR THE PRESIDENT AND THE MANAGER TO EXECUTE CLOSING DOCUMENTS FOR THE HARTMAN OPEN SPACE

PURCHASE - A motion by Miller, seconded by Spaide, to authorize the President of the Board and the Township Manager to execute the closing documents for the Hartman Open Space purchase. All aye votes.

OLD BUSINESS:

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION #568

AUTHORIZING THE DISPOSITION OF RECORDS - A Resolution authoring the disposition of records as set forth in the Municipal Records Manual approved on December 16, 2008. A motion by Miller, seconded by Dolan, to adopt Resolution # 568. All aye votes.

COMMISSIONER NOLL - Suggested that the Township implement a policy outlining the exact process that we are going to use to destroy the records. Attorney Garner stated that typically a qualified firm is used to destroy the records in an appropriate manner and they submit documentation evidencing what was destroyed.

MICHELLE REDDICK - 1416 Kummerer Road - Explained that the Township follows the procedures outlined in the Municipal Records Manual with regards to record retention.

In response to a question from **COMMISSIONER NOLL** regarding destroying tax records; Mrs. Reddick stated everything has a different time frame.

DISCUSSION AND POSSILBE ACTION REGARDING ORDINANCE # 437 PROVIDING FOR A FOUR-WAY STOP SIGN DESIGNATION FOR THE GILBERTSVILLE AND MOYER ROAD INTERSECTION

- An Ordinance amending Section 330-22, Stop Intersections Established, of Article II, Traffic Regulations, of Chapter 330, Vehicles and Traffic, of the Code of Ordinances of Upper Pottsgrove Township, as amended, to establish the intersection of Gilbertsville Road and Moyer Road as a four-way stop intersection. A motion by Spaide, seconded by Dolan, to adopt Ordinance #437. All aye votes.

PUBLIC COMMENT:

REG LEISTER - 1693 Farmington Avenue - Referenced the Farmington Avenue West Sewer Project and questioned what the Township can offer to the residents with regards to grants and low interest loans. Mr. Leister reported there are several homes vacant because the owners are in nursing homes or assisted living facilities. Mr. Layne stated he has had discussions with the branch manager at Fulton Bank regarding the matter.

KEITH KEHL - 1941 Gilbertsville Road - Requested a clarification with regards to eminent domain. Commissioner Taylor stated that this Township never threatens anybody with eminent domain. He further stated it has been this Board's position that only in very extreme circumstances when after all proper and negotiations have taken place have we even gotten close to talking about eminent domain.

MICHELLE REDDICK - 1416 Kummerer Road - Referenced Mr. Leister's comments concerning residents of the Farmington Avenue West sewer project not being able to afford to connect to the public sewer system and expressed concern as to how these matters would be handled. Commissioner Taylor stated that currently, even though the properties are not connected, the Township is charging the sewer rental fees. Therefore if a resident does not pay, a lien would be placed on the property to ensure payment of those fees. Mrs. Reddick noted that the Township is collecting the sewer rental fees; however, we are not collecting the tapping and connection fees for those properties that are not yet connected. Mrs. Reddick noted there are currently five to six outstanding sewer connections at a cost of \$3,635 each for the Farmington Avenue Phase I sewer project, and as Mr. Leister stated, there could potentially be more outstanding sewer connections for Phase II of the project. Mrs. Reddick expressed concern that the Township will have already paid the contractor for the work but will not be collecting these fees. Therefore, the Sewer Fund will be short this money resulting in the remaining sewer rate payers having to make up the difference. Mrs. Reddick noted there is a provision in the ordinance that states the Township has the right to connect the property to the public sewer system and lien the property for the tapping and connection fees as well as the costs to make these sewer connections. Mrs. Reddick suggested the Township strongly consider addressing this issue so that a lien is in place to ensure payment of these fees in the event a property transfers ownership. Commissioner Taylor stated the Board recognizes the fact that some people can't afford to hook into the sewer system, and the Township will have to take this matter into consideration.

ROBERT BEALER - 1406 Farmington Avenue - Expressed his concern regarding the older residents that are in nursing homes and the fact that the nursing home owns their property. Commissioner Taylor stated it would be the nursing home's obligation to pay the sewer fees.

DIANA UPDEGROVE - 1402 Farmington Avenue - Expressed her concern that the Township does not have an ordinance requiring sprinkler systems and noted that this has been a concern of hers for many years.

In response to a question from **JOSEPH YOUNG, 1508 Heather Place**, regarding speeding cars Chief Moffett stated he would look at the intersection at Lotus Drive and Heather Place.

COMMISSIONER COMMENTS:

COMMISSIONER SPAIDE - Addressed Mr. West and stated its very difficult being a Commissioner. She further stated we heard you tonight; we always here you; however, it is not easy being up here. Ms. Spaide explained that sometimes the Board has to make decisions for the good of the community and noted we all have the best of intentions.

COMMISSIONER MILLER - Reported that this is his third Commissioner meeting and he asked himself as to what am I doing here – is this the way it’s going to be at every meeting – all these complaints? Commissioner Miller suggested we all talk positive about our township.

COMMISSIONER NOLL - Stated his intent is to always do what is best for the Township. He further stated that he appreciates the rural nature of Upper Pottsgrove Township. Commissioner Noll explained that he tries to look at all sides of every issue to see what is best for the entire township. Mr. Noll reiterated Commissioner Spaide’s comments that “we did hear you” and noted that he will base his decision on the comments that he feels will make Upper Pottsgrove Township a better community for everybody. Mr. Noll stated he is looking strongly at commercial development it’s very important that we have commercial properties in the Township. Mr. Noll noted that the commercial tax base will help out the residents in this township.

APPROVAL OF AMENDED BILL LIST - September 21, 2009 - A motion by Spaide, seconded by Noll, to approve the amended Bill List dated September 21, 2009, for General Fund in the amount of \$93,875.78; Fire Fund in the amount of \$3,309.86; Sewer Fund in the amount of \$8,693.52; Capital Fund in the amount of \$31,656.46; Open Space Fund in the amount of \$3,180.42; State Fund in the amount of \$9,132.94 and Escrow Fund in the amount of \$2,312.59. Total Disbursements \$152,161.57. All aye votes.

APPROVAL OF MINUTES - September 8, 2009 - A motion by Spaide, seconded by Miller, to approve the minutes of the September 8, 2009, meeting as presented. All aye votes.

EXECUTIVE SESSION - At 9:25 P.M. Commissioner Taylor announced the Board would be meeting in Executive Session to discuss a personnel issue; however no decisions would be made. The meeting reconvened at 10:08 P.M.

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

Respectfully submitted,

Cynthia H. Saylor, Township Secretary