

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

July 19, 2010

The meeting of the Board of Commissioners was held on Monday, July 19, 2010, 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, Police Chief William Moffett and Township Secretary Cynthia Saylor. Commissioner Taylor called the meeting to order at 7:00 P.M. There were 13 people 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 COMMENTS:

JOHN WEST - 1611 Applegate Lane - Stated the parking lot looks “great.”

GREG CHURACH - Snyder Road - Questioned the status of the cell tower at Hillside and asked if it is in operation. Commissioner Taylor stated the Township received last month’s revenue from the cell tower and noted that currently it has two carriers.

HENRY BEALER - 1382 Farmington Avenue - Expressed his concern regarding the Winpenny property and questioned why there isn’t a historical sign on the house. Mr. Bealer noted that the house is over 100 years old. Mr. Layne stated the Township’s Code Enforcement Officer has been at the residence several times and addressed a number of issues to which Mrs. Winpenny has responded. Mr. Bealer provided pictures of overgrown trees and brush on the property as well as an old car. Mr. Layne stated he would give the pictures to the Code Enforcement Officer.

REPORTS:

EMERGENCY SERVICES REPORT - Commissioner Noll advised copies of the monthly police report would be available at the next meeting. Mr. Noll reported the upcoming Fire Company activities are listed on the new board located in the front of the firehouse.

PLANNING & ZONING REPORT - Commissioner Taylor stated that the Planning Commissioner did not hold a meeting this month and therefore there was nothing new to report.

PUBLIC WORKS REPORT - Commissioner Spaide read the monthly reports and noted that copies would be posted on the bulletin board. Commissioner Spaide advised that work on the Snyder Road Bridge has been completed as well as the paving of the parking lot at the Administrative building. She further advised that the North State Street drainage improvements, paving and line painting are almost complete.

PARKS, RECREATION AND OPEN SPACE REPORTS - Commissioner Miller reported the “Kulp Field” sign is in need of repair; the parking lot is complete at Sunset Park and Phase I of the trail is completed over to the pond. Mr. Miller expressed his thanks and appreciation to the Road Crew for a great job in maintaining the parks throughout the Township.

ADMINISTRATION REPORT - Commissioner Dolan stated he had nothing to report.

ENGINEER'S REPORT - Commissioner Taylor stated that a copy of the monthly Engineer's Report would be posted on the bulletin board.

SOLICITOR'S REPORT - Attorney Garner provided updates with regards to the Open Records Law as well as legislature that was signed into law by Governor Rendell on July 6, 2010, pertaining to Act 46 which extends time periods for developers for MPC approvals. Mr. Garner noted that any approved plan is now automatically extended until 2013.

MANAGER'S REPORT - Mr. Layne expressed his thanks and appreciation to the members of the Board, the Highway Department and Stern Nester for the work involved with the paving of the Administrative parking lot. He further expressed his thanks and appreciation to Commissioners Miller and Dolan for their efforts with regards to the Grim Easement Agreement and to the Public Works Department for their work concerning the North State Street project.

MONTHLY FINANCIAL REPORT - Mr. Layne reported that the Township has received 57.2% of its budgeted revenues and has spent 49.9% of its budgeted expenses during the first half of the calendar year for 2010.

NEW BUSINESS:

DISCUSSION AND POSSIBLE APPROVAL OF THE GRIM SUBDIVISION AND ACQUISITION OF THE OPEN SPACE EASEMENT - Attorney Garner explained the Board needs to approve a very minor subdivision which was part of the overall Agreement with the Grim family. Mr. Garner stated that presently there is an existing out parcel consisting of approximately 36,000 square feet which the Grim family currently owns; however the Grims would like to annex an additional half acre to that piece which effectuates this minor subdivision request. Mr. Garner explained the plan depicts the remaining property which is approximately eighteen (18) acres; however, three (3) acres will be part of a reduced restriction easement which encompasses the existing farmhouse and barn. The remaining fifteen (15) acres will become the Township's Conservation Easement requiring the property be maintained in an agricultural setting in perpetuity.

Attorney Garner reported that the Board had previously approved an Agreement of Sale to purchase the Conservation Easement as a co-holder with the Montgomery County Lands Trust in the amount of \$144,000 and through the efforts of Commissioner Miller and Mr. Layne, closing is scheduled to take place on Wednesday, July 21, 2010. It was noted that the Planning Commission discussed and recommend approval of the minor subdivision at their June meeting. A motion by Miller, seconded by Spaide, to grant preliminary final approval of the annexation plan for the Grim Estate subject to compliance of LTL Consultants' letter dated May 28, 2010 along with the waiver requests. All aye votes.

ALLAN KRATZ - **222 Maugers Mill Road** - Requested a clarification with regards to the additional half acre annexation of the Grim Subdivision.

In response to a question from **JOHN WEST, 1611 Applegate Lane**, Attorney Garner explained that the Township is getting fifteen (15) acres of conserved open space for \$144,000.

DISCUSSION AND POSSIBLE APPROVAL OF THE GRIM SUBDIVISION AND ACQUISITION OF THE OPEN SPACE EASEMENT CONT'D - In response to a question from **GREG CHURACH, Snyder Road**, Commissioner Taylor explained that the easement is being purchased solely with township open space fund money.

After further discussion, a motion by Miller, seconded by Spaide, to authorize the Township Manager and President of the Board to execute the Conservation Easement and any and all other necessary documents related to the closing of the Grim property scheduled for July 21, 2010. All aye votes.

ALLAN KRATZ - 222 Maugers Mill Road - Referenced the twenty (20) foot easement which will be used for a possible trail and expressed his concern regarding ravines and washouts on the property and the removal of trees. Commissioner Miller explained that most of the trails within the Township have experienced the same "problems" regarding ravines and washouts; however there are inventions and machinery that are equipped to take care of them. Mr. Miller assured Mr. Kratz that the Township will not take out any trees unless it is absolutely necessary.

DISCUSSION AND POSSIBLE APPROVAL OF THE ESCROW RELEASE #11 FOR SUMMER GROVE - A motion by Spaide, seconded by Dolan, to authorize Escrow Release #11 in the amount of \$73,953.63 for the Summer Grove Subdivision. All aye votes.

COMMISSIONER NOLL expressed his concern as to whether the Public Works Director reviewed the request for the Summer Grove Escrow Release. Commissioner Spaide noted that Frank is in constant contact with the Township Engineer; however, she agreed to look into the matter.

DISCUSSION AND POSSIBLE APPROVAL OF A CELL TOWER ON THE FORMER SMOLA PROPERTY - Commissioner Taylor explained that the Township has an opportunity for the placement of a cell tower on the Smola property located at the corner of Route 100 and Farmington Avenue. Attorney Garner stated this is a similar arrangement as with the Hillside Aquatic Club except this cell tower site will be rectangular as opposed to square, approximately 30 ft. x 70 ft. and will have the ability to house a monopole tower up to 150' in height. He further explained the same revenue share between TowerOne and the Township; however since the Township owns the property the entire revenue would belong to the Township. Mr. Garner noted that Commissioner Miller spoke with Mr. Smola and he has no objection regarding the placement of the cell tower at this location. After further discussion, a motion by Miller, seconded by Dolan, to approve and authorize the execution of a Lease Agreement with TowerOne. All aye votes.

In response to a concern addressed by **ROBERT BEALER, 1406 Farmington Avenue**, regarding the placement of cell towers on an open space parcel, Commissioner Taylor explained that the open space property located at the Hillside Aquatic Club was purchased with County grant monies and there were "strings attached"; the Smola open space property is being purchased solely with Township referendum money. Attorney Garner stated that he previously spoke with a representative from Montgomery County and the Open Space Board concerning building a tower on property that the Township used County funds for acquisition purposes and they denied our request to place a tower on property that their money help fund.

COMMISSIONER NOLL requested a copy of the Lease Agreement between the Township and TowerOne for the Smola property in order to review the terms. Attorney Garner explained the language is identical to the lease approved for the Hillside Aquatic Club. Attorney Garner agreed to provide a copy of the lease to Commissioner Noll.

When **JOHN WEST, 1611 Applegate Lane**, questioned when the Township will start collecting revenue from the cell tower; Attorney Garner stated possibly by September.

A motion by Dolan, seconded by Miller, to waive the formal requirement of land development for the construction of the cell tower with the understanding that TowerOne will obtain a building permit and satisfies all conditions imposed by the Township Manager, LTL Consultants and the Public Works Director. All aye votes.

DISCUSSION AND POSSIBLE ACTION ON WEST POTTS GROVE TOWNSHIP'S REQUEST CONCERNING UPLAND SQUARE DRIVE, SELL ROAD AND LEVENGOOD ROAD - Commissioner Taylor reported that West Pottsgrove Township is proposing a road swap with PennDot that would allow them (PennDot) to take dedication of the right-of-way for the full length of Upland Square Drive from Route 100 to Sell Road. In exchange, West Pottsgrove and Upper Pottsgrove would take back responsibilities for Levengood Road and Sell Road. Commissioner Taylor stated that currently PennDot has responsibility for those roads. He further stated that in their proposal West Pottsgrove is prepared to accept the fall and winter maintenance responsibilities of Levengood Road while Upper Pottsgrove would be responsible for the spring and summer maintenance. After further discussion, a motion by Spaide, seconded by Noll, to authorize a meeting between the Public Works Director, Township Manager, Township Engineer and West Pottsgrove Township. All aye votes.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION #580 AUTHORIZING PARTICIPATION IN THE SOUTHEASTERN PENNSYLVANIA STORMWATER COALITION - A Resolution to authorize the participation along with other Southeastern Pennsylvania Municipalities for Legal, Engineering and Legislative Services for Storm Water Regulatory Support. A motion by Spaide, seconded by Dolan, to approve Resolution #580. All aye votes.

OLD BUSINESS:

DISCUSSION AND POSSIBLE ACTION ON THE BIDS FOR PAVING BOXWOOD COURT AND MIMOSA LANE - The Board agreed to table action regarding the bids for the paving of Boxwood Court and Mimosa Lane to a future meeting.

DISCUSSION AND POSSIBLE APPROVAL OF THE PROPOSED TRASH ORDINANCE - An Ordinance of the Upper Pottsgrove Township Board of Commissioners deleting in its entirety existing Chapter 297, Solid Waste, and Creating a New Chapter 297, Solid Waste and Recycling, of the Code of Upper Pottsgrove Township, as amended. A motion by Dolan, seconded by Noll, to approve Ordinance #443. All aye votes.

JOHN WEST - 1611 Applegate Lane - Expressed his concern that J. P. Mascaro is not recycling cardboard. Mr. Layne noted he would look into the matter.

In response to a question from **HENRY BEALER, 1382 Farmington Avenue**, regarding public water and sewer at the Winpenny property, Commissioner Taylor stated these issues are being addressed by the Township's Code Enforcement Officer and Township Manager. He further stated the Township is doing what we can as a public entity to intervene. Attorney Garner suggested the Township contact the Montgomery County Health Department if the property has no public water and sewer.

COMMISSIONERS COMMENTS:

COMMISSIONER NOLL - Reported he brought back educational material from the recent convention which was held in June. Mr. Noll expressed his appreciation to Commissioner Spaide, Mr. Layne and Chief Moffett for their attendance at the convention.

COMMISSIONER SPAIDE - Extended her thanks and appreciation to Commissioner Miller for all his hard work with regards to the Township's parks and open space.

TOWNSHIP MANAGER - Extended his thanks and appreciation to Mr. John West for all the work he provided at 1401 North Charlotte Street. Mr. Layne also expressed his appreciation to Mr. Greg Churach for his input with regards to open space.

PAYMENT OF BILLS - A motion by Dolan, seconded by Noll, to approve the Bill Listed dated July 19, 2010, for General Fund in the amount of \$89,090.92; Fire Fund in the amount of \$6,795.00; Sewer Fund in the amount of \$23,879.35; Capital Fund in the amount of \$438,849.73; Open Space Fund in the amount of \$8,082.45; State Fund in the amount of \$211,437.42 and Escrow Fund in the amount of \$1,639.66. Total Disbursements - \$779,774.53.

When **COMMISSIONER NOLL** questioned why no paving was done in front of the first bay in the front of the Fire Company; Mr. Layne stated he would look into the matter.

APPROVAL OF MINUTES - June 7, 2010 - A motion by Spaide, seconded by Dolan, to approve the minutes of the June 7, 2010, meeting as presented. All aye votes.

EXECUTIVE SESSION - At 8:18 P.M. Commissioner Taylor announced the Board would be meeting in Executive Session to discuss matters of real estate, collective bargaining, personnel and open space acquisition; however no decisions would be made. The meeting reconvened at 9:12 P.M.

ADJOURNMENT - There being no further business, a motion by Spaide, seconded by Miller, to adjourn the meeting at 9:15 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor, Township Secretary