

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

August 16, 2010

The meeting of the Board of Commissioners was held on Monday, August 16, 2010, at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Commissioners Dolan, Miller, Spaide and Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., Township Manager Jack P. Layne, Jr., Police Chief William A. Moffett and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:00 P.M. There were 5 people present in the audience. Commissioner Noll was absent.

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: None

REPORTS:

EMERGENCY SERVICES

PLANNING & ZONING REPORT - Commissioner Taylor stated the Planning Commission did not meet during the month of August.

PUBLIC WORKS REPORT - Commissioner Spaide reported the Highway Department repaired two sink holes in Cherry Tree Farms; removed tree that was hanging on the wires at Snyder and Yarnall Roads; assisted in the demolition and removal of materials at the Cherry Tree Pump Station; assisted in demolition and removal of materials at the Regal Oaks Pump Station; cleaned up and disposed of debris left by Pedrick Site Contractors at the Public Works building; arranged to have the shed picked up from Regal Oaks Treatment Plant and delivered to Heather Place; continued mowing and trimming all properties owned by the Township and prepared and submitted year 7 storm water management report to DEP. It was noted that a copy of the monthly report would be posted on the bulletin board.

PARKS, RECREATION AND OPEN SPACE REPORT - Commissioner Miller reported on the following projects: The **drinking fountain** at Kulp Field and Hoffman Field is in the process of being completed. He further reported that the Park, Recreation and Open Space Board had hoped that this project would have been completed by the end of July; however, several plumbing priorities within the Township placed emphasis elsewhere. Mr. Layne is in communication with the plumbers and reports that work will begin again and should be completed by the end of the week. Topsoil and seed will follow in the Fall. Mr. Miller stated that **“Brite Side”** reflective stop sign post markers, at the corner of Gilbertsville and Moyer Roads, have been installed on all four (4) posts. The Park Recreation and Open Space Board is appreciative of the fast action of our Chief of Police and the Public Works Crew. Recently the stop sign on the Northwest corner was ruined due to an accident. Mr. Miller noted that the Township needs to collect from the person’s insurance company for the **“Brite-Side”** marker replacement. Mr. Miller stated that **nine (9) new bushes** have died at the Hillside Cell Tower due to the lack of water during the hot spell. Mr. Miller suggested that the Township request that replacement take place in November.

PARK, RECREATION OPEN SPACE REPORT CONT'D - The Park, Recreation and Open Space Board is investigating the expense of **placing a pavilion** at Sunset Park and demolishing the present wooden building currently located on the property. An estimate to demolish and remove the present building came in at under \$2,000. This estimate includes opening the sewage box, filling it with stone and using the existing top soil to spread over the demolished area. The Board awaits fact finding proposals on the cost to construct a pavilion. Mr. Miller further stated that **two or three poles at the Hoffman Field** parking lot were removed to permit the dump truck to unload topsoil at the low spot on the field along Moyer Road. The Park, Recreation and Open Space Board respectfully request the Public Works Crew to return the large poles to their original position to keep the pool and baseball visitors from parking on the field. Mr. Miller noted that if properly spaced there is enough room to the right as you enter from Moyer Road to park 100 cars. In addition, there is room to the left, as you enter between the macadam and where the Township placed the poles, to park approximately 20 – 30 cars. He further noted that perennial grass seed will be planted at the low level in late Fall. The Park, Recreation and Open Space Board requests that once the rocky soil that was excavated to install the water line for the drinking fountain at Kulp Field is filled with the existing stone and soil in the trench and that good top soil is placed to the depth of 6” - 8” and then perennial grass seed is planted in the fall. Mr. Miller reported that the Township’s recycling was not picked up by **J. P. Mascaro** on Wednesday, August 11, 2010. Mr. Miller stated he retrieved a green beer bottle from the Township’s parking lot on Tuesday, August 10, and noticed that on Friday and the following Monday that the bottle and the recycling container remained full and was never picked up by Mascaro. Linda Coleman contacted Denise Wilfong and retained a list of complaints from our residents denoting various issues; the majority of which are recyclables not being picked up. In the past month and a half; Mr. Miller reported that as Mascaro employees were dumping trash in their truck it was falling onto our streets and not being cleaned up by the trash hauler. Mr. Miller went on to state that it was his understanding that the Supervisor of this area was to stop in the Township building or contact the office that the area was cleared, meaning all is well and the Township’s trash has been removed in its entirety. In another matter; Mr. Miller stated there were many broken down vehicles at **2228 Bruce Drive**, of which all have been removed with the exception of one (1) van that is unregistered and is permitted but the owner wishes to have it removed soon. A hearing date in court is scheduled for September 24; if the property remains clear the Township will drop the court date. Mr. Miller advised that **LTL’s zoning report** dated August 9 is not exactly accurate with regard to this property. Mr. Miller checked personally on August 12, 2010. Mr. Miller showed pictures of the property located at the corner of **Wilson and 817 State Street**. Apparently even after LTL Consultants has been in touch, the property owner’s trash and high grass remains a disgrace. Robin Royer and Jeff Vogels, LTL Consultants, have been contacted and it remains to be seen what action will prevail. Tenants have moved out of the home located at **1581 Farmington Avenue**; the electric company has been advised to disconnect and demolition is to begin next week. With regards to **illegal signs and/or snipe signs** - Commissioner Miller provided pictures depicting recent signs within the Township that should not be in the right of way or affixed to electric poles.... it is a form of littering in our Township. Yard Sale signs, for example, are never taken down by the people who affix them to trees, guard rails, telegraph poles, etc., etc. We need to strengthen our codes to provide a consistent approach by our Code Enforcement personnel at LTL Consultants. Mr. Miller stated the Township was doing a “fine job” under former Zoning Officer, John Wescavage, but now I view our illegal sign enforcement slipping.

PARK, RECREATION AND OPEN SPACE REPORT CONT'D - Mr. Miller requested that the Board of Commissioners hold a meeting in conjunction with the Planning Commissioner to formulate ordinances with “teeth” and manage once and for all this form of littering. If this Commissioner is remembered in his four (4) year term for nothing else; he hopes that illegal signs are monitored and removed from our Township roadways. In another matter; Commissioner Miller suggested that the Board of Commissioners only meet once a month instead of twice.

In response to a question from **HENRY BEALER, 1382 Farmington Avenue**, with regards to the Winpenny property; Commissioner Taylor stated that the matter is being handled appropriately through the Code Enforcement Officer and it appears that progress is being made. Commissioner Miller noted that a citation would be issued. Mr. Bealer questioned how anyone can live in a house without public water or sewer.

ENGINEER'S REPORT - It was noted that a copy of the monthly report would be posted on the bulletin board.

SOLICITOR'S REPORT - Attorney Garner reported that on Monday, August 2, 2010, the Township acquired the Conservation Easement from the Grim family.

TOWNSHIP MANAGER'S REPORT - Mr. Layne reported that there were continued discussions with representatives from the Police Department regarding the Police Contract; he supported efforts to prepare and submit the required documentation for the H2O and PENNVEST programs that provided for the receipt of another PENNVEST payment and the H2O grant funds designated to the Township; assisted in efforts to monitor the Regal Oaks Pumping Station and the Farmington Avenue West Phase II projects and assisted in coordinating efforts for the Township to close on the Grim Conservation Easement Agreement.

MONTHLY FINANCIAL REPORTS - Mr. Layne reported that as of July 31, 2010, the Township has received 62.6% of its budgeted revenues and has spent 53.7% of its budgeted expenses. He further reported that the budgetary process has begun for the year 2011. Commissioner Taylor suggested that one of the scheduled Commissioner meetings be designated for budget preparation.

NEW BUSINESS:

DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST TO EXTEND THE #3-09 COMMERCE CORNER LOT CONSOLIDATION FOR A PERIOD OF 90 DAYS - A motion by Spaide, seconded by Miller, to authorize the request to extend the Commerce Corner Lot Consolidation for period of 90 days from August 7, 2010. All aye votes.

In response to a question from **DIANNA UPDEGROVE, 1404 Farmington Avenue**, Commissioner Taylor stated the Township has nothing to do with private arrangements; the request was just a matter of consolidating the lots.

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. Mr. Taylor explained that in exchange, West Pottsgrove and Upper Pottsgrove would take back responsibilities for Levengood Road and Sell Road. After further discussion, a motion by Spaide, seconded by Miller, to approve the concept as proposed by West Pottsgrove Township and to advise them of the Board's agreement. All aye votes.

When **DIANA UPDEGROVE, 1404 Farmington Avenue**, questioned why there are stop signs on Sell Road; Commissioner Taylor noted that Sell Road is in West Pottsgrove Township.

DISCUSSION AND POSSIBLE ACTION AUTHORIZING PARTICIPATION IN THE SOUTHEASTERN PENNSYLVANIA STORMWATER COALITION

Attorney Garner reported that the Township has received informal word from DEP that they postponed the implementation of the new permit and requirements for the stormwater management regulations. He further reported that the original September, 2010, deadline is going to be extended for approximately eight (8) or nine (9) months. Mr. Garner explained that last month the Board approved a resolution to become part of the Coalition for the stormwater issues and based upon the population of the Township and the total number of membership of the consortium Upper Pottsgrove's contribution was approximately \$780. Mr. Garner stated there has been a lot of discussion and communication among the Coalition members and they feel the best way to handle this would be to approve a resolution approving a cost sharing agreement to share in the costs and expenses associated with this endeavor. Mr. Garner reported the deadline to join is open until the end of September. Mr. Garner explained that under the agreement the Township is a member until we give thirty (30) days notice to get out. The initial amount of money that the Coalition is trying to raise is \$100,000 which does not include litigation costs. After further discussion, a motion by Spaide, seconded by Miller, to authorize participation in the Southeastern Pennsylvania Stormwater Coalition with a cap of \$1,000 on the Township's contribution. All aye votes.

DISCUSSION AND POSSIBLE ACTION REGARDING HOUSE BILL #2431

Commissioner Taylor explained this proposed legislation would establish the Counties of the Commonwealth of Pennsylvania as the basic unit of government having jurisdiction over personnel, law enforcement, land use, sanitation, health and safety. After a brief discussion, a motion by Spaide, seconded by Miller, to authorize the Township Manager to address a letter noting the Board's opposition to House Bill #2431. All aye votes.

DISCUSSION AND POSSIBLE ACTION REGARDING POSSIBLE PARTICIPATION IN A POTTSTOWN BOROUGH AUTHORITY H2O GRANT APPLICATION FOR WATER IMPROVEMENTS

A motion by Miller, seconded by Dolan, to authorize the Township Manager to address a letter of noting Upper Pottsgrove's support to the Pottstown Borough Authority regarding the H2O Grant Application for water improvements. All aye votes.

OLD BUSINESS:

DISCUSSION AND POSSIBLE ACTION ON THE BIDS FOR PAVING BOXWOOD COURT AND MIMOSA LANE - Commissioner Spaide stated that the Township does not have the money to pave Boxwood Court and Mimosa Lane; however, the trench work will begin on Wednesday. Mr. Layne explained that the trench work can be paid with PennVest dollars at a cost of approximately \$24,500; however, if the Township awards the bid for \$50,000 for the paving of Boxwood Court and Mimosa Lane; that is not fundable through PennVest dollars it would have to come out of Township dollars. Commissioner Miller complimented LTL Consultants and the Public Works Department for the fine job that was done on Gilbertsville Road. Commissioner Miller expressed concern regarding the settling of the trench work and having the job done right. A motion by Dolan, seconded by Miller, to reject the bids for the paving of Boxwood Court and Mimosa Lane. All aye votes.

DISCUSSION AND POSSIBLE AUTHORIZATION FOR THE TOWNSHIP TO PURCHASE PART OF THE O'NEAL PROPERTY AS OPEN SPACE - A motion by Miller, seconded by Dolan, to authorize the Solicitor to prepare an Agreement of Sale for the purchase of the O'Neal property as open space at a cost of \$4,000. All aye votes.

OTHER PUBLIC COMMENT: None

COMMISSIONER COMMENTS:

COMMISSIONER DOLAN - Reported that he visited the trail in Sunset Park; however he noted that everything was dead in the pond.

COMMISSIONER MILLER - Addressed Chief Moffett and requested clarification with regards to several items depicted on the monthly police report.

PAYMENT OF BILLS - August 16, 2010 - A motion by Dolan, seconded by Spaide, to approve the Bill List dated August 16, 2010, for General Fund in the amount of \$72,977.80; Fire Fund in the amount of \$4,995.38; Sewer Fund in the amount of \$70,355.87; Capital Fund in the amount of \$128,053.90; Open Space Fund in the amount of \$152,519.76; State Fund in the amount of \$10,292.18 and Escrow Fund in the amount of \$1,596.28. Total Expenditures - \$440,791.17. All aye votes.

When **COMMISSIONER DOLAN** asked a question with regards to the Fire Marshal's car; Commissioner Spaide explained that it was previously a police car and the decals have been removed. Mr. Layne clarified that the car was waxed but was not repainted.

APPROVAL OF MINUTES - July 19, 2010 - A motion by Spaide, seconded by Miller, to approve the minutes of the July 19, 2010, meeting as presented. All aye votes.

EXECUTIVE SESSION - At 8:08 P.M. Commissioner Taylor announced that the Board would be meeting in Executive Session to discuss matter of collective bargaining, personnel, real estate and two items of pending litigation; however, no decisions would be made. The meeting reconvened at 8:54 P.M.

ADJOURNMENT - There being no further business, a motion by Spaide, seconded by Dolan, to adjourn the meeting at 8:55 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor,
Township Secretary