

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

September 7, 2010

The meeting of the Board of Commissioners was held on Tuesday, September 7, 2010, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners Dolan, Miller, Noll, Spaide and Taylor present. Also present were Solicitor Paul Bauer, 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 18 people 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 HEARING REGARDING THE PROPOSED LAND USE MAP REVISIONS TO THE COMPREHENSIVE PLAN - Attorney Bauer explained that these are changes that are necessitated by one of the members of the Pottstown Metropolitan Regional Government which is North Coventry. He further explained that all of the map changes are identified in the proposed changes; none of which have any bearing on Upper Pottsgrove Township. Attorney Bauer opened the hearing at 7:05 P.M. There were no questions from the audience or the members of the Board. The hearing was closed at 7:08 P.M. **RESOLUTION #581** - A Resolution of the Board of Commissioner of Upper Pottsgrove Township approving map amendments to the Pottstown Metropolitan Regional Comprehensive Plan - A motion by Spaide, seconded by Dolan, to adopt Resolution # 581. All aye votes.

PUBLIC COMMENT:

TODD RICE - 175 Stonehill Drive - Expressed his concern that the residents of Coddington View have had little or no communication with anyone from THP. Mr. Rice requested clarification as to whether the Township is “blocking” any new construction within the Coddington View Development. Attorney Bauer explained that there have been no new plans submitted by THP for any development within the Township. He further explained that if THP were to make a submission it would be treated the same as any other Developer. Unfortunately THP cannot make another submission at least as the owner or entity that is identified in the bankruptcy until they come out of the bankruptcy proceeding. Mr. Rice questioned whether THP owed any back taxes to the Township. Attorney Bauer stated that would be a separate issue from a development issue. Commissioner Taylor stated we would have to check with the Tax Collector regarding any taxes owed to the Township. When Mr. Rice questioned whether there is any liability insurance on the unfinished land; Attorney Bauer stated that would be a requirement of the bankruptcy trustee. Attorney Bauer suggested that the Homeowner’s Association hire an Attorney in an effort to address the residents concerns. Mr. Rice expressed his concern regarding the lack of street lights within the Coddington View Development and the roads that have not been paved and noted that this is a safety issue.

JIM FILOPANTI - 142 Stonehill Drive - Expressed his concern with regards to the intersection of Stonehill Drive and Master Street and noted that the grass is “waist high” and people are now starting to dump there. Attorney Bauer stated if the Township can initiate a procedure with the residents whereby they submit their concerns and questions; the Township will attempt to contact THP and provide answers and get the work done. Commissioner Taylor stated the grass issue will be handled through the Township’s Code Enforcement Officer.

In response to concerns addressed by **TREVOR CARLOW, 177 Stonehill Drive**, regarding the Homeowner’s Association; Attorney Bauer suggested that all the residents retain a single Attorney and unofficially hold their own Homeowner’s Association meeting. Mr. Carlow announced that there would be a meeting on Thursday, September 9, 2010 at the Pottstown Middle School at 7:00 P.M. and invited anyone interested to attend. In another matter, Mr. Carlow questioned the Township’s policy regarding cleaning up construction waste at the location. Attorney Bauer stated the Township has given direction to their consultants to work with THP to address the residents concerns. He further noted that since this is a bankruptcy preceding you want to address the most serious health and safety issues first. Mr. Bauer encouraged the residents to come to future meetings and request updates regarding this matter.

In response to a concern addressed by **NICHOLAS SUCHTA, 181 Stonehill Drive**, Attorney Bauer

stated that if THP was not approved to come out of bankruptcy they (THP) would be in default of various agreements i.e. developer’s agreements, financial security agreements and the Homeowner’s Association documents. He further stated that the Township would find them in default of the various agreements and the Township would hire the contractors to finish the public improvements with the monies for the various projects. Commissioner Taylor urged the residents of Coddington View to retain a Solicitor to speak on their behalf and it would make the communication much more efficient and a lot more can get done. Mr. Taylor noted that with regards to the Homeowner’s Association it is private and other than make suggestions there is really nothing the Township can do.

JOHN WEST - 1611 Applegate Lane - Provided suggestions to the residents of Coddington View regarding the Homeowner’s Association. One of his suggestions included having a Coddington View resident sit on the existing Homeowner’s Association Board.

In response to a question from **GAIL COOPER, 96 Stonehill Drive**, with regards to the Township finishing the roads within the development, Commissioner Taylor stated it’s not the best thing to do; ultimately it would be better for THP to finish the roads since construction within the development is not complete. He further stated that if you finish the roads too soon they become torn up by future construction. Mr. Taylor noted that the Township did begin a dialogue with THP, the Township Engineer and the bankruptcy court earlier this summer to do just that. Mrs. Cooper questioned whether the construction at the entrance to Coddington View is completed. Mr. Layne stated the construction is definitely not complete; the contractor is letting the pavement settle.

DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSAL FROM TRISTAR -

Spencer Davis was present to discuss the proposal from TriStar with regards to the Township's cell tower. Commissioner Noll stated he did not have sufficient information to make a decision at this meeting with regards to the proposal from TriStar. After a lengthy discussion, it was agreed that the Manager would contact the Township's previous advisor and obtain an estimate for him to review the proposal from TriStar.

DISCUSSION AND POSSIBLE ACTION REGARDING THE APPROVAL OF RESOLUTION #582 ESTABLISHING SEPTEMBER 2010 AS NATIONAL PREPAREDNESS MONTH IN UPPER POTTS GROVE TOWNSHIP

- A motion by Noll, seconded by Dolan, to adopt Resolution #582 establishing September 2010 as National Preparedness Month in Upper Pottsgrove Township. All aye votes.

DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED 2011 MINIMUM MUNICIPAL OBLIGATION (MMO) FOR THE TOWNSHIP'S NON-UNIFORMED PENSION PLAN

- A motion by Miller, seconded by Spaide, acknowledging receipt of the 2011 Minimum Municipal Obligation estimate for the Non-Uniform Pension Plan as provided by the Township's pension consultant. All aye votes.

DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED 2011 MINIMUM MUNICIPAL OBLIGATION (MMO) FOR THE TOWNSHIP'S POLICE PENSION PLAN

A motion by Miller, seconded by Spaide, acknowledging receipt of the 2011 Minimum Municipal Obligation estimate for the Police Pension Plan as provided by the Township's pension consultant. All aye votes.

DISCUSSION AND POSSIBLE ACTION REGARDING THE ACCEPTANCE OF THE RESIGNATION OF DAVID CROCK FROM THE OPEN SPACE AND RECREATION BOARD AND THE RECOMMENDED APPOINTMENT OF GREG CHURACH TO TAKE HIS PLACE

- A motion by Spaide, seconded by Dolan, to accept with regret, the resignation of David Crock from the Open Space and Recreation Board. All aye votes. A motion by Spaide, seconded by Dolan, to appoint Greg Churach to take the place of David Crock on the Open Space and Recreation Board. All aye votes.

OTHER PUBLIC COMMENT: None

COMMISSIONERS COMMENTS:

COMMISSIONER MILLER - Provided a brief update with regards to the Township's sign ordinance. Commissioner Miller expressed concern that "yard sale" signs are never taken down by the Township's residents after the yard sale is over.

COMMISSIONER TAYLOR - Stated at the previous meeting the Board members discussed the possibility of reducing the number of regular meetings. Mr. Taylor explained the Board would hold two monthly meetings; however one would be designated as a Budget meeting.

PAYMENT OF BILLS - A motion by Spaide, seconded by Noll, to approve the Bill List dated September 7, 2010 for General Fund in the amount of \$15,747.64; Fire Fund in the amount of \$904.72; Sewer Fund in the amount of \$784.46; Capital Fund in the amount of \$96,500.48; Open Space Fund in the amount of \$1,133.75 and State Fund in the amount of \$46,832.45. Total Disbursements - \$161,903.50. All aye votes.

APPROVAL OF MINUTES - **August 16, 2010** - A motion by Spaide, seconded by Dolan, to approve the minutes of the August 16, 2010 meeting as presented. All aye votes.

ADJOURNMENT - There being no further business, a motion by Spaide, seconded by Miller, to adjourn the meeting at 8:10 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor
Township Secretary