

The meeting of the Board of Commissioners was held on Monday, October 18, 2010, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners Dolan, Noll, Miller, Spaide and Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., Police Chief William A. Moffett, Township Manager Jack P. Layne and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:00 P.M. There were 20 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 county in the armed forces.

PLEDGE OF ALLEGIANCE - Those assembled pledged allegiance to the flag.

PUBLIC COMMENT: None

REPORTS:

EMERGENCY SERVICES - Commissioner Noll reported a copy of the monthly Police Report will be posted on the bulletin board. He also reported the Fire Committee will hold their monthly meeting on Thursday, October 21, 2010. Mr. Noll noted that the volunteers are currently making upgrades to the bays. Commissioner Noll expressed his appreciation to Township Manager Jack Layne

PLANNING & ZONING - Commissioner Taylor reported the Planning Commission reviewed the Conditional Use Application submitted by Liberty Towers and noted a public hearing will take place at 8:00 P.M. this evening.

PUBLIC WORKS REPORT - Commissioner Spaide reported that the Highway Department has spent the majority of their time patching various roads throughout the Township and cleaning leaves from storm inlets & pipes during heavy rains. She also reported that they placed wood carpet at Heather Place Park and Cherrytree Park for fall protection and they have provided mowing at Kulp Field for the fall baseball program. Commissioner Miller stated he is looking for a used ten (10) foot piece of pipe approximately 36"- 48" in diameter to be used in Sunset Park.

PARKS, RECREATION AND OPEN SPACE REPORT - Commissioner Miller reported the old building located at Sunset Park will be demolished next week weather permitting.

ADMINISTRATION REPORT - Commissioner Dolan reported that he spoke with Representative Tom Quigley and Senator John Rafferty regarding the utilization of open space funds for maintenance purposes.

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

SOLICITOR'S REPORT - Attorney Garner reported he is currently working on the Route 100 Overlay District Ordinance; revisions to the Township's sign ordinance and the Conditional Use application submitted by Liberty Towers.

TOWNSHIP MANAGER'S REPORT - Mr. Layne reported he assisted in the coordination and presentation of the proposed 2011 Annual Budget; continued discussions with the Police Department representatives regarding the Police Contract; 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 the coordination of Community Day; assisted in efforts to provide a new cell tower on the Smola property and assisted in efforts to monitor the Regal Oaks Pumping Station and Farmington Avenue West Phase II Projects. Mr. Layne expressed his thanks and appreciation to all those involved with making this year's Community Day a huge success. Commissioner Miller stated he noted an increase in this year's attendance.

AUTHORIZING THE SALE OF SURPLUS POLICE EQUIPMENT - A motion by Dolan, seconded by Miller, authorizing the Police Chief to advertise for the sale of surplus police equipment. All aye votes.

MONTHLY FINANCIAL REPORTS - Copies of the monthly Financial Reports were provided to the members of the Board in their meeting packets. Mr. Layne noted that as of September 30, 2010, the Township received 75.2% of the budgeted revenue and expended 67.5% of the budgeted expenditures.

NEW BUSINESS:

DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED REVISIONS TO THE STRUCTURE FOR COLLECTING EARNED INCOME TAXES - Commissioner Taylor referenced a memo from Tax Collector, Michelle Reddick, dated October 13, 2010, with regards to the proposed revisions to the structure for collecting earned income taxes. Mr. Taylor reported that Act 32 of 2008 provides for a restructuring of the current earned income tax collection process to create county-wide Tax Collection Districts. The Montgomery County Tax Collection Committee was created which is comprised of delegates from all school districts and municipalities in Montgomery County. The Committee recently appointed Berkheimer Associates as the new income tax collector for the Montgomery County Tax Collection District. In her memo Mrs. Reddick points out that this is good news for the Township since we already use Berkheimer for the collection of our earned income taxes. The Act provides for a three year transition period and full implementation by January 2012. However, the Act does allow for early implementation. The MCTCC has signed a contract with Berkheimer which allows for early implementation effective January 1, 2011, with no penalty for early implementation. It is the recommendation of the Tax Collector that the Township go with early implementation for the earned income tax collection effective January 1, 2011. It was noted that the Township would save money since the new commission rate is lower than what we are currently paying. Based upon the projected earned income tax collection for 2010, the Township would save approximately \$5,800 in commission. In her memo Mrs. Reddick notes that Berkheimer can also collect the local services tax for the same commission rate as the earned income tax. It is the recommendation of the Tax Collector that the Township utilize Berkheimer for collection of the local services tax. **RESOLUTION #584** - A Resolution of the Upper Pottsgrove Township Board of Commissioners authorizing Berkheimer to serve as the Township EIT and Local Service Tax Collector beginning January 2011, as the TCD Collector in Upper Pottsgrove Township. A motion by Miller, seconded by Spaide, to adopt Resolution #584. All aye votes.

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION #585 ESTABLISHING THE CONTRIBUTION FOR MEMBERS OF THE TOWNSHIP POLICE PENSION PLAN FOR 2011 - A Resolution of the Upper Pottsgrove Township Board of Commissioners establishing the contribution for members of the Upper Pottsgrove Police Pension Plan for the calendar year 2011 ending December 31, 2011. A motion by Dolan, seconded by Noll, to adopt Resolution #584. All aye votes.

OLD BUSINESS: None

OTHER PUBLIC COMMENT: None

COMMISSIONER COMMENTS:

COMMISSIONER DOLAN - Stated he has received inquiries from several residents as to the disposal of trash containers from previous haulers prior to the Township contracting with J. P. Mascaro. After a brief discussion, it was agreed to place an article in the upcoming Newsletter as well as on the Township's website. In another matter, Commissioner Dolan expressed his concern regarding yard sales that are being held on a regular basis at a property across from Redner's Market. Mr. Layne advised he would have the Zoning Officer investigate the matter.

PAYMENT OF BILLS - Commissioner Noll requested clarification with regards to an invoice from Eagle Wireless Communications. A motion by Noll, seconded by Miller, to approve the Bill List dated October 18, 2010, for General Fund in the amount of \$107,387.41; Fire Fund in the amount of \$1,360.50; Sewer Fund in the amount of \$73,936.49; Capital Fund in the amount of \$2,182.88; Open Space Fund in the amount of \$1,019.98; State Fund in the amount of \$1,345.79 and Escrow Fund in the amount of \$672.00. Total Expenditures - \$187,905.05. All aye votes.

APPROVAL OF MINUTES - October 4, 2010 - A motion by Spaide, seconded by Dolan, to approve the minutes of the October 4, 2010, meeting as presented. All aye votes.

EXECUTIVE SESSION - At 7:28 P.M. Commissioner Taylor reported the Board would meet in Executive Session to discuss an issue regarding real estate with no decisions being made. The meeting reconvened at 7:55 P.M.

PUBLIC HEARING AT 8:00 P.M. ON A CONDITIONAL USE APPLICATION SUBMITTED BY LIBERTY TOWERS, LLC - Attorney Chuck Garner opened the public hearing for the Conditional Use Application at 8:00 P.M. Crystal Fisher, Esquire with Lemanowicz, LLP was present to discuss the Conditional Use Application submitted by Liberty Towers, LLC for the construction of a wireless telecommunications facility on the property located at 96 Pineford Road. The present zoning classification for the proposed facility is currently in the R-2 Residential District. The proposed communications facility consists of a 150' monopole tower. The objective of the proposed communications facility is primarily to provide reliable coverage to a central portion of Upper Pottsgrove Township. The proposed facility will provide reliable wireless service to heavily traveled portions of SR 100, Farmington Avenue, Gilbertsville Road, Maugers Mill Road, and the adjoining areas extending about 1-2 miles in all directions from the proposed facility location.

PUBLIC HEARING ON A CONDITIONAL USE APPLICATION SUBMITTED BY LIBERTY TOWERS, LLC CONT'D

- It was noted that the Upper Pottsgrove Township Planning Commission reviewed the Conditional Use Application and recommended that the Board of Commissioners consider the following critical points: (1) making sure there is adequate land to meet the ordinance requirements since the acreage was not listed on the plan; (2) making sure there is a 20 foot easement with a 10 foot paved access road as required in the ordinance; (3) making sure that adequate landscaping is provided; (4) making sure that the cellular tower is camouflaged in such a way to preserve the scenic view in this area; and (5) making sure the lightning strike is designed in such a way to protect the area around the cellular tower. Attorney Fisher provided Paul Dugan, P.E., Registered Professional Engineer and Brian Seidel, Seidel Planning and Design, as witnesses on behalf of Liberty Towers. The hearing concluded at 10:15 P.M. A motion by Miller, seconded by Dolan, for the continuance of the Conditional Use Application hearing for Liberty Towers until Monday, November 15, 2010 at 7:30 P.M. All aye votes.

ADJOURNMENT - There being no further business, a motion by Spaide, seconded by Dolan, to adjourn the meeting at 10:15 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor
Township Secretary