

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

June 20, 2011

A meeting of the Board of Commissioners was held on Monday, June 20, 2011, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners Dolan, Miller, Spaide and Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., Police Chief William A. Moffett, Township Manager Jack P. Layne, Public Works Director Frank Quinter and Township Secretary Cynthia Saylor. There were 12 people in the audience. Commissioner Taylor reported that Commissioner Noll was unable to attend the meeting; however he was representing the Township at the annual PSATC Convention.

MOMENT OF SILENCE - Mr. Taylor requested a moment of silence in honor of the men and women who are currently serving and those who have served our country in the armed forces.

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

PUBLIC COMMENTS:

MARTIN SCHREIBER - 138 Rose Valley Road - Questioned why the Amendment to the Fire Company By-Laws was not listed on the agenda. Mr. Taylor stated he asked that the topic be delayed since Commissioner Noll was not present at the meeting. Mr. Schreiber expressed concern that there is a lack of communication between the Fire Committee and the members of the Board.

HENRY BEALER - 1382 Farmington Avenue - Expressed concern that he is receiving a newspaper that he hasn't subscribed to. Mr. Layne stated he would look into the matter.

JOHN WEST - 1611 Applegate Lane - Expressed his concern that the fire hydrant on Cloverhill Lane has been covered for the last month. Mr. Layne stated he would look into the matter.

NEW BUSINESS:

DISCUSSION AND POSSIBLE ACTION REGARDING ZONING HEARING BOARD APPLICATION #2-11 SUBMITTED BY ARTIMS AUTOMOTIVE SERVICES -

Commissioner Taylor explained that the applicant is requesting a first floor apartment adjacent to the non-residential use and not over a non-residential use as allowed by the Zoning Ordinance. Mr. Taylor noted that the Planning Commission reviewed the Zoning Application at their meeting. A motion by Miller, seconded by Spaide, to take no formal action regarding the Zoning application. All aye votes.

OLD BUSINESS:

DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSAL TO PROVIDE A DIGITAL SIGN -

Larry Romanowski, TowerOne Partners, was present to make a brief presentation with respect to a proposal for a digital sign to be located along Route 100 at the Upper Pottsgrove Township Municipal building. Mr. Romanowski addressed the following issues: the lighting intensity; the location; the necessity for rezoning; tree removal; the types of ads that would be prohibited including those pertaining to alcohol, tobacco, and adult related products and use by the Township.

DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSAL TO PROVIDE A DIGITAL SIGN CONT'D

- Mr. Romanowski stated that the Township could use the sign at times to advertise for public events, amber alerts and other emergency situations. Commissioner Taylor stated that the Planning Commission has been discussing digital signs over the last couple of years and noted that all their concerns have been addressed.

When **COMMISSIONER SPAIDE** questioned how close the sign would be to the intersection; Mr. Romanowski stated the sign would be approximately 200' from the stop bar. Commissioner Spaide expressed her concern that the sign could create a safety issue for those cars traveling southbound on Route 100.

DONALD YOUNG - 46 Harding Street - Requested clarification with regards to off-premise signs.

JOHN WEST - 1611 Applegate Lane - Noted that the proposed digital sign is close to Heather Place Park and questioned whether any type of security will be installed around the sign in order to protect the safety of the children.

MARTIN SCHREIBER - 138 Rose Valley Road - Referenced the cell tower at Hillside and noted there are several dead trees that need to be replaced. With regards to the proposed digital sign; Mr. Schreiber advised that the proposed location is a prime landing zone for helicopters utilized by the Fire Company.

JOHN WEST - 1611 Applegate Lane - Questioned the possibility of transplanting the trees rather than digging them out with respect to the installation of the digital sign.

HENRY BEALER - 1382 Farmington Avenue - Expressed his concern that the proposed digital sign will create more accidents at the Route 100 intersection.

After further discussion, a motion by Miller, seconded by Dolan, to support the concept of the proposed digital sign. All aye votes.

REPORTS:

EMERGENCY SERVICES - It was noted that copies of the monthly Police and Fire Committee Reports will be posted on the bulletin board.

PLANNING & ZONING - Commissioner Taylor reported the Planning Commission met and discussion the Zoning Hearing Board application submitted by Artims Automotive Services.

PUBLIC WORKS REPORT - Commissioner Spaide reported the Highway Department continued patching along Yarnall Road, West Moyer Road and Horseshoe Drive. She further reported that the first round of highway mowing has been completed; vegetation control was completed during the first week of June.

PUBLIC WORKS REPORT CONT'D - The Highway Employees responded to a call out to remove a large tree across Pineford Road during high winds and continued with the mowing and trimming of Heather Place Park, Cherrytree Park, Kulp Fields, Hollenbach Open Space, Sunset Park and Hoffman Fields. Commissioner Miller complimented Larry Kuser with regards to the mowing of the open space properties.

PARKS, RECREATION, AND OPEN SPACE REPORT - Commissioner Miller noted that there are a lot fallen trees and “wash outs” throughout the open space trail areas within the Township. Commissioner Miller referenced a “wash out” on Maugers Mill Road, at the bridge that crosses Sprogel’s Run that needs to be addressed by PennDot immediately. Commissioner Miller further reported that the Kulp Field sign has been repaired and is in excellent shape; however, there are weeds under the Hoffman Field sign that need to be removed as well as under all the trees on North Hanover Street along Hollenbach Park. Mr. Miller requested that the road crew take care of this matter as soon as possible.

JOHN WEST - 1611 Applegate Lane - Questioned whether the Open Space Committee would consider putting a dog park in the Township.

ADMINISTRATION REPORT - Commissioner Dolan reported he met with Representative Tom Quigley to discuss the open space referendum money.

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 that his monthly activities will be discussed as part of the meeting agenda.

TOWNSHIP MANAGER’S REPORT - Mr. Layne reported that he assisted in coordinating efforts regarding ongoing Police contract negotiations; supported efforts to prepare and submit the required documentation for the PENNVEST program that will allow for receipt of the final PENNVEST payment designated to the Township; coordinated efforts with the bankruptcy attorney with respect to THP’s efforts to complete additional units at Coddington View; assisted in efforts to obtain revenue from digital billboards and assisted in coordinating exploratory efforts for the Township to take over billing for the sewer and trash serviced provided to residents. He also reported that he along with Commissioner Dolan attended the PECO Green Region program where the Township was presented with a grant award totaling \$7,500 for the enhancement of Sunset Park and Sprogel’s Run. Mr. Layne reported that he along with Martin Schreiber met with a representative from Marathon Floor with regards to the firehouse floor and explained that are some additional issues that need to be addressed. Mr. Layne advised that these items were not included in the original estimate from Marathon and would cost an additional \$1,200. After further discussion, a motion by Miller, seconded by Spaide, to move forward with the original bid and the additional cost of \$1,200. Aye votes: Miller, Spaide and Taylor. Opposed: Dolan. Motion carried.

MONTHLY FINANCIAL REPORT - Mr. Layne reported that the Township has received 53.9% of its budgeted revenue and has disbursed 37.7% of its expenditures to date.

NEW BUSINESS:

DISCUSSION REGARDING ORDINANCE # 448 DENOTING A SMALL FLOW SEWAGE TREATMENT FACILITY - Attorney Garner reported that the Sewer and Water Committee suggested that the Board of Commissioners consider regulations for a small flow sewer treatment facility ordinance as recommended by LTL Consultants. A motion by Dolan, seconded by Miller, to authorize the Solicitor to prepare a draft ordinance. All aye votes.

DISCUSSION AND POSSIBLE ACTION REGARDING A RECOMMENDATION BY THE SEWER AND WATER COMMITTEE REGARDING A PROPOSED ON-LOT MANAGEMENT PROGRAM - It was the consensus of the members of the Board to agree with the recommendation from the Sewer and Water Committee that, at this point, there is not a need for the Township to move forward with considering an on-lot management program.

DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST BY LIBERTY TOWERS TO EXTEND THE APPROVAL OF CONDITIONAL USE FOR THE CONSTRUCTION AND OPERATION OF A WIRELESS COMMUNICATION FACILITY AT 96 PINEFORD ROAD - Commissioner Taylor reported that Liberty Towers has requested an extension of time for a period of one year to June 2012. After a brief discussion, a motion by Spaide, seconded by Miller, to grant the one (1) year extension request by Liberty Towers for the construction and operation of a wireless communication facility. All aye votes.

DISCUSSION AND POSSIBLE ACTION REGARDING A RETAINING WALL AND DRAINAGE ISSUE AT CODDINGTON VIEW - This item was tabled to a future meeting when the Township Engineer is present to discuss the matter.

DISCUSSION AND POSSIBLE ACTION REGARDING THE FIRE MARSHAL JOB DESCRIPTION - It was agreed that the Township Manager and Solicitor would provide a job description for the Fire Marshal to be discussed and reviewed by the Board at the next meeting.

DISCUSSION AND POSSIBLE ACTION REGARDING THE DEVELOPMENT OF AN ORDINANCE ALLOWING THE BILLING OF EMERGENCY SERVICES TO INSURANCE COMPANIES - It was the consensus of the Board to authorize the Solicitor to prepare an Ordinance allowing for the billing of emergency services to insurance companies.

OLD BUSINESS:

DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED AMENDMENT OF THE TOWNSHIP TRAFFIC ORDINANCE WITH RESPECT TO CUL-DE-SAC PARKING - A motion by Dolan, seconded by Miller, to authorize the Solicitor to prepare and advertise the proposed amendment of the Township Traffic Ordinance regarding cul-de-sac parking. All aye votes.

DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED STANDARD SEWER SPECIFICATIONS AND DETAILS - This matter was tabled for further discussion at a future meeting.

OTHER PUBLIC COMMENT:

MARTIN SCHREIBER - 138 Rose Valley Road - Reiterated his concern with regards to the lack of communication between the Fire Committee and the Board of Commissioners and noted that it will hamper the Fire Company and the Township. Mr. Schreiber noted that the Fire Committee meeting in December was cancelled; January's meeting was moved to February; numerous meetings were started late because the Chairman was either late or was absent; May's meeting was cancelled and the June meeting was moved up four (4) days and had to be re-advertised. Commissioner Taylor suggested the Fire Committee change the times of their meetings.

COMMISSIONER COMMENTS:

COMMISSIONER MILLER - Had several questions for Chief Moffett with regards to the monthly Police Report. Mr. Miller also extended his appreciation to Zoning Officer, Jeff Vogels, for all his efforts with respect to the numerous zoning issues within the Township. Commissioner Miller questioned whether any of his colleagues read the monthly zoning report and noted that it is very comprehensive and depicts the mammoth undertaking needed to keep our Township in compliance with our ordinances. He further questioned his fellow Commissioners as to whether they notice any violations while traveling to and from work and he requested that they contact the Township Manager regarding these issues.

JOHN WEST - 1611 Applegate Lane - Referenced a house on Heather Place and questioned the status of the property. Mr. Layne stated it is an on-going problem; it is currently up for sheriff sale and there are a number of legal issues associated with the property. Commissioner Taylor noted there are numerous liens on the property.

COMMISSIONER TAYLOR - Reported that the Planning Commission is short a member due to the resignation of Donald Nice. He further reported that Montgomery County is upgrading their emergency radio operations and noted that this is something that will have to be included in the next year's budget. Commissioner Taylor provided a brief update with regards to the status of the Coddington View townhomes. Mr. Taylor stated that he along with Mr. Layne met with a developer that is interested in the corner property along Upland Square and Route 100.

When **COMMISSIONER SPAIDE** questioned who is liable for maintaining the curbs along Horseshoe Drive; Mr. Layne stated it is the homeowner's responsibility.

PAYMENT OF BILLS - A motion by Spaide, seconded by Miller, to approve the Bill List dated June 20, 2011, for General Fund in the amount of \$30,976.11; Fire Fund in the amount of \$13,421.53; Sewer Fund in the amount of \$84,320.77; Capital Fund in the amount of \$1,680.06; Open Space Fund in the amount of \$6,229.17; State Fund in the amount of \$5,836.41 and Escrow Fund in the amount of \$496.40. Total Disbursements ~ \$142,960.45. All aye votes.

APPROVAL OF MINUTES - May 16, 2011 - A motion by Spaide, seconded by Dolan, to approve the minutes of the May 16, 2011, meeting as presented. All aye votes.

EXECUTIVE SESSION - At 9:25 P.M. Commissioner Taylor reported the Board would be meeting in Executive Session to discuss matters of real estate and potential litigation; however no decisions would be made. The meeting reconvened at 10:02 P.M.

ADJOURNMENT - There being no further business, a motion by Dolan, seconded by Miller, to adjourn the meeting at 10:03 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor
Township Secretary