

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

June 18, 2012

A meeting of the Board of Commissioners was held on Monday, June 18, 2012, 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 attending 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.

POLICE REPORT - Chief Moffett outlined the monthly Police Report and noted that there have been several burglaries within the Township during the last month. Chief Moffett noted that the Sunoco Gas Station has been burglarized twice as well as vacant homes. Commissioner Dolan reported that the Fire Committee will hold their meeting on Thursday, June 21, 2012.

PLANNING & ZONING REPORT - Commissioner Taylor reported that the Planning Commissioner met with representatives from Citadel Credit Union and advised that they are interested in the corner property of Route 100 and Upland Square Drive.

PUBLIC WORKS REPORT - Commissioner Spaide reported that the Public Works employees have spent the majority of their time working in Sunset and Sussell Parks. Public Works Director, Frank Quinter reported that he has secured pricing for clearing around the pond at Sunset and Sussell Parks with a track mowing machine. He also reported that he has secured pricing for the application of an approved algaeicide at Sunset Park and noted that it is approved both by the EPA and the Fish and Game Commission. Commissioner Miller thanked Mr. Quinter for his input with regards to the monthly report.

PARKS, RECREATION, & OPEN SPACE REPORT - Commissioner Miller reported that he along with Township Manager, Jack Layne, attended the Montgomery County Land's Trust meeting. He further reported that he may have a solution in getting across Sprogel's Run without spending too much money.

SPECIAL PROJECTS REPORT - Nothing to report.

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

SOLICITOR'S REPORT - Attorney Garner provided a brief update with regards to the status of Coddington View and advised that there are two potential buyers interested in Phase III. Mr. Garner reported that the bonding company has been working to complete Phase I and Phase II improvements

SOLICITOR'S REPORT CONT'D - With regards to the Woodbrook Commercial property; Attorney Garner reported that the parking lot has been paved and the sidewalks have been poured and the majority of the site improvements have been completed. In other matters, Attorney Garner stated that the Township is continuing its efforts in following the Corrective Action Plan that was submitted and noted that there is quite a bit of inflow and infiltration coming into the Farmington Avenue line. Mr. Garner reported that with the recent refinancing the Township will have the necessary funds available to fix the infrastructure which was one of the reasons for the borrowing.

MANAGER'S REPORT - Mr. Layne reported that assisted in coordinating efforts to successfully obtain bond refinancing totaling \$3,090,000; assisted in coordinating and hosting the Coddington View Home Owners Association meeting where the residents elected a new governing board for their organization; and assisted in coordinating efforts with Chief Moffett to obtain and sign the Peer-To-Peer Technical Assistance Agreement from the Governor's Center for Local Government Services for the proposed Police Regionalization endeavor with West Pottsgrove. He further reported that he was notified by the Pottstown Area Health and Wellness Foundation that the Township would receive grant funding totaling \$28,750 to provide for the extension and development of the Sprogels Run Pedestrian Trail and Sunset Park and attended a municipal workshop at Lafayette College entitled "Creative Approaches to Public Services".

MONTHLY FINANCIAL REPORT - Mr. Layne reported that the Township has received 55.5% of its budgeted revenue and has disbursed 39.6% of budgeted expenses as of May 31, 2012.

NEW BUSINESS:

DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED ORDINANCE PROHIBITING THE BURNING OF SOLID WASTE AND ANY RECYCLABLE MATERIAL - Township Solicitor, Chuck Garner, provided a draft of the proposed ordinance which prohibits the burning of solid waste and recyclable materials for the Board's review. Attorney Garner explained that since the Township is now over 5,000 in population there are certain state mandates required under Act 101. He further explained that part of those mandates require that certain ordinances be in place with respect to trash, recycling and burning. Attorney Garner reported that this is the first draft of the ordinance and noted that Mr. Layne and a representative from Hough Associates have been reviewing our ordinances and they (Hough Associates) have been providing information with regards to the requirements associated with burning limitations. Mr. Layne reported that he along with Frank Quinter met with representatives from DEP as well as Hough Associates to make sure that the Township is in compliance. The members of the Board discussed the specific exceptions with respect to burning under the Solid Waste Act as outlined in the proposed ordinance. **COMMISSIONER MILLER** pointed out that there isn't anything in the proposed ordinance with respect to burning barrels. When **COMMISSIONER DOLAN** questioned whether it is absolutely necessary that the Township prohibits the burning of yard waste; Mr. Layne stated it is necessary in order to comply with DEP. When **COMMISSIONER MILLER** questioned whether the Police Department could enforce the proposed ordinance with respect to burning; Attorney Garner explained that in his opinion Police Officers would have the ability to enforce all the regulations and ordinances in Upper Pottsgrove Township. After discussion, a motion by Spaide, seconded by Miller, to authorize Staff to continue the process of refining the proposed ordinance and

DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED ORDINANCE PROHIBITING THE BURING OF SOLID WASTE AND ANY RECYCLABLE MATERIAL CONT'D - prepare it for legal advertising. All aye votes.

DIANA UPDEGROVE - 1404 Farmington Avenue – Requested clarification that the chipper, that the Township is in the process of purchasing, is only for Township use. Commissioner Taylor noted that the chipper will be used by the Public Works Department in order to maintain the roads and parks within the Township.

GREG CHURACH - 144 Snyder Road - Requested clarification regarding the size of fires used for recreational or ceremonial purposes.

JIM PAYNE - 150 Mapleleaf Lane - Requested clarification in the language of the proposed ordinance with regards to enforcement by the Fire Marshal as opposed to the Police Department.

DISCUSSION AND POSSIBLE ACTION REGARDING A RECOMMENDATION FROM THE SEWER AND WATER COMMITTEE THAT THE SPECIFIED PROPERTY OWNERS BE GRANTED AN ADDITIONAL 60 DAYS TO REPAIR THEIR LATERAL DEFECTS - Commissioner Taylor reported that over the last few months the Public Works Department has been looking into the amount of inflow and infiltration particularly within the Regal Oaks Development. He further reported that they have televised seventy five (75) sewer laterals and found that ten (10) are in need of repair. Attorney Garner reported that at the last Sewer and Water Committee meeting several residents expressed their concern regarding the findings of the video tape as well as the cost to correct the sewer lateral defects. He further reported that the Sewer and Water Committee has recommend that the Township extend each specified property owner an additional sixty (60) days in which to repair these defects. Commissioner Taylor advised that the Township will be using an outside party to televise the lines again in an effort to confirm that there are defects that need to be fixed. After a brief discussion, a motion by Spaide, seconded by Dolan, to grant the specified property owners an additional sixty (60) days to repair their sewer lateral defects. All aye votes. It was agreed that the Township Manager would sent a letter to those residents advising them of the additional sixty (60) days in order to repair their sewer laterals.

When **THOMAS MALONEY, 113 Mapleleaf Lane**, expressed concern regarding the cost of repairing his defective sewer later; Commissioner Taylor advised that you are not allowed to put illegal water into the public sewer system and explained that every drop of “extra water” that is placed into the system is costing the community that much more money. Attorney Garner suggested that Mr. Maloney speak with the Township Manager with regards to financial options.

DISCUSSION AND POSSIBLE ACTION REGARDING THE APPOINTMENT OF A RESIDENT TO FILL THE VACANT SEWER AND WATER COMMITTEE MEMBER POSITION - Commissioner Taylor noted that there are two (2) possible candidates to fill the vacant position on the Sewer and Water Committee and advised the Board members that copies of their applications were included in there meeting packets. Commissioner Taylor stated the matter will be discussed at the next meeting.

OLD BUSINESS:

DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE AWARD OF THE CONTRACTOR WITH THE LOW BID FOR THE 2012 ROAD IMPROVEMENT PROGRAM

- Township Engineer, Pete Eisenbrown, reported that the Township received three (3) bids for the 2012 Road Program and noted that Reading Site Contractors submitted the low bid of \$167,525.00. He further reported that the roads included in the 2012 Road Improvement Program are North Hanover Street, from Mervine Street to the entrance of Hollenbach Park; Moyer Road, from Gilbertsville Road to East Horseshoe Drive and Farmington Avenue from Coddington View to D & D Collision. Mr. Eisenbrown advised that Reading Site Contractors performed the work last year for the 2011 Road Program. He further advised that they (Reading Site Contractors) are PennDOT prequalified. After a brief discussion, a motion by Miller, seconded by Dolan, to accept the low bid submitted by Reading Site Contractor in the amount of \$167,525.00 and award them the contract for the 2012 Road Improvement Program. All aye votes.

COMMISSIONER MILLER - Expressed his concern regarding the condition of North Hanover Street and noted how the road is disintegrating. Public Works Director, Frank Quinter, stated that 700 square yards of North Hanover Street is scheduled for base repair. Commissioner Miller also stated that the Township received a letter from Dave Hollenbach regarding his curbing. When Commissioner Miller referenced a section of North Hanover Street beyond Hollenbach Park; Public Works Director, Frank Quinter, advised that the Highway Department would take care of the problem because that section of the road was not included in the bid specifications.

KEITH KEHL - 1941 Gilbertsville Road - Questioned whether any of the streets outlined in the 2012 Road Improvement Program are scheduled for any type of work that would cause them to be torn up once they have been paved.

DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED ROAD AND PARKING RECONFIGURATION AT WOODBROOK ESTATES

- An Ordinance of the Upper Pottsgrove Township Board of Commissioners Amending Section 330-22, Stop Intersections Established, of Article II, Traffic Regulations, and Section 330-31, Parking Prohibited at all Times in Certain Locations, of Article IV, General Parking Regulations, Those Sections Being A Part of Chapter 330, Vehicles and Traffic, of the Code of Ordinances of Upper Pottsgrove Township, as amended, to Create a Three-Way Stop Intersection at Laura Lane and Brynne Lane and to Prohibit Parking on Certain Portions of Laura Lane. A motion by Dolan, seconded by Spaide, to authorize the advertisement of the proposed Ordinance. All aye votes.

OTHER PUBLIC COMMENT:

GREG CHURACH - 144 Snyder Road - Stated he would like to “recognize” Jack Layne for his efforts in obtaining grant funding from the Pottstown Area Health and Wellness Foundation in the amount of \$28,750 for the extension and development of the Sprogel’s Run Pedestrian Trail and Sunset Park.

DIANA UPDEGROVE - 1404 Farmington Avenue - Requested clarification with regards to guidelines for ceremonial fires.

JIM PAYNE - 150 Mapleleaf Lane - Questioned whether the Township has a master plan with regards to road paving.

GREG CHURACH- 144 Snyder Road - Questioned whether the Township has an ordinance regarding loud music emanating from car radios.

COMMISSIONER COMMENTS: - None

TOWNSHIP MANAGER - Mr. Layne congratulated Commissioner Taylor with regards to a recent newspaper article pertaining to his passion for flags.

PAYMENT OF BILLS - June 18, 2012 - A motion by Dolan, seconded by Miller, to approve the Bill List dated June 18, 2012, for General Fund in the amount of \$46,607.43; Fire Fund in the amount of \$7,065.22; Sewer Fund in the amount of \$16,968.67; Capital Fund in the amount of \$3,406.98; Open Space Fund in the amount of \$5,538.66; State Fund in the amount of \$3,325.35 and Escrow Fund in the amount of \$5,332.87. Total Disbursements ~ \$88,245.18. All aye votes.

APPROVAL OF MINUTES - May 21, 2012 - A motion by Dolan, seconded by Miller, to approve the minutes of the May 21, 2012, meeting as presented. All aye votes.

EXECUTIVE SESSION - At 8:00 P.M. Commissioner Taylor announced that the Board would be meeting in Executive Session to discuss matters of pending and potential litigation with no decisions being made. The meeting reconvened at 8:44 P.M.

ADJOURNMENT - There being no further business, a motion by Dolan, seconded by Spaide, to adjourn the meeting at 8:45 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor,
Township Secretary