

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

**August 20, 2012**

The meeting of the Board of Commissioners was held on Monday, August 20, 2012, at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Commissioners Dolan, Miller, Noll, and Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., Township Manager Jack P. Layne, Jr., Police Chief William A. Moffett, Engineer Chris Pelka, and Township Secretary Cynthia Saylor. There were ten people present in the audience. Commissioner Taylor called the meeting to order at 7:00 P.M. Commissioner Spaide 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

**PRESENTATION ON THE POTTSTOWN REGIONAL PUBLIC LIBRARY** - Susan Davis, Executive Director of the Pottstown Regional Public Library, provided a brief financial summary and noted operating expenditures for 2011 in the amount of \$599,833.00. Ms. Davis also announced a new free on line tutoring service starting September 1, 2012 and reported this service will provide one-on-one homework help, test preparation and writing assistance. Ms. Davis also announced that the library will be offering digital magazines on their website and patrons will be able to read approximately eighty five (85) different magazines by using their library cards.

**REPORTS:**

**EMERGENCY SERVICES** - Chief Moffett summarized the monthly Police Report. Commissioner Dolan reported that the Fire Committee held their meeting on Thursday, August 16, 2012 and held a survey with regards to morale and leadership. Commissioner Dolan stated he was pleased to announce that the majority of the members have a positive attitude with regards to morale and leadership. He further reported that the Fire Department is still in need of a designated area for training purposes. Commissioner Miller noted that there is a large pile of debris at Sussell Park and suggested that the Fire Company burn it as part of their training. Commissioner Dolan reported that the Fire Company members would like to replace the furniture that is currently upstairs and explained that there is available money in the Fire Fund for them to make that purchase. It was the consensus of the Board members that the Fire Company purchase new furniture in an amount not to exceed \$1,000. Commissioner Dolan provided copies of amendments to the Fire Company's By-Laws for approval by the members of the Board. The following amendments were provided: Article V, Section 1, Number 4 – The Membership Secretary; Article IV, Section 3 – Dues; Article IV, Section 2 – Background Checks; Article V, Section 4 – Wording regarding holding office; and Article IV, Section 1 – Admission Fees. A motion by Miller, seconded by Noll, to approve the above mentioned amendments to the Fire Company's By-Law. All aye votes.

**COMMISSIONER MILLER** - Expressed his concern regarding the penmanship of the three officials who signed the amendments to the Fire Company By-Laws. Mr. Miller noted that the signatures are worse than a doctor's and anyone could have signed them.

**PUBLIC BID OPENING: 7:15 P.M. REGAL OAKS MANHOLE & LATERAL REPAIR -**

Township Engineer Chris Pelka reported that the Township received three (3) bids for the Regal Oaks Manhole and Lateral Repair Project. Mr. Pelka opened and read the following bids: Barrasso Excavation, Inc. - \$41,784.00; Buxmont Excavating, Inc. - \$54,647.30 and Wexcon, Inc. - \$78,780.00. After a brief discussion, a motion by Dolan, seconded by Noll, to award the Regal Oaks Manhole & Lateral Repair Project to the low bid provided by Barrasso Excavation, Inc. in the amount of \$41,784.00 subject to review by the Township Engineer and the Solicitor. All aye votes.

**SPECIAL PROJECTS REPORT** - Commissioner Noll provided a detailed update on both House Bill #2223 and Senate Bill #1417. Commissioner Noll explained that these bills amend the "Pennsylvania Open Space Lands Act" from 1954. He further explained that the both update what is required to be on a referendum for the imposition of the local taxing option contained within the 1954 Act. The bills also expand upon how the revenue may be spent. If passed, the amendments would authorize local governments to utilize no more than 25% of the annual revenue for the upkeep and development of the acquired property. House Bill #2223 "Flew through the House" and was passed on June 6, 2012. Senate Bill #1417 has been in the Senate Local Government Committee since February 13, 2012. We are waiting for the Senate to pass this bill in their Fall Session. Commissioner Noll will track the progress and contact Senators John Rafferty and Bob Mensch.

**PLANNING & ZONING REPORT** - Commissioner Taylor reported that the Planning Commission met and their discussion will be addressed later during the meeting.

**PUBLIC WORKS REPORT** - A copy of the monthly Public Works Report will be posted on the bulletin board.

**PARKS, RECREATION AND OPEN SPACE** - Commissioner Miller reported that the Highway Department has started cutting a pedestrian trail that will connect to Hollenbach Park and Mocharniuk Meadows. Commissioner Miller stated that the Parks, Recreation and Open Space Committee suggested that pets be allowed at both Sunset and Sussell Parks since they are allowed at the other parks within the Township. Mr. Miller reported that the signs at Sunset and Sussell Parks currently state that dogs are not allowed and noted that the wording will have to be changed. After a brief discussion, a motion by Noll, seconded by Dolan, to change the wording on the signs which would allow for pets at both Sunset and Sussell Parks. All aye votes.

**PUBLIC HEARING: 7:30 P.M. CONDITIONAL USE HEARING ON THE APPLICATION OF LIBERTY TOWERS, LLC, C/O SEIDEL PLANNING & DESIGN, LTD.**

- Commissioner Taylor provided a brief history with regards to the application of Liberty Towers and their proposal to construct and operate a wireless communication facility on the property located at 96 Pineford Road. Attorney Chuck Garner reported that the property is located in an R-2 Residential Zoning District and explained that the applicant had previously received conditional use approval for the proposed cell tower but are resubmitting the conditional use to change the location of the access easement to the facility. Richard Lemanowicz, Attorney for Liberty Towers, questioned Brian Seidel, Seidel Planning & Design, regarding the construction of the wireless tower.

**PUBLIC HEARING: LIBERTY TOWERS CONT'D.** - Commissioner Taylor advised that the Planning Commission reviewed the conditional use application and recommended approval of the conditional use with the following conditions: the applicant must submit a land development plan for review and approval; and the applicant must provide a boundary survey. When Commissioner Noll questioned the total length of the new access road; Mr. Seidel responded approximately five hundred (500) feet.

When **JOHN WEST, 1611 Applegate Lane**, questioned the makeup of the proposed driveway; Mr. Seidel, Seidel Planning & Design, stated it will be crushed gravel; however the first fifty (50) feet will be paved.

It was noted that none of the individuals present in the audience wished to provide testimony or comments to the Board with regards to the request from Liberty Towers. The hearing was closed at 8:00 P.M. Attorney Garner advised that the Board of Commissioner has forty five (45) days to render a written decision.

**TOWNSHIP ENGINEER'S REPORT** - It was noted that a copy of the monthly Engineer's Report would be posted on the bulletin board.

**TOWNSHIP SOLICITOR'S REPORT** - Attorney Garner reported that his monthly activities would be addressed later on the meeting agenda.

**TOWNSHIP MANAGER'S REPORT** - Mr. Layne reported that he assisted in coordinating efforts to schedule a meeting with the Governor's Center for Local Government Services regarding the proposed Police Regionalization endeavor with West Pottsgrove Township; assisted in coordinating efforts to obtain additional open space; assisted in coordinating a meeting with West Pottsgrove staff to discuss road swap issues; and participated in a training webinar provided by the International City/County Management Association. He also attended an Emergency Management Coordinator training program provided by the Montgomery County Department of Public Safety. Mr. Layne reported that the Public Works Department made additional improvements at both Sunset and Sussell Parks and noted that the highway staff did a fantastic job.

**MONTHLY FINANCIAL REPORT** - Mr. Layne reported that as of July 31, 2012, the Township has received 60% of its budgeted revenue and has disbursed 51.8% of its expenditures to date.

**NEW BUSINESS:**

**DISCUSSION AND POSSIBLE ACTION REGARDING THE VACATION OF NORTH STATE STREET AND/OR THE LOCATION OF THE PROPOSED TEMPORARY CUL-DE-SAC** - After a brief discussion a motion by Dolan, seconded by Miller, to authorize the Solicitor to move forward with the vacating of North State Street. All aye votes.

**DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE LTL TO REVIEW AND RECALCULATE THE TOWNSHIP'S TAPPING FEE RATE**

- Commissioner Taylor reported that at a recent Sewer and Water Committee meeting the Committee recommended that LTL Consultant's recalculate the Township's sewer tapping fee rate. Township Engineer, Chris Pelka, advised that there have been a significant number of developments since the last time the sewer tapping fee rate was calculated. Attorney Garner noted that the Township's tapping fee rate is extremely low compared to other surrounding municipalities that have sanitary sewer systems. Commissioner Taylor stated that one of the reasons the rate is so low is that the Township has been very good at keeping our costs down and very good at getting developer's to build sewers for us in addition to obtaining low interest loans. Attorney Garner stated that the Township has invested millions of dollars in capital costs in its infrastructure system and anyone that uses that system will be required to pay the tapping fee which is basically considered to be their share of the capital costs plus the quarterly sewer rentals.

In response to a question from **COMMISSIONER NOLL**; Mr. Pelka provided a brief summary as to the procedure for recalculating the Township's tapping fee rate. After further discussion, a motion by Dolan, seconded by Noll, to authorize the Engineer to prepare a report with respect to the recalculation of the Township's tapping fee rate. All aye votes.

**OLD BUSINESS:****DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE #458 TO REPEAL CHAPTER 122, OPEN BURNING, AND REESTABLISHING AND REENACTING A NEW CHAPTER 122, OPEN BURNING; AIR POLLUTION**

- When Commissioner Dolan questioned the language under Section 122-5 C; Attorney Garner noted that there was a typo and advised that the page would be corrected.

**ORDINANCE #458** - An Ordinance of Upper Pottsgrove Township, repealing Chapter 122, Open Burning; Air Pollution, of the Code of the Township of Upper Pottsgrove and enacting a new Chapter 122, Open Burning; Air Pollution. A motion by Miller, seconded by Noll, to adopt Ordinance #458 with the correction as noted. Aye votes: Miller, Noll and Taylor. Opposed: Dolan. Motion carried.

**OTHER PUBLIC COMMENT:**

**DIANA UPDEGROVE - 1406 Farmington Avenue** - Referenced the proposed pedestrian trail adjacent to her property and expressed her concern that none of the surrounding property owners were notified prior to the work being started. After discussion, it was agreed that Commissioner Miller would meet with Mrs. Updegrove to discuss her concerns.

**JOHN WEST - 1611 Applegate Lane** - Questioned when the smoke testing is scheduled to take place.

**COMMISSIONERS COMMENTS:** None.

**PAYMENT OF BILLS - August 20, 2012** - A motion by Dolan, seconded by Noll, to approve the Bill List dated August 20, 2012, for General Fund in the amount of \$50,215.36; Fire Fund in the amount of \$1,543.73; Sewer Fund in the amount of \$53,346.27; Capital Fund in the amount of \$22,516.96; Open Space Fund in the amount of \$6,412.86; State Fund in the amount of \$1,875.49 and Escrow Fund in the amount of \$1,901.19. Total Disbursements ~ \$137,811.86. All aye votes.

When **JOHN WEST, 1611 Applegate Lane**, questioned the invoice payable to the Borough of Pottstown in the amount of \$49,999.75; Mr. Layne explained it is a quarterly payment the Township pays the Borough for operation and maintenance purposes.

**APPROVAL OF MINUTES - July 16, 2012** - A motion by Dolan, seconded by Miller, to approve the minutes of the July 16, 2012, meeting as presented. All aye votes.

**EXECUTIVE SESSION** - At 8:37 P.M. Commissioner Taylor reported that the Board would be meeting in Executive Session to discuss matters of real estate, litigation and threatened litigation. The meeting reconvened at 9:49 P.M.

**ADJOURNMENT** - There being no further business, a motion by Dolan, seconded by Miller, to adjourn the meeting at 9:50 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor,  
Township Secretary