

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

November 19, 2012

A meeting of the Board of Commissioners was held on Monday, November 19, 2012 at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners Dolan, Miller, Noll, and Spaide present. Also present were Township Solicitor Charles D. Garner, Jr., Township Manager Jack P. Layne, Public Works Director Frank Quinter and Township Secretary Cynthia Saylor. Ms. Spaide called the meeting to order at 7:00 P.M. There were 12 people present in the audience. Commissioner Spaide advised that Commissioner Taylor would be arriving late.

MOMENT OF SILENCE - Commissioner Spaide 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 COMMENT:

JOHN WEST - 1611 Applegate Lane - Advised the members of the Board that he was taping the meeting.

KEITH KEHL - 1941 Gilbertsville Road - Expressed concern that the police were called because a large bag full of shredded paper was found on Gilbertsville Road and explained that the police were called because of a safety issue. Mr. Kehl further explained that the police officer moved the bag to the side of the road; however, he questioned why the officer didn't pick up the bag and dispose of it properly. Commissioner Spaide stated she would look into the matter. When Mr. Kehl reported the large pothole on Gilbertsville Road; the Public Works Director advised that PennDot is aware of it.

MATT GALEMBA - Former Fire Company Deputy Chief - Read a letter from a "concerned resident", who wished to remain anonymous, regarding the newly elected Fire Chief and stated that this decision is not in the best interest of the Fire Company. Commissioner Spaide noted that there was an election at the recent Fire Committee meeting. After a brief discussion, Commissioner Dolan stated that in his opinion the letter is "worthless" since the writer couldn't even sign it. Mr. Dolan explained that the Fire Chief is elected by the members of the Fire Company and not by the members of the Board of Commissioners.

DAVID VOYTKO - 138 Stonehill Drive - Requested an update with regards to the status of Coddington View. Attorney Garner explained that the property is owned by the bank; however, there is interest by perspective developers to finish the project. He further explained that negotiations are on-going. Mr. Garner stated that the Township is hopeful that an agreement will be in place by the end of the year or early next year.

REPORTS:

EMERGENCY SERVICES - Commissioner Dolan reported that the Fire Company is now state certified. He further reported that there are new members to the Fire Committee. It was noted that a copy of the monthly Police report will be posted on the bulletin board.

PLANNING & ZONING REPORT - The Planning Commissioner did not meet this month.

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PUBLIC WORKS REPORT - Commissioner Spaide reported that the Highway Department put up downed stop signs and street identification marker at Maugers Mill Road and Yarnall Road; cut up downed trees due to the high winds from Hurricane Sandy; cleaned leaves from storm inlets and pipes before, during and after the storm; in house inspections are being performed on manhole replacements and lateral replacements in Regal Oaks Subdivision and Cherry Tree Farms; performed winter maintenance on township vehicles and trucks; continue cutting trail from North Hanover Street to top of hill to meet trail from Maugers Mill Road and posted “No Hunting” signs and also “Beyond this Sign is Residential Private Property” signs. Mr. Layne reported that he has received “favorable” comments with regards to the Public Works employees and their response to the damage caused by the hurricane.

PARKS, RECREATION AND OPEN SPACE REPORT - Commissioner Miller reported the Public Works employees have been working on cutting a trail from North Hanover Street to meet the trail from Maugers Mill Road. He further reported that there has been some vandalism at Sunset Park whereby the post and rail fencing has been damaged for the third time. Commissioner Miller explained that even though the posts and rails were cemented they were still destroyed and thrown into the creek. Mr. Miller stated that the Eagle Scout is continuing with working on his project. Mr. Miller advised that “No Hunting” and “Private Property” signs have been installed in certain areas of the Township.

SPECIAL PROJECTS REPORT - Commissioner Noll provided an update with regards to the open space amendment and noted that the Bill never made it out of committee and the process will have to start over again in 2013.

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

SOLICITOR’S REPORT - Attorney Garner reported that a public hearing will be held at the December 17th meeting at 7:30 P.M. regarding an amendment to the Zoning Ordinance pertaining to accessory structures. Mr. Garner explained that there has been a recent amendment to the First Class Township Code with respect to the separation of the positions of Tax Collector and Treasurer. He further explained that under the modification to the First Class Township Code there will be an appointed position of Treasurer, which will be a township function, and there will be the elected Tax Collector. Mr. Garner reported that the Township is required to establish by ordinance a compensation schedule for the elected Tax Collector and it needs to be in place by February 2013.

TOWNSHIP MANAGER’S REPORT - Mr. Layne reported that he coordinated efforts with staff and Dallas Data Systems to prepare the 2013 Annual Budget; contacted the Public Utility Commission, Senator John Rafferty and State Representative Thomas Quigley’s offices to put pressure on Met Ed to expedite their efforts to restore electrical service to Township residents and to remove trees blocking Township roadways as a result of Hurricane Sandy; activated the Township’s Emergency Operations Center during the Hurricane; assisted in coordinating efforts to provide requested information regarding the proposed Police Regionalization endeavor with West Pottsgrove

TOWNSHIP MANAGER'S REPORT CONT'D - Township; assisted in coordinating efforts to obtain additional open space and attended a Montgomery County Emergency Management Coordinator's training workshop. Mr. Layne noted that there will be a bid opening tomorrow for the televising of the sewer laterals.

MONTHLY FINANCIAL REPORT - Mr. Layne reported that the Township has received 84.9% of the budgeted revenue and disbursed 79% of the budgeted expenses to date.

NEW BUSINESS:

DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST BY REINSEL KUNTZ LESHER TO AUDIT THE TOWNSHIP'S 2012 FINANCIAL STATEMENTS - A motion by Dolan, seconded by Miller, to authorize Reinsel Kuntz Leshner to perform the Township's 2012 audit for a fee not to exceed \$16,500. All aye votes.

DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED AGREEMENT BY HOUGH ASSOCIATES TO PERFORM 2012 RECYCLING DATA COLLECTION AND JOINT GRANT APPLICATION SERVICES FOR THE TOWNSHIP - Mr. Layne explained that the Township has been working with Hough Associates for the last six (6) years and noted that they are very supportive with respect to getting as much recycling reimbursement as possible from the State. A motion by Miller, seconded by Dolan, to approve the proposed Agreement by Hough Associates to perform the 2012 Recycling Data Collection and Joint Grant Application Services for the Township. All aye votes.

DISCUSSION AND POSSIBLE ACTION REGARDING A WAIVER REQUEST SUBMITTED BY CF POTTS GROVE FOR THE UPLAND SQUARE SHOPPING CENTER Attorney Garner reported that CF Pottsgrove owns most of the property involving the Upland Square Shopping Center located in West Pottsgrove Township. He further reported that CF Pottsgrove has submitted a minor subdivision plan in front of the Chili's site and noted that a very small portion is located in Upper Pottsgrove Township. Mr. Garner explained that no improvements are being proposed in the township. Mr. Garner advised that the developer has requested a waiver of the formal subdivision review process and noted that the Engineer has reviewed the plan. After a brief discussion, a motion by Noll, seconded by Dolan, to waive the formal subdivision process in Upper Pottsgrove Township, subject to a review by the Township Engineer. All aye votes. Attorney Garner noted that it would be nice if West Pottsgrove Township would reciprocate and allow Upper Pottsgrove to review the Citadel project since it is located in both townships.

DISCUSSION AND POSSIBLE ACTION REGARDING THE NO.2012-0874 MAKAREVITZ CONDITIONAL USE APPLICATION - Attorney Garner explained that a Conditional Use is required for this proposed two-lot subdivision due to the fact that the applicant is utilizing R-1 Zoning District standards but the property is located in an R-2 Zoning District. After a brief discussion, a motion by Miller, seconded by Dolan, to authorize the Solicitor to prepare and advertise the appropriate legal notice for a public hearing at the December meeting. All aye votes.

Commissioner Taylor arrived at 8:00 P.M.

DISCUSSION AND POSSIBLE ACTION REGARDING AN ORDINANCE FOR THE COLLECTION OF DELINQUENT TAXES

- Attorney Garner explained that the Montgomery County Tax Claims Bureau, by law, is empowered to collect delinquent real estate taxes. He further explained that previously the Tax Claims Bureau was not very active about the process and many municipalities hired the services of a third party collection entity to collect their delinquent real estate taxes. Under the law the Tax Claims Bureau is allowed to charge a 5% commission, they believe whether or not they collect delinquent real estate taxes or they don't collect delinquent real estate taxes. In the past the County has waived the 5% commission and allowed municipalities and school districts to collect their own taxes. The current Commissioners in Montgomery County feel that it is appropriate for the Tax Claim Bureau to actively become involved in the collection of delinquent real estate taxes and they have provided a sample ordinance to all municipalities. Attorney Garner noted that this has little or no impact on Upper Pottsgrove Township because we do not use a third party to collect delinquent real estate taxes. After a brief discussion, a motion by Miller, seconded by Dolan, to authorize the Solicitor to prepare and advertise the ordinance for the collection of delinquent real estate taxes to include indemnification language to the Township. All aye votes.

KEITH HOFFNAGLE - 1489 Lotus Drive - Questioned what the Township has to gain with regards to the collection of delinquent taxes.

DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED 2013 ANNUAL TOWNSHIP BUDGET

- Commissioner Taylor reported that the Township will have an estimated cash fund balance of approximately \$20,000 including a cash reserve of \$50,000. A motion by Dolan, seconded by Noll, to authorize the advertisement of the proposed 2013 Annual Township Budget. All aye votes.

DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED AMENDMENTS TO CHAPTER 168, REIMBURSEMENT FOR EMERGENCY SERVICES

- A motion by Miller, seconded by Dolan, to advertise the proposed amendment to Chapter 168 regarding reimbursement for emergency services. All aye votes.

PUBLIC COMMENT:

KEITH KEHL - 1941 Gilbertsville Road - Questioned Commissioner Noll if he would promote property tax reform.

GREG CHURACH - 144 Snyder Road - Expressed his appreciation to the members of the Board for giving the residents a chance to speak at the Township meetings.

COMMISSIONERS COMMENTS:

COMMISSIONER DOLAN - Expressed concern regarding a complaint regarding J.P. Mascaro and the service they provide to the residents for trash pickup. Mr. Dolan reported that the Fire

Company is still in need of a place to train. After a brief discussion, it was agreed that the Fire Committee would look into the matter and report back to the Board of Commissioners.

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COMMISSIONER SPAIDE - Provided a brief summary of the conference she recently attended.

PAYMENT OF BILLS - November 19, 2012 - A motion by Dolan, seconded by Spaide, to approve the Bill List dated November 19, 2012, for General Fund in the amount of \$71,446.05; Fire Fund in the amount of \$10,444.12; Sewer Fund in the amount of \$8,076.98; Capital Fund in the amount of \$11,076.07; Open Space Fund in the amount of \$10,137.45; State Fund in the amount of \$556.59 and Escrow Fund in the amount of \$133.50. Total Disbursements ~ \$111,870.76. All aye votes.

JOHN WEST - 1611 Applegate Lane - Referenced the fitness center reimbursement for the Police Officers and noted that the Township's insurance plan may reimburse for this expense.

APPROVAL OF MINUTES - October 15, 2012 - A motion by Spaide, seconded by Noll, to approve the minutes of the October 15, 2012, meeting as presented. All aye votes.

APPROVAL OF MINUTES - November 5, 2012 - A motion by Spaide, seconded by Noll, to approve the minutes of the November 5, 2012, meeting as presented. All aye votes.

EXECUTIVE SESSION - At 8:07 P.M. Commissioner Taylor reported the Board would be meeting in Executive Session to discuss pending litigation and real estate. The meeting reconvened at 10:13 P.M.

OPEN SPACE ACQUISITION - A motion by Spaide, seconded by Miller, to approve and authorize the Agreement with Shadeland Development Corporation to purchase the southwest corner of Moyer Road and Route 100, known as West Moyer Road, and the south side of Moyer Road. All aye votes.

ADJOURNMENT - 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