

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

**June 17, 2013**

A meeting of the Board of Commissioners was held on Monday, June 17, 2013, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners Dolan, Miller, Noll, Spaide and Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., Police Chief William A. Moffett, Township Manager Jack P. Layne, and Public Works Director Frank Quinter. There were 12 people in the audience.

**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 COMMENT:**

In response to a question from **KEITH KEHL, 1941 Gilbertsville Road**, Commissioner Taylor stated that the Cherrytree plans allow for a future connection across Sprogel's Run to the Prout property and if a developer wants to make the connection it is there to be used. When Mr. Kehl questioned whether Moyer Road would be straightened out; Mr. Taylor stated it may be eased at some point, if development ever takes place, but the Township will not spend money to straighten it out. In response to a question as to whether the developer of the Crossroads Development is paying for a dry edu; Attorney Garner stated that the project was in prior to the Township adopting the ordinance.

**DON CLANCY - 1296 Vale Circle** - Expressed concern regarding the open space property and noted he would like to see the Township utilize the land. He also expressed concern regarding cars speeding and the possibility of installing speed humps in the Turnberry Farms development.

**FRANCE KRAZALKOVICH - 92 Stonehill Drive** - Provided a proposed resolution to the members of the Board with regards to the right to keep and bear arms. Mr. Krazalkovich stated he modeled the proposed resolution to a resolution recently passed by East Coventry Township. Mr. Krazalkovich requested that the proposed resolution be placed on a future meeting agenda.

**COMMISSIONER MILLER** asked that the members of the Board pay special attention to Section 4 and Section 5 of the proposed resolution.

**MARTIN SCHREIBER - 138 Rose Valley Road** - Questioned why the Fire Marshall appointment was not on the meeting agenda. Commissioner Taylor stated the Fire Marshall is appointed at the will of the Commission every two years. Attorney Garner noted that the Fire Marshall was appointed at the reorganizational meeting in 2012.

**EMERGENCY SERVICES REPORT** - Chief Moffett summarized the monthly Police Report and noted a copy would be placed on the bulletin board.

**EMERGENCY SERVICES REPORT CONT'D** - Commissioner Dolan reported that the address signs are in and order forms are available at the Administrative office. Mr. Dolan explained that the address signs will be placed on your mailbox and will help emergency personnel identify you house. Commissioner Dolan noted that an article will be in the next Township Newsletter and the cost is \$20.00.

**KEITH KACHEL - 1412 Farmington Avenue** - Reported that the hardware for the installation of the signs is not included. Mr. Kachel stated that once he installs his address sign he will note what type of hardware works the best and where it can be purchased.

Commissioner Dolan reported that the AdHoc Committee held their first meeting and said that it was a productive meeting. Mr. Dolan advised that the members of the Committee discussed whether utilizing another ambulance provider will save the township time. Commissioner Dolan reported that Chief Moffett ordered “run cards” from the County in order to see how long it takes for Goodwill Ambulance and Gilbertsville Ambulance to respond to calls within the Township.

**PLANNING & ZONING REPORT** - Commissioner Taylor stated that he had nothing to report this month with regards to Planning and Zoning.

**PUBLIC WORKS REPORT** - Commissioner Spaide reported that the Public Works employees replaced yield signs, no pedestrian crossing signs and two (2) hazard markers at Upland Square traffic signal; took delivery of the 2014 Freightliner; completed the MS4 Storm Water Report as required by DEP; cleaned storm inlets before, during and after rain events; pulled manhole covers to search for inflow and infiltration; had the pond treated at Sunset Park and had the trail and parking area sprayed with vegetation control by Green Giant Lawn and Tree Care.

**PARKS, RECREATION, & OPEN SPACE REPORT** - Commissioner Miller reported that Developer, Richard Mingey and his crew, have been very helpful in moving the soil and now have in place the roadway leading to the parking area for six cars off of Moyer Road. He further reported that during the last week in June he along with the road crew will be installing the parking area for the Fox Hill walking trail on Mangers Mill Road. Commissioner Miller stated that on Sunday he visited several residents having yard sales and requested that the “yard sale” signs be removed after the event was over. Mr. Miller stated he was pleased to report that the residents complied with his request. Mr. Miller reported that in July he will be meeting with representatives from Natural Lands Trust to discuss the Bill which will allow the Township to utilize open space funds for maintenance purposes. Mr. Miller stated that he has been in contact with Representative Topel, Senator Ericson, Senator Rafferty, and Representative Hennessy regarding the House Bill.

**SPECIAL PROJECTS REPORT** - Commissioner Noll stated he had no new updates to report; however, he will be bringing back information from the upcoming PSATC conference.

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

**SOLICITOR'S REPORT** - Attorney Garner noted that there are a number of legal issues that will be discussed later on the agenda.

**MANAGER'S REPORT** - Mr. Layne reported he attended a meeting with Lower Pottsgrove, West Pottsgrove and Pottstown Borough representatives to discuss pertinent municipal sewer issues; he met with Civil Service Chairman Donald Nice who requested that additional funding be provided for the testing of a new police officer and estimated that the cost could approach approximately \$10,000. Mr. Layne stated that he, along with Public Works Director Frank Quinter and the Engineers from LTL Consultants toured the Pottstown Wastewater Treatment Plant; prepared and submitted the Final Report to the Pottstown Area Health and Wellness Foundation for the \$28,750 grant for the improvements to Sunset Park and to the Sprogel's Run Pedestrian Trail; and provided the 2013 Road Improvement and Levensgood and Sell Road contracts to Reading Materials and West Pottsgrove Township, respectively. Mr. Layne reported that attended a local government management training program at Lafayette College entitled Local Government in Stress. He further reported that the sessions included a presentation by the Business Administrator for Toms River, New Jersey regarding Hurricane Sandy; the City Manager of Stockton, California that is the largest city in the country to declare bankruptcy and the top elected official and Police Chief for Newton, Connecticut who discussed the tragedy that occurred at the elementary school in that city.

**MONTHLY FINANCIAL REPORT** - Mr. Layne reported that the Township has received 54.7% of its budgeted revenue and has disbursed 37.9% of budgeted expenses as of May 31, 2013.

**NEW BUSINESS:**

**DISCUSSION AND POSSIBLE ACTION TO APPOINT MARY ANN WILLIAMS AS AN ALTERNATE FOR THE CIVIL SERVICE COMMISSION** - A motion by Miller, seconded by Spaide, to appoint Mary Ann Williams as an Alternate member for the Civil Service Commission. All aye votes.

**DISCUSSION AND POSSIBLE ACTION TO APPROVE A SETTLEMENT AGREEMENT AND RELEASE DOCUMENT WITH THE POTTSTOWN BOROUGH AUTHORITY**

Attorney Garner reported that based upon sanitary sewer flow meter readings between November, 2010 and August, 2011 the Township's sanitary sewer flows exceeded the amount of sanitary sewer capacity purchased by the Township resulting in an obligation of the Township to pay additional monies to the Pottstown Borough Authority as sewer rentals. As noted in the Agreement, Upper Pottsgrove Township shall pay to the Pottstown Borough Authority \$259,000, on or before December 31, 2013, which will satisfy any and all claims including interest and penalty of the Pottstown Borough Authority against the Township arising from or relating to The Overflow Event. Mr. Garner explained that the payment (\$259,000) would be ultimately expended for sewer conveyance upgrades within the Borough of Pottstown in Farmington Avenue and Hanover Street. Mr. Garner explained that as part of the Agreement the Pottstown Borough Authority agrees to grant the Township a one-time exemption under the terms of the Service Agreement, which would permit the Township to purchase a total of 20 EDUs (6,000 gallons) of additional sanitary sewer capacity.

**DISCUSSION AND POSSIBLE ACTION TO APPROVE A SETTLEMENT AGREEMENT AND RELEASE DOCUMENT WITH THE POTTSTOWN BOROUGH AUTHORITY**

**CONT'D** - Mr. Garner advised the Township would set the 20 EDUs aside for small projects, such as one (1) and two (2) lot subdivisions and existing lots that want to connect to the public sewer system. He further advised that as long as the Township is in compliance with its existing Corrective Action Plan, the Borough Authority may consider the sale of additional sanitary sewer capacity to the Township for projects that do not presently have Planning Module approval or have allocated sanitary sewer treatment capacity. Commissioner Miller wanted to go on record that the members of the Board acknowledge John Bealer and the Sewer Committee for all their efforts associated with the Agreement with the Pottstown Borough Authority. After further discussion, a motion by Noll, seconded by Dolan, to accept the Settlement Agreement and Release Document with the Pottstown Borough Authority. All aye votes.

In response to a question from **RICHARD MINGEY**; Attorney Garner stated that the Borough of Pottstown has indicated that they would honor prior Planning Modules that were previously approved.

Commissioner Dolan as well as the other members of the Board expressed their appreciation to Attorney Garner for all his efforts regarding the Settlement Agreement with the Pottstown Borough Authority.

**DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE PURCHASE OF ADDITIONAL EDUS**

- Attorney Garner stated that the Township entered into an Agreement with the Pottstown Borough Authority in 2009 whereby they had made additional capacity available for the Township to purchase. Attorney Garner stated the rate to purchase the additional 20 edus is \$4.71/per gallon for a total cost of \$28,267.00. The Township will still have the right to purchase additional capacity if desired; however that would be subject to the Township's compliance with the Corrective Action Plan. A motion by Spaide, seconded by Dolan, to authorize the purchase of additional edus. All aye votes.

**DISCUSSION AND POSSIBLE ACTION TO APPROVE PROPOSED TOWNSHIP FIRE COMPANY BY-LAWS**

- Commissioner Dolan reported the Fire Committee has recommended some proposed Fire Company By-Law changes with regards to membership, dues and expulsion from the Fire Company. A motion by Miller, seconded by Dolan, to approve the proposed Township Fire Company By-Laws as presented. All aye votes.

**DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION # 627 ADOPTING THE 2012 MONTGOMERY COUNTY HAZARD MITIGATION PLAN**

- A motion by Spaide, seconded by Dolan, to adopt Resolution # 627 ~ The 2012 Montgomery County Hazard Mitigation Plan. All aye votes.

**DISCUSSION AND POSSIBLE ACTION REGARDING MISCELLANEOUS SEWER ITEMS**

- Engineer, Chris Pelka, provided a breakdown of repairs needed to comply with the Corrective Action Plan. After discussion, it was agreed that Mr. Pelka and Mr. Quinter would

**DISCUSSION AND POSSIBLE ACTION REGARDING MISCELLANEOUS SEWER ITEMS CONT'D** - prepare bid specifications for North Hanover Street, Hanover Drive and Farmington Avenue. Total estimated construction costs ~ \$75,900. A motion by Noll, seconded by Dolan, to put the project out to bid. All aye votes.

**DISCUSSION AND POSSIBLE ACTION TO APPROVE THE PURCHASE OF A REAR DISCHARGE MOWER** - Public Works Director, Frank Quinter, provided a quotation for the purchase of a rear discharge mower used in cutting open space property and along trails in the amount of \$5,995.00. Mr. Quinter stated the new mower will save approximately three (3) to four (4) hours weekly on mowing time. He further stated that there is \$1,700 in the highway equipment budget line item and the additional funding of \$4,295 would come from the open space fund. Attorney Garner noted that the mower would be paid with non-referendum money. Commissioner Miller stated the purchase would definitely cut down on the weekly mowing time. A motion by Miller, seconded by Dolan, to approve the purchase of a rear discharge mower in the amount of \$5,995.00. All aye votes.

**OLD BUSINESS:** None

**OTHER PUBLIC COMMENT:**

In response to a question from **MARTIN SCHREIBER, 138 Rose Valley Road**, Commissioner Noll clarified that the Property Fund presented at the Fire Committee meeting had a balance of approximately \$10,000 and noted that money could be used for future property acquisition.

**KEITH KACHEL- 1412 Farmington Avenue** - Questioned how often the Township receives the revenue from the cable company. Mr. Layne responded the Township received quarterly payments. Mr. Kachel suggested that the Township request a customer listing from Comcast and Verizon. In another matter; Mr. Kachel questioned whether there are any plans to relocate the storm drains along Farmington Avenue, particularly in front of the Firehouse. Public Works Director, Frank Quinter, stated not in the near future.

**DON CLANCY - 1296 Vale Circle** - Expressed concern regarding drainage issues within the Turnberry Farms Subdivision. Mr. Clancy stated that he along with his neighbor addressed these issues with the developer, Rotelle Builders when their houses were built. Commissioner Taylor noted that the development was built fifteen (15) years ago.

**COMMISSIONER COMMENTS:**

**COMMISSIONER NOLL** - Stated that he did not have any real issues with the proposed resolution with regards to the right to keep and bear arms.

**COMMISSIONER MILLER** – Noted that Zoning Officer, Jeff Vogels, has been very busy regarding high grass complaints.

**PAYMENT OF BILLS - June 17, 2013** - A motion by Dolan, seconded by Spaide, to approve the Bill List dated June 17, 2013, for General Fund in the amount of \$41,731.00; Fire Fund in the

**PAYMENT OF BILLS CONT'D** - amount of \$15,797.59; Sewer Fund in the amount of \$107,737.40; Open Space Fund in the amount of \$17,295.76; State Fund in the amount of \$28,667.85 and Escrow Fund in the amount of \$4,126.79. Total Disbursements ~ \$215,407.81. All aye votes.

**APPROVAL OF MINUTES - May 20, 2013** - A motion by Spaide, seconded by Noll, to approve the minutes of the May 20, 2013, meeting as presented. All aye votes.

**EXECUTIVE SESSION** - At 8:32 P.M. Commissioner Taylor advised that the Board would be meeting in Executive Session to discuss pending litigation and personnel matters; with no action being taken. The meeting reconvened at 9:40 P.M.

**ADJOURNMENT** - There being no further business, a motion by Dolan, seconded by Spaide, to adjourn the meeting at 9:41 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor,  
Township Secretary