

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

May 19, 2014

The meeting of the Board of Commissioners was held on Monday, May 19, 2014, at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Commissioners Elwood Taylor, Herbert C. Miller Jr., Russell Noll and Martin Schreiber present. Also present were Township Solicitor Charles D. Garner, Jr., Police Chief William Moffett, and Public Works Director Frank Quinter. The meeting was called to order at 7:00 P.M. There were 15 people in the audience. 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:

In response to a question from **KEITH KEHL, 1941 Gilbertsville Road**, Commissioner Taylor stated the members of the Board approved the purchase of the property located on Willow Street that would consist of a garage and office facilities intended to replace the Public Works and Police facility that we now have. Mr. Kehl expressed his concern that the Police Department would no longer be located in the center of the township. Commissioner Taylor advised that the Police are always on patrol; they're not at the building. In another matter Mr. Kehl reported that the Crossroads Development is up for sheriff's sale and is scheduled to be sold on May 28th, 2014, at 1:00 P.M. When Mr. Kehl questioned whether the Developer has an escrow account for the property; Attorney Garner explained that he started doing improvements without funding the Development Agreement; however, he then funded enough in order for the Engineer to inspect the work that was already done. Attorney Garner noted that currently there is no money in an escrow account. There was discussion with regards to the width of Cross Road.

REPORTS:

FIRE COMPANY LIAISON - Commissioner Schreiber read the monthly Fire Company Report. Commissioner Schreiber reported that Superior Water Company has been flushing some of the fire hydrants in the Township. Mr. Schreiber reported that the Fire Committee discussed the possibility of getting a vehicle that would be able to access the trails in case of an emergency. Commissioner Schreiber stated that from May 18th thru May 25th is EMS week and noted that Gilbertsville has placed another ambulance in their station.

POLICE DEPARTMENT LIAISON - Commissioner Miller reported the Upper Pottsgrove Police Department had a relatively good month in April 2014. There were 162 total crimes, offences and services. No burglaries or attempted burglaries were reported. The Police Department continues to request that anyone parking their vehicles in their driveway or at curbside must lock their cars. Again, at Coddington View there were six (6) rifled cars along Stonehill Drive. Commissioner Miller stated that of all offenses the animal complaints are the most called-in complaint. He further stated that at some future time the Board of Commissioners must come to a decision with regards to retiring one of our police cars, as the mileage is quite high and breakdowns are becoming a nuisance and costly.

PARKS, RECREATION AND OPEN SPACE LIAISON - Commissioner Miller reported that the Althouse Arboretum sign will be installed on Gilbertsville Road on Tuesday, May 20, 2014. He further reported that small directional signs denoting a back entrance to the Fox Hill Trail will be installed the following day in Hanover Estates. As reported last month, the installation of the beautiful pavilion has been completed with a pipe installed to reduce water runoff during downpours. Unfortunately, a visitor recently decided to build a fire in a grill on the floor of the pavilion. Stains were removed by the road crew and we are in the process of ordering a grill, similar to the one at Heather Place Park, in order to prevent this from happening again. Mr. Miller stated that Eagle Scouts are finding out that Upper Pottsgrove Township affords Eagle Scouts projects. Last week, Mr. Miller worked alongside of Robert Golden and his group of scouts finishing a project at John Prout's Farm. Now we are working with Scout Ethan Broglio on his project slated for the Fox Run Trail on Maugers Mill Road which should be completed in early June. Another Eagle Scout project is on record to be administered and completed during this summer at Sunset Park. Ken Hamilton and Greg Churach reports that Scout Ken Reigner, from Troop 523, will be working towards his Eagle Scout Badge at the Althouse Arboretum by clearing brush and building an outdoor classroom with benches suitable for an environmental discussion. This, if approved by Scout Council, will be completed at one of our trails by summer's end. It was also reported by Ken Hamilton that a proposal to build a trail named Penn's Wood Trail (branch of Sprogel's Run Trail) would be reviewed through presented Engineer drawings. This trail would follow Snyder Road and join a trail which would take walkers down to Sunset Park. This project will include planting trees native to Pennsylvania with the idea, according to Ken and Greg, to "walk the trail and be able to feel like you are in the time of William and John Penn". The reforestation project will include approximately seventy (75) to one hundred (100) trees with twenty four (24) different species among them. In another matter, Commissioner Miller reported that a very important meeting was held at West Pottsgrove Township Building with representatives from Upper Pottsgrove, West Pottsgrove and the Montgomery County Planning Commission. He further reported that discussions were concerning trail connections. We were pleased that Toni Hermerka, Township Manager for Douglass Berks, indicated that they may want to connect to our trail system from their eighty two (82) acre park called Goose Run Park. Commissioner Miller said trails are on everyone's to do list for the Health and Welfare of its citizens. Mr. Miller stated there is much work to be done in order to make all of the trail connections possible. He also stated that he has requested Public Works Director, Frank Quinter, to get our Gator ready for a trail expedition to see how we'll make our recommendation to connect and stakes, will be placed in order so a satellite view can be taken for review. The Open Space Park & Recreation Committee discussed the probability of extending water and electric to the Sunset Park Pavilion. Commissioner Miller noted at this time there is more interest in electric than water; however, should there be an installation for electric then pipes for water should be installed if and when water is approved. Commissioner Miller stated there is a reservation policy for use of the Heather Place Park Pavilion and a similar policy needs to be prepared for the Sunset Park. The recommendation is to limit a party of no more than thirty (30) people at a time at Sunset Park. This should be discussed and reviewed by the Board of Commissioners at a future date.

In response to a question from DIANA UPDEGROVE, 1404 Farmington Avenue, Commissioner Miller stated that people are utilizing the park even though the sign says the park opens at sunrise and closes at dusk. He further stated the hours are listed on the Rules and Regulations Sign but not everyone abides by them. Commissioner Miller noted that it is very difficult to enforce the hours without chains, padlocks, and/or fencing.

GREG CHURACH - 144 Snyder Road - Stated at this Wednesday night's Pottstown Regional Planning Commission Recreation Sub-Committee meeting they will be reviewing applications for a Regional Park and Recreation Coordinator and hopefully someone will be hired within the next month. Mr. Churach reported that the Open Space Committee selected Sunset Park for a Mini-Grant pertaining to the usage of parks in the area.

COMMISSIONER SCHREIBER - Expressed concern that the handicapped parking spaces at Sunset Park are further away from the pavilion and asked if they could be changed.

PLANNING AND ZONING REPORT - Commissioner Taylor reported that the Planning Commission met and discussed the Spregel's Run Development Plan and they are recommending approval by the Board of Commissioners once the engineering issues are corrected.

PUBLIC WORKS REPORT - Public Works Director Frank Quinter reported that the street sweeping was completed during the week of April 23rd thru April 29th. He further reported that the Highway employees partially filled in the swimming pool located along Snyder road; cleaned up debris following heavy rainfall on Boxwood Court, Yarnall Road and Farmington Avenue; opened clogged pipe located at Gilbertsville Road and Cherry Tree Lane; also removed debris from inside the storm inlet box. Continued patching and compacting potholes on Chestnut Grove Road, Evans Road, Yarnall Road and Orlando Road; responded to high wet well alarms at Pineford Road Pump Station and Regal Oaks Pumping Station; All American Septic Haulers was called in to keep wet wells from overflowing.

SPECIAL TOWNSHIP PROJECTS - Commissioner Noll stated that he didn't have anything new to report; but continued support of the resolution Upper Pottsgrove passed regarding the unfunded mandates. Commissioner Miller addressed Commissioner Noll and expressed his thanks and appreciation to him for standing up for this township in front of the School Board.

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 stated that his monthly activities are included on the meeting agenda.

TOWNSHIP MANAGER - Commissioner Taylor reported that he did send an email regarding the possibility of obtaining some topsoil for Hollenbach Park. Commissioner Taylor explained there is a soccer field being built with dirt coming from the Coddington View Development at no cost to the Township. Mr. Taylor advised that there may be a considerable amount of topsoil available at the same time and noted that the Township could bank the topsoil at Hollenbach

TOWNSHIP MANAGER (CONT'D.) -Park for future potential rejuvenation. Commissioner Taylor explained that the topsoil could be used to create a berm along the eastern edge (the Turnberry side) of the original field. He further explained that this would be graded, shaped, seeded, and “mowable” and not just a pile of dirt like over at Coddington View. A motion by Miller, seconded by Schreiber, to utilize the dirt from the Coddington View Development at Hollenbach Park. All aye votes.

THOMPSON'S AUTOMOTIVE SALVAGE YARD - Commissioner Taylor reported that Mr. Mark Thompson, Farmington Avenue, is requesting to sell a few used cars in the front of his lot which would be a part of his automotive salvage activities. He further reported that Mr. Thompson has that use by right, once he gets approval by the Board of Commissioners. Commissioner Taylor explained that before he (Thompson) goes through the whole process of applying for a Conditional Use, he wants to get the consensus of the Board members as to whether they would entertain some level of used car sales. Attorney Garner stated the Conditional Use hearing will be held during a regular meeting of the Board. Commissioners Noll and Schreiber stated they would both be in favor of Mr. Thompson's request. Commissioner Miller stated that he would not object as long as the Township could set some parameters or conditions.

MONTHLY FINANCIAL REPORT - Copies of the monthly Financial Reports were included in the Board's meeting packets.

NEW BUSINESS:

CONSIDER APPROVAL OF FIRE POLICE ACTIVITIES - Commissioner Taylor reported that the Hatboro Police Department is requesting assistance from the Upper Pottsgrove Fire Police for their upcoming 2014 events. The events include the Hatboro Summer Festival from May 20 to May 26, 2014; the Hatboro Car Show on June 26, 2014; the Skelton Scurry on October 24, 2014, and the Hatboro Holiday Parade on November 23, 2014. A motion by Schreiber, seconded by Noll to approve participation in the above listed activities by the Upper Pottsgrove Fire Police. All aye votes.

CONSIDER APPROVAL OF PROUT FARM PARK CULTIVATION AGREEMENT - Commissioner Taylor explained that the Township owns property located along Moyer Road which is designated and maintained as open space. He further explained that John Prout intends to plant a crop of soybeans in May, 2014, and harvest the crop in November, 2014. After a brief discussion, a motion by Miller, seconded by Noll, to approve the Prout Farm Park Cultivation Agreement. Aye votes: Noll, Miller and Taylor. Opposed: Schreiber. Motion carried.

CONSIDER APPROVAL OF EDU REDUCTION FOR 882 FARMINGTON AVENUE - Commissioner Taylor explained that the Township's commercial sewer customers are billed according to their water meter readings. Mr. Taylor reported that the Township received a request from the commercial property owner at 882 Farmington Avenue requesting that the Board consider reducing his EDU allotment from eight to two EDU's and that the reduction be reflected in the next quarterly sewer billing. A motion by Noll, seconded by Miller, to approve the EDU reduction from eight to two for the commercial property located at 882 Farmington

CONSIDER APPROVAL OF EDU REDUCTION FOR 882 FARMINGTON AVENUE CONT'D - reflected in the next quarterly sewer billing. A motion by Noll, seconded by Miller, to approve the EDU reduction from eight to two for the commercial property located at 882 Farmington Avenue. All aye votes.

CONSIDER APPROVAL OF UPLAND SQUARE TRAFFIC SIGNAL AGREEMENT WITH PENNDOT - Commissioner Taylor reported that Dan Adams, Traffic Signals Supervisor, with PennDOT, has contacted him regarding the SR 4031-PSS state contract project which will interconnect signals in the Pottstown area. Commissioner Taylor explained that there already is PennDOT fiber up to the Pottstown Pike/State Road/Upland Square Drive signal, and fiber exists from the development project between that signal and the next one at Upland Square Drive/Upland Square. He further explained that remote communications from their office would require relatively little effort. The Township is still required to perform regular maintenance, however the remote communications would allow them to observe operation of the signal and view timings if they receive a complaint. There would be no installation cost to the Township, as the state project would supply the material and perform the work. A motion by Noll, seconded by Schreiber, to approve Resolution 645 authorizing approval and signature of the Upland Square Traffic Signal Agreement with PennDOT. All aye votes.

CONSIDER RESIGNATION OF MR. LEISTER FROM CIVIL SERVICE COMMISSION - A motion by Miller, seconded by Schreiber, to reluctantly accept the resignation of Reginald Leister from the Civil Service Commission. All aye votes.

CONSIDER APPOINTMENT OF TOWNSHIP MANAGER - Commissioner Taylor reported that Carol R. Lewis, has agreed to accept employment with Upper Pottsgrove Township. A motion by Noll, seconded by Schreiber, to appoint Carol R. Lewis as the Township Manager effective June 9, 2014, subject to the execution of an Employment Agreement. All aye votes.

CONSIDER EMPLOYMENT AGREEMENT WITH CAROL LEWIS AS TOWNSHIP MANAGER - A motion by Schreiber, seconded by Noll, to approve and authorize the execution of an Employment Agreement with Carol Lewis for the position of Township Manager. All aye votes.

CONSIDER APPROVAL OF USE AGREEMENT FOR THE ALTHOUSE ARBORETUM - Attorney Garner presented a draft of the Use Agreement between Upper Pottsgrove Township and the SAVE Alliance. After a brief discussion, the Board agreed to discuss this matter at a future meeting.

CONSIDER APPROVAL OF GRANT APPLICATION FOR POND RENEWAL AT SUNSET PARK - Mr. Taylor explained there are grant funds available through Pottstown Area Health and Wellness Foundation which can be utilized for a pond study to determine where the leak is in the pond at Sunset Park. The Board of Commissioners agreed to apply for this grant.

CONSIDER APPROVAL OF GRANT APPLICATION FOR SPROGEL'S RUN TRAIL AND GARDEN CONSTRUCTION AT ALTHOUSE ARBORETUM (HEALTH AND WELLNESS)

- Commissioner Taylor reported that the SAVE Alliance Foundation has applied for a mini-grant through Pottstown Health and Wellness Foundation for the Sprogel's Run Trail and Garden Construction at the Althouse Arboretum located at 1794 Gilbertsville Road. Commissioner Taylor explained that the Arboretum is being planned so that people with mobility issues, can not only have access to outdoor spaces and activities, but also play a role in its functions and operations. The project includes constructing an entrance and parking for easy handicapped accessibility; a smooth transition and paths for access to gardens, open meadows, and trails; educational gardens designed for people with mobility issues to work in and signs to provide visitor information and program announcements. Mr. Taylor explained that this is a matching grant, and the matching funds would come from S.A.V.E. He further explained that the Township has to sign off on the grant since it is Township owned property. Mr. Garner explained the grant is for \$20,000.00 and the matching funds are \$5,000.00. A motion by Miller, seconded by Noll, to approve and authorize signature on the grant application. All aye votes.

CONSIDER APPROVAL OF SNYDER ROAD TRAIL CONSTRUCTION AT ALTHOUSE ARBORETUM

- Commissioner Taylor reported that the SAVE Alliance Foundation is applying for a Mini-Grant to construct the Althouse Arboretum's Penn's Wood Trail. The project will include construction of a trail for public access and education through a re-creation of Penn's Woods on Township Open Space lands along an edge of a Montgomery County-designated "unique and scenic road" where old growth trees were removed and invasive species have moved in. A motion by Miller, seconded by Noll, to approve the Snyder Road Trail construction at the Althouse Arboretum. All aye votes.

CONSIDER APPROVAL OF EAGLE SCOUT PROJECT AT ALTHOUSE ARBORETUM

- Commissioner Taylor reported that Scout Ken Reigner, from Troop 523, is working towards earning his Eagle Scout Badge and is proposing to clear a meadow and build benches for an outdoor classroom at the Althouse Arboretum. A motion by Miller, seconded by Schreiber, to approve the Eagle Scout project at the Althouse Arboretum. All aye votes.

CONSIDER LIEN INTEREST REDUCTION FOR 1400 FARMINGTON AVENUE

- There was discussion regarding Mr. Winpenny's request for a reduction in lien interest for the property located at 1400 Farmington Avenue. A motion by Miller, seconded by Schreiber, to approve reducing the interest payments by fifty percent (50%) on past due liens for the property located at 1400 Farmington Avenue. All aye votes.

OLD BUSINESS:

CONSIDER ADVERTISING ZONING ORDINANCE FOR OUTDOOR WOOD BOILERS

- An Ordinance amending Chapter 350, Zoning, of the Upper Pottsgrove Township Zoning Ordinance, for the Purposes of Amending Section 350-8 Adding Certain Definitions Related to Outdoor Solid Fuel Burning Furnaces, Permitting Certain Outdoor Solid Fuel Burning Furnaces by Conditional Use in all Zoning Districts and by Adding a New Articles XXVII, Outdoor Solid Fuel Burning Furnaces, Setting Forth the Standards Applicable to Conditional Use Approval for the Outdoor Solid Fuel Burning Furnaces. A motion by Miller, seconded by Noll, to authorize advertisement of the Zoning Ordinance for Outdoor Wood Boilers. All aye votes.

CONSIDER DRAFTING REGULATORY ORDINANCE FOR OUTDOOR WOOD BOILERS – After a brief discussion, the members of the Board recommended that the Solicitor draft a new Regulatory Ordinance to address existing wood boilers within the Township. All aye votes.

CONSIDER APPROVAL OF BORROWING ORDINANCE FOR 2014 ROAD PROJECTS - ORDINANCE #472 - An Ordinance Increasing the Indebtedness of Upper Pottsgrove Township, by the Issue of a General Obligation Note in the Amount of Five Hundred Thousand Dollars (\$500,000.00), for Certain Capital Road Improvement Projects, including Overlay of Yarnall Road, Snyder Road, Horseshoe Drive, Irwin Drive, Hanover Drive, and the Microsurface of Juniper Street, Heather Place, Primrose Lane, and Lotus Drive; Fixing the Form, Number, Date, Interest, and Maturity Thereof; Making a Covenant for the Payment of the Debt Service on the Note; Providing for the Filing of the Required Documents; Providing for the Appointment of a Sinking Fund Depository for the Note; Designating the Note as a Qualified Tax Exempt Obligation, as Defined in Section 265 (b) (3) (B) of the Internal Revenue Code, as Amended; Providing Covenants Relating to the Payment of the Debt Service Applicable to Such Note and to the Extent Required by the Act and Pledging the Full Faith, Credit and Taxing Power, of the Township in Support Thereof; and Authorizing Execution , Sale and Delivery Thereof. Roll call vote: Miller ~ aye; Noll ~ aye; Taylor ~ aye. Schreiber ~ opposed. Motion carried.

COMMISSIONERS COMMENTS – There were no comments from the Commissioners.

PAYMENT OF BILLS - Bill List dated May 19, 2014 – Public Works Director, Frank Quinter, expressed his concern that an invoice for Artim’s was taken out of his budget when it should have been for police vehicle repairs. He also noted that the invoice from TRS Welding & Fabrication should have been written from the Open Space Fund and not the Sewer Fund. After a brief discussion, a motion by Miller, seconded by Noll, to approve the May 19, 2014, Bill List for General Fund in the amount of \$44,118.36; Fire Fund in the amount of \$14,071.62; Sewer Fund in the amount of \$11,377.89; Open Space Fund in the amount of \$2,943.48; State Fund in the amount of \$25,503.12; and Escrow Fund in the amount of \$2,154.42. Total Disbursements ~ \$100,168.89.

APPROVAL OF MINUTES - April 21, 2014 - A motion by Miller, seconded by Schreiber, to approve the minutes of the April 21, 2014, minutes as presented. All aye votes.

EXECUTIVE SESSION - At 9:00 P.M. Commissioner Taylor advised that the Board would hold an Executive Session to discuss matters of personnel and litigation. The meeting reconvened at 9:27 P.M. A motion by Miller, seconded by Noll, to recommend that the Civil Service Commissioner decertify and void the current Eligibility List. All aye votes.

ADJOURNMENT – At 9:28 P.M. a motion by Miller, seconded by Schreiber, to adjourn the meeting. All aye votes.