

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

July 21, 2014

The meeting of the Board of Commissioners was held on Monday, July 21, 2014, at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Commissioners Elwood Taylor, Herbert C. Miller Jr., Russell Noll and Renee Spaide present. Also present were Township Solicitor Charles D. Garner, Jr., Police Chief William Moffett, Township Manager Carol R. Lewis, Public Works Director Frank Quinter and Planning & Zoning Administrator Michelle Reddick. The meeting was called to order at 7:00 P.M.

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 (non-agenda items) – There were no public comments.

REPORTS:

FIRE COMPANY LIAISON – Commissioner Taylor noted the report for the month has been provided. He advised that the Fire Company has requested permission to install a residential stove for use by fire company members only. In response to a concern expressed by Mr. Noll, it was noted that a permit will be required and the electrical work will be inspected. A motion by R. Spaide, seconded by H. Miller and unanimously carried to grant permission to allow the Fire Company to install a residential style stove to be used by Fire Company members only.

POLICE DEPARTMENT LIAISON – Commissioner Miller provided the report for June, 2014. He noted that assistance for other departments was heavy during the month. He reported that there were 22 dog violations. He reiterated the importance of keeping doors locked to houses and vehicles. Information concerning this will be on the front page of the upcoming newsletter.

PARKS, RECREATION AND OPEN SPACE LIAISON – Commissioner Miller advised that the Eagle Scout projects have been completed. He thanked F. Quinter and the Public Works Department for their efforts in maintaining the parks and trails. He noted there will be improvements made to the parking area at Hollenbach Park. He provided a draft plan showing trail connections to West Pottsgrove Township and indicated there will be upcoming meetings to discuss the trail connections. He further indicated that Toni Hemerka from Douglass Township, Berks County, is also very interested in trail connections, particularly a connection of the Goose Run Trail. He advised that State Representative Marcy Topel contacted him, and he will be meeting with her next week to tour our parks, trails and open space areas. In response to a question from Mr. Noll, C. Lewis advised that we are still in third place in the park contest. Mr. Taylor reviewed the contest and encouraged residents to vote.

PLANNING AND ZONING & ADMINISTRATION LIAISON – Commissioner Taylor advised that there are no new updates.

NEW BUSINESS:

PRESENTATION OF CERTIFICATE OF APPRECIATION – Commissioner Taylor presented Reginald Leister with a plaque for his 30 years of dedicated volunteer service to the township. Mr. Leister was given a standing ovation.

REPORTS (cont'd.):

PUBLIC WORKS REPORT – Commissioner Spaide briefly reviewed the public works report and noted a copy is available for review in the lobby. In response to a question from Commissioner Spaide, F. Quinter advised that the contracts for the road work have been received, and work should be started within the next few weeks. In response to a question from Commissioner Noll, F. Quinter advised that Code Enforcement Officer Jeff Vogels has sent letters to those property owners where brush is causing a site distance problem. In response to another question from Commissioner Noll, F. Quinter advised that they picked up and placed a boulder at Fox Run Trail so residents do not drive around the post.

SPECIAL TOWNSHIP PROJECTS – Commissioner Noll advised there is nothing to report this month.

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 – Solicitor Garner reported that Tower Point Capital has proposed purchasing our existing lease for the cell tower on Moyer Road. He noted they propose to pay a lump sum of \$272,660 in exchange for assigning the Township's lease rights for fifty years. He further noted the Township currently receives \$2,000 per month for lease rent for this tower, and our rentals go up three (3) percent over the course of the lease agreement. He further reported that they were also interested in the tower at Heather Place, but the Township has already assigned the lease right to that tower. In response to questions from **William Brogley, 2348 Ming Drive**, Solicitor Garner advised this would not change the percentage of revenue that Hillside receives from the Township for this tower, and the amount owed to Hillside would have to be calculated out if the Township agrees to take a lump sum payment; however, Hillside would not have to agree to assigning the lease rights. Commissioner Spaide expressed concern that there is a reason they are offering so much money and would like to know why. In response to a question from Commissioner Noll, Solicitor Garner advised that Tower Point Capital contacted the Township regarding this matter. Commissioner Noll advised that he believes cell phones are not going anywhere, and we should keep our annual revenue stream rather than assigning our lease rights. Commissioner Taylor disagreed and noted that there are already mini towers being installed in various places so our towers may disappear in the near future anyway. In response to a concern expressed by Commissioner Miller, Solicitor Garner advised it is in our agreement that the tower company is responsible for decommissioning the cell tower and money is being held in escrow for this purpose. Commissioner Taylor noted that there does not seem to be an interest in assigning the lease rights for the tower so he asked Solicitor Garner not to pursue this matter any further.

TOWNSHIP MANAGER – Carol R. Lewis reported that we have been and are continuing to work on organizing files and streamlining procedures.

PUBLIC HEARING – WOOD BOILER ORDINANCE – Solicitor Garner opened the public hearing on the proposed wood boiler ordinance. He explained that the proposed ordinance was properly advertised in the local newspaper. He further explained that, as required under the Municipalities Planning Code, notice was provided to the Montgomery County Planning Commission and the Upper Pottsgrove Planning Commission on May 23, 2014. He advised that a letter was received from the MCPC on May 30, 2014 recommending approval. He further advised that the UPPC reviewed and recommended approval of the proposed ordinance. He briefly explained the proposed ordinance and advised that it would only apply to new wood boilers. He explained that this is a legislative hearing and opened up the floor for public comment. There being no public comment, the hearing was closed, and he noted the Board would consider adoption of the ordinance later in the meeting.

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

NEW BUSINESS (cont’d.):

FIRE POLICE ACTIVITIES – **Consider Approval** – A motion by R. Noll, seconded by R. Spaide and unanimously carried to ratify approval for the Fire Company and Fire Police to participate in the Conshohocken fireworks which was held on July 3, 2014 in the Borough of Conshohocken.

CONSIDER PROPOSED RESOLUTIONS SUBMITTED BY THE CIVIL SERVICE COMMISSION – Solicitor Garner advised that the Civil Service Commission has submitted several resolutions for approval. He explained that the first two resolutions naming the Montgomery County Consortium of Communities as the written and physical agility testing administrator do not have to be approved by the Board as they are a function of the Civil Service Commission. The other resolutions deal with amending the Civil Service Rules and Regulations concerning the general qualification requirements, the physical agility examination requirements, the background investigation requirements, the written examination requirements and the oral examination requirements, and these do have to be approved. Solicitor Garner explained the general qualification requirements would allow options other than the required minimum of 60 credits from an accredited college or university which include a minimum of three years continuous full-time experience as a PA police officer or have served in “police capacity” in the military for a minimum of two years within a four year enlistment. **William Brogley, 2348 Ming Drive and member of the Civil Service Commission**, expressed concern that it should be a minimum of five years, not three years, continuous full-time experience as a PA police officer. Township Manager C. Lewis explained that the draft resolution did say five years full-time

CONSIDER PROPOSED RESOLUTIONS SUBMITTED BY THE CIVIL SERVICE

COMMISISON (con't.d) - experience; however, after discussion at the Civil Service meeting, it was agreed to change it to three years and the minutes from that meeting reflect three years. Solicitor Garner explained that the Board could approve all resolutions except for the one concerning general requirements until such time the issue is resolved. Mr. Brogley expressed concern that the Township needs to get the requirements to the Montgomery County Consortium of Communities as soon as possible. Chief Moffett explained that the application has been drafted to require three years minimum experience, but could possibly be amended. The Board agreed to hold off on adopting the resolution concerning general qualification requirements. A motion by R. Spaide, seconded by H. Miller and unanimously carried to approve Civil Service resolution numbers 14-07-04, 14-07-05, 14-07-06 and 14-07-07 amending the Civil Service rules and regulations.

CONSIDER LANDLORD'S CONSENT TO LEASE HOLD MORTGAGE

– Solicitor Garner explained that the owner of the digital sign located at 1420 Heather Place is looking to refinance and needs consent from the Township. He further explained there is an agreement to sign as well as a letter that will be provided indicating the sign is zoning compliant and has received all necessary permits and inspections. In response to a question from Commissioner Noll, Solicitor Garner advised that the letter would be provided to the owner who would then provide it to the lender. A motion by R. Noll, seconded by R. Spaide and unanimously carried, to sign the landlord's consent to lease hold mortgage and provide the necessary letter.

OLD BUSINESS:

ORDINANCE #473 – An ordinance amending Chapter 350, Zoning, of the Code of the Township of Upper Pottsgrove, for the purposes of amending Section 350-8 adding certain definitions related to outdoor solid fuel burning furnaces, permitting certain outdoor fuel burning furnaces by conditional use in all zoning districts and by adding a new Article 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 R. Noll, seconded by H. Miller and unanimously carried to adopt Ordinance #473.

ORDINANCE #474 – An ordinance establishing regulations for the use and operation of all outdoor solid fuel burning furnaces. In response to a question from Commissioner Noll, Solicitor Garner explained that the ordinance would be effective immediately or when the Board states. A motion by R. Spaide, seconded by R. Noll and unanimously carried to adopt Ordinance 474 to be effective in 90 days.

OPEN SPACE ACCESS DRIVES – The Township received a quote from Stern Nester Paving to pave the access drives for Fox Run Trail and Prout Farm Park. The estimate is \$2,700.00 for Fox Run Trail and \$4,600.00 for Prout Farm Park. In response to a question from Commissioner Noll, Mr. Taylor advised the access for Fox Run Trail will be off of Mangers Mill Road, and the funds for this project will come out of open space. A motion by R. Spaide, seconded by R. Noll and unanimously carried to approve Stern Nester Paving to pave the access drives at a total cost

OPEN SPACE ACCESS DRIVES (cont'd.) - of \$7,300.00. In response to a concern expressed by **Keith Kehl, 1941 Gilbertsville Road**, E. Taylor advised that the portion of Moyer Road near Prout Farm Park that has washed out will be repaired and a swale will be provided.

OTHER PUBLIC COMMENT – **Keith Kehl, 1941 Gilbertsville Road**, expressed concern that Goodwill Ambulance told his mother she was serviced by Gilbertsville, but yet Gilbertsville could not give her a price for membership. E. Taylor noted that his mother's property should be serviced by Goodwill Ambulance and agreed to have the Manager, C. Lewis contact Goodwill regarding this matter.

Dennis Elliott, 576 Evans Road, noted that the Township has worked with developers over the years in developing residential properties, but questioned whether the Township has ever tried to market for commercial development. E. Taylor advised that prior manager Jack Layne had been working with the Montgomery County Development Authority on this matter. D. Elliott noted he has previously worked with agencies out of Harrisburg to develop ways to market the community for commercial development and suggested the Township look into this as the development of our parks, recreation and open space would make our community more marketable. Commissioners Taylor and Miller thanked Mr. Elliott for the useful information and his suggestions.

In response to a question from **Keith Kehl, 1941 Gilbertsville Road**, C. Lewis advised that a letter has been sent to Verizon requesting that they broadcast PCTV.

COMMISSIONERS COMMENTS – Commissioner Spaide advised that a regional planning director has been hired and is excited about working with the various townships in making trail connections.

Commissioner Noll thanked the members of the Civil Service Commission for their efforts and quick response in amending the rules and regulations.

Commissioner Taylor reported that the home at 1805 Yarnall Road has finally been demolished.

Commissioner Taylor also reported that our local legislators worked really hard to have money included in the budget this year for sewage planning grants, which is owed to the Township, but our Governor has vetoed it.

Commissioner Taylor suggested that the Commissioners consider additional road work in areas of Regal Oaks where there will not be any installation of future sewer infrastructure since there is additional money that can be borrowed. Commissioner Miller agreed that we could get a better price now rather than later, and believes it shows good faith on the part of the Board. In response to a concern expressed by Commissioner Noll, Solicitor Garner advised that the paperwork allows the Township to borrow \$500,000.00, and we have not finalized the borrowing so it is possible to include borrowing for additional road work. The Commissioners agreed to

COMMISSIONERS COMMENTS (cont'd.) - pursue this matter as long as we can get the additional money, it is within our borrowing limits, and it can fit within the current contract.

OTHER PUBLIC COMMENT (cont'd) – In response to a concern expressed by **Betty Long, 1898 Orlando Road**, Commissioner Taylor advised that there are on-going investigations and several court matters.

Michelle O'Connor, 1875 Orlando Road, advised that the neighbors are now breeding dogs and suggested the Township or Police Department investigate the matter further. In response to a question from Ms. O'Connor, E. Taylor suggested she contact Township Manager C. Lewis to discuss selling off an acre of land behind her house.

In response to another concern expressed by **Betty Long, 1898 Orlando Road**, the Board of Commissioners agreed to have staff look into posting speed limit signs on Orlando Road and make a recommendation for the Board to consider.

APPROVAL OF MINUTES – A motion by R. Noll, seconded by H. Miller and unanimously carried to approve the May 19, June 16 and June 30, 2014 minutes, as presented.

PAYMENT OF BILLS - Bill List dated July 21, 2014 – Manager Carol R. Lewis advised that the Bill List will be amended to include additional reimbursement of \$23.80 from the General Fund for Commissioner Noll as his mileage reimbursement was miscalculated. She further advised that an invoice for LTL will be paid out of the Escrow Fund instead of General Fund, but will not change the amounts listed on the Bill List. A motion by H. Miller, seconded by R. Noll and unanimously carried to approve the amended bill list dated July 21, 2014 for General Fund in the amount of \$65,036.43; Fire Fund in the amount of \$2,812.50; Sewer Fund in the amount of \$9,027.35; Open Space Fund in the amount of \$21,804.60; State Fund in the amount of \$7,053.45; and Escrow Fund in the amount of \$2,292.72. Total Disbursements ~ \$108,027.05.

Commissioner Schreiber arrived at the meeting at 8:28 PM.

EXECUTIVE SESSION – At 8:29 P.M., Commissioner Taylor advised the Board will be having an executive session to discuss matters of real estate, but no action will follow.

ADJOURNMENT – The meeting reconvened at 9:09 P.M. There being no further business, the meeting was adjourned.

Respectfully Submitted,

Carol R. Lewis, Assistant Secretary