

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

**March 6, 2006**

A meeting of the Board of Commissioners was held on Monday, March 6, 2006, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners DeLena, Dolan, Iatesta, Noll and Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., Township Manager Michael A. Cotter and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:00 P.M. There were 23 people present and a Mercury reporter present in the audience.

**MOMENT OF SILENT PRAYER** – Mr. Taylor requested a moment of silence in honor of the men and women who have served or are currently serving our country in the armed forces.

**PLEDGE OF ALLEGIANCE** - Those assembled pledged allegiance to the flag.

**PUBLIC COMMENT:**

**REG LEISTER - 1693 Farmington Avenue** – Requested an update with regards to the flag on the cell tower. Mr. Cotter stated American Tower provided the Township with three options for dealing with any future problems. The primary option is to void an existing lease or an agreement with a carrier that is not using open internal space in the pole and they are going to take the existing external antennae and put them inside.

**ROBERT SLOSS – 2097 Needhammer Road** – Questioned whether there was a commitment date from American Tower as to when the problem will be fixed. Mr. Cotter stated he would be following up on the matter. Mr. Sloss stated the flag is “sacred” to him and advised the members of the Board that if there are any future problems regarding the flag he will personally cut down the pole.

**HENRY BEALER – 1382 Farmington Avenue** – Referenced the advertisement for the meeting that was held on Saturday, March 4 and questioned why it was advertised so far in advance. Attorney Chuck Garner stated the advertisement did comply with the provisions of the law as far as notice and time.

**CARL SPECHT – 150 Primrose Lane** – Expressed concern with regards to the Township website and noted the last meeting agenda posted was dated February 6, 2006. When Mr. Specht referenced the amount of money being spent on the website and additional computer purchases Mr. Cotter clarified that there wasn't any township money spent on the construction of the website; it was done by volunteer labor and it is maintained by the Manager during off hours.

When **CONNIE SWEIGART, 991 Farmington Avenue**, questioned whether there are any permits in place for THP Properties Mr. Cotter said “no”. Mr. Garner addressed Mrs. Sweigart and reported he spoke with a representative from THP Properties and advised them of her concerns and was assured that someone would be contacting her.

**DORIS DOTTERER – Hillside Drive** – Expressed concern regarding truck traffic and the use of “jake brakes” along Route 100 and questioned whether the Township has a noise ordinance. Mr. Cotter stated he would discuss the matter with the Solicitor.

**HAROLD HEIMBACH – 1498 Lotus Drive** – Referenced the recent sewer work within the Greengate Development and expressed concern regarding yard restoration. Mr. Cotter noted the properties will be regraded in early spring.

### **PUBLIC HEARING**

**ORDINANCE #391** – An Ordinance amending various Sections of Chapter 310, Subdivision and Land Development, of the Upper Pottsgrove Township Code of Ordinances to revise certain procedural provisions and technical requirements; and amending Section 350-71.A of Chapter 350, Zoning, of the Upper Pottsgrove Township Code of Ordinances to revise the minimum front yard for single-family detached dwellings in Standard Lotting. Commissioner Taylor noted the Planning Commission reviewed the proposed ordinance and recommended approval. Attorney Garner opened the public hearing and summarized the changes to the proposed ordinance. The hearing was closed at 7:18 P.M. After discussion, a motion by Noll, seconded by DeLena, to adopt Ordinance #391 amending various sections of the Township’s Subdivision and Land Development Ordinance and Zoning Ordinance by including the recommendations of the Planning Commission contained in the memo dated March 3, 2006, with the exception of item #3. All aye votes.

**FINANCIAL REPORTS** – Mr. Cotter briefly reviewed the December and January Financial Reports as well as the Year End Reconciliations from the Tax Collector. Commissioner Iatesta requested a clarification from Michelle, who was present in the audience, regarding carryovers listed on her reconciliation.

**ROBERT SLOSS – 2097 Needhammer Road** – Requested the figure for the Fire Fund as noted on the Financial Report.

**AUTHORIZATION TO PURCHASE DELL COMPUTERS FOR NETWORK AND ADMINISTRATIVE USE IN AN AMOUNT NOT TO EXCEED \$9,500** - Mr. Cotter noted that the purchase includes a work station for the Fire Company and advised his existing lap top computer will be utilized by the Public Works Department. He further advised that Officer Zoski will set up the new computers during his “off hours.” After a brief discussion, a motion by Dolan, seconded by DeLena, to authorize the purchase of Dell computers for network and administrative use in an amount not to exceed \$9,500. All aye votes.

**REVIEW OF AN ORDINANCE AMENDING THE TOWNSHIP’S SANITARY SEWER RENTAL CHARGES** - An Ordinance amending Chapter 275, Sewers and Sewage Disposal, of the Code of the Township of Upper Pottsgrove, as amended, for the purpose of amending sanitary sewer rental charges. Mr. Cotter noted there would be a five dollar (\$5.00) increase per quarter to the sewer rental charges. After discussion, a motion by Iatesta, seconded by Dolan, to authorize the advertisement of the proposed ordinance. All aye votes.

**ROBERT SLOSS – 2097 Needhammer Road** – Questioned whether the proposed 5% rate increase will be used specifically for capital improvements in the sewer fund. Mr. Cotter advised the proposed rate increase is a general rate increase; however the Board will be acting on a policy that will start directing monies into reserve accounts.

**MARY ANN ALESSI - 1482 Heather Place** – Questioned whether there are any outstanding loans due to the Sewer Fund. Mr. Cotter explained \$100,000 was borrowed from the Sewer Fund and is being paid back in \$25,000 annual increments.

**REVIEW OF AN ORDINANCE REGULATING CONNECTION TO THE TOWNSHIP'S PUBLIC WATER SYSTEMS** – An Ordinance requiring all owners of certain properties located in the Wolf Run contamination area to connect to the existing and/or soon to be constructed water distribution system under certain circumstances; to pay tapping fees and other user charges; to regulate the manner of making connections to the water system; to provide for notice, entry of property and connection by the township; to adopt certain rules and regulations and provide for adoption of additional rules and regulations; and to provide enforcement remedies and penalties of violations. Attorney Garner summarized the provisions of the ordinance. The Board discussed minor changes with regards to the testing of wells and indemnification as outlined in Section 9 of the proposed ordinance. After discussion, it was agreed that the Solicitor would incorporate the changes and revise the proposed ordinance.

**CARL SPECHT - 150 Primrose Lane** – Questioned how the Board can require residents to hook into the public water system if they can prove that their well is not contaminated. Commissioner Iatesta stated the resident would have the right to appeal to the Board of Commissioners.

**APPEAL OF HANOVER ESTATES** – Attorney Chuck Garner provided a brief history regarding the Hanover Estates Subdivision. After a brief discussion, a motion by Dolan, seconded by DeLena, to deny the revised preliminary subdivision plan for Hanover Estates dated November 28, 2005 for failing to comply with the requirements of the Township's Subdivision and Land Development Ordinance as referenced in LTL Consultant's review letter dated January 16, 2006. All aye votes.

**ACTION ON THE RECOMMENDATION OF THE OPEN SPACE COMMITTEE TO BEGIN NEGOTIATIONS ON THE ACCEPTANCE OF PROPERTY 2006 -A INTO THE TOWNSHIP'S OPEN SPACE PLAN, AND TO RETAIN THE SERVICES OF INDIAN VALLEY APPRAISERS TO CONDUCT AN APPRAISAL OF THE PROPERTY IN AN AMOUNT NOT TO EXCEED - \$2,300** – A motion by Noll, seconded by Iatesta, to authorize the Open Space Committee, with the assistance of the Solicitor and Township Manager, to enter into negotiations for property No. 2006-A, and to retain the services of Indian Valley Appraisers to conduct a property appraisal in an amount not to exceed \$2,300. All aye votes.

**ACTION ON RESOLUTION #483, AUTHORIZING THE EXECUTION OF THE MONTGOMERY COUNTY CONSORTIUM OF COMMUNITIES ("MCCC") ARTICLES OF AGREEMENT, AND PARTICIPATION IN THE MCCC** – A motion by DeLena, seconded by Noll, to authorize the execution of the Montgomery County Consortium of Communities Articles of Agreement, and participation in the MCCC. All aye votes.

**ACTION ON THE TOWNSHIP ANIMAL CONTROL OFFICER AGREEMENT** – A motion by DeLena, seconded by Noll, to authorize the execution of the Animal Control Officer Agreement. All aye votes.

**ACTION ON THE POTTS GROVE LITTLE LEAGUE KULP FIELDS USE AND MAINTENANCE AGREEMENT** – A motion by Dolan, seconded by DeLena, to authorize the execution of the Pottsgrove Little League Kulp Fields Use and Maintenance Agreement. All aye votes.

**ACTION ON THE MONTGOMERY COUNTY BOARD OF ELECTIONS LEASE AGREEMENT** – Discussion on this matter was tabled to a future meeting.

**APPROVAL OF BILL LIST** – A motion by Dolan, seconded by DeLena, to approve the Bill List dated March 6, 2006, for General Fund in the amount of \$14,054.64; Sewer Fund in the amount of \$124,818.93 and State Fund in the amount of \$3,273.40. Total Expenditures - \$142,146.97. All aye votes.

**COMMISSIONERS COMMENTS** – There were no comments.

**PUBLIC COMMENT:**

**REG LEISTER – 1693 Farmington Avenue** – Expressed a concern regarding the numerous cats next to his property. Attorney Garner suggested he lodge a complaint with the Montgomery County Health Department.

**ROBERT SLOSS – 2097 Needhammer Road** – Requested an update regarding increasing the Sewer Committee from three members to five members.

**CARL SPECHT – 150 Primrose Lane** – Asked if the Public Works Department could clean up the roads within the Greengate Development due to the sewer work.

**EXECUTIVE SESSION** – At 9:00 P.M. Mr. Taylor advised there would be an Executive Session to discuss personnel matters. The meeting reconvened at 9:42 P.M.

**ADJOURNMENT** – There being no further business the meeting adjourned at 9:45 P.M.

Respectfully submitted,



Cynthia H. Saylor  
Township Secretary