

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

June 22, 2006

A meeting of the Board of Commissioners was held on Thursday, June 22, 2006, at the Upper Pottsgrove Township Administrative Offices, 1409 Farmington Avenue, with Commissioners DeLena, Dolan, Iatesta and Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., Interim Manager Jack P. Layne and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:00 P.M. Commissioner Noll was unable to attend the meeting.

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 COMMENTS:

HENRY BEALER - 1382 Farmington Avenue - Questioned when a new flag would be installed on the cell tower. Commissioner Taylor stated a new flag will be installed on Monday and noted there was a problem with the pulley system.

REG LEISTER - 1693 Farmington Avenue - Asked if the torn flags from the cell tower could be given to him for "retirement" at next year's flag ceremony.

EMERGENCY SERVICES REPORT - Commissioner Taylor reported a copy of the monthly Police Report would be posted on the bulletin board.

PLANNING & ZONING REPORT - Commissioner Taylor reported a copy of the monthly Planning & Zoning Report was included in the Board's packet. Regional Planning Report - Mr. Taylor reported the Committee discussed the possibility of consider negotiating as a region rather than individually with regards to the Verizon Cable Contract. He further reported there is some concern that as members of the Delaware Valley Regional Planning Commission we are not receiving our fair share of the State and Federal funding and questioned whether the Township would support a joint request for equity.

PUBLIC WORKS REPORT - Commissioner Iatesta reported work is progressing slowly in Phase IV of the construction at Coddington View due to large amounts of rock. He further reported that Mr. Quinter and Mr. Layne have discussed the possibility of hiring someone for the summer.

PARKS, RECREATION & OPEN SPACE REPORT - Commissioner Dolan reported that both the Open Space and Park and Recreation Board would like the Township to develop Standards for Trails in the parks. He further reported the necessity for better coordination with the neighboring townships with regards to recreation facilities. Commissioner Dolan stated he attended the Pottsgrove Recreation Committee meeting and advised that Gene Swann is looking to retire at the end of the year. The members of the Park and Recreation Board requested a status report with regards to the Mocharniuk parcel. It was agreed that Public Works Director, Frank Quinter and Commissioner Iatesta will meet with Commissioner Dolan to discuss the matter.

RESOLUTION #491 - Establishing the Upper Pottsgrove Township Historical Advisory Board - It was noted that the Historical Advisory Board would consist of three (3) members whose terms of office shall be for a period of three (3) years. A motion by Dolan, seconded by DeLena, to adopt Resolution #491. All aye votes.

ADMINISTRATIVE REPORT - Commissioner DeLena reported the Township Newsletter is well under way and a rough draft should be ready within the several days. She further reported the office staff is currently working on updating the website. The auditor has been in the office this week and an official report will be forthcoming next month. Commissioner DeLena reported the Administrative Staff has been working with our computer system to make it safer, more efficient and user friendly.

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

BUILDING & ZONING REPORT - A copy of the monthly Building & Zoning Report will be posted on the bulletin board.

TOWNSHIP SOLICITOR'S REPORT - Attorney Chuck Garner provided a brief update with regards to the Wolf Run Project and stated the Water Service Agreement with the Borough Authority has been executed and we will now move forward with the grant agreement. Mr. Garner reported the PUC has approved the territory expansion for the Superior Water project. He further reported a brief meeting was held prior to the Board meeting with some of the Mangers Mill residents to discuss the proposed drainage improvements. Mr. Garner provided a history with regards to the Renovations by Design Curative Amendment and reported the Township has been in negotiations with the applicant during the last two (2) years. Mr. Garner explained that in 2002 the applicant, Renovations by Design, filed a Curative Amendment Application for certain properties within the Township alleging that the Township's Zoning Ordinance did not properly provide for or allow for the construction of garden apartments. He further explained that the Township has been negotiating with the applicant with respect to a possible settlement agreement for the curative sites. One site is thirty one (31) acres of land located across roads east of Route 100 (Cross Road) and the other is approximately twelve (12) acres of land located on Pineford Road. Mr. Garner reported in the original application the developer was seeking to construct approximately three hundred twelve (312) apartment units. Mr. Garner stated the settlement agreement provides for fifty three (53) active adult townhomes on the Pineford Road property and fifty one (51) townhomes on the Cross Road property. He explained the agreement approves a concept sketch and thereafter provides for a process where the Developer will take the concept plans through preliminary and final engineering in order for the properties to be developed consistent with the regulations and requirements contained in the Agreement. Mr. Garner stated provided a brief summary of the contributions that the Township will receive as a result of the project with respect to sanitary sewer and TCE remediation. Commissioner Iatesta stated he reviewed the proposed Agreement and expressed his thanks and appreciation to everyone involved. After further discussion, a motion by Iatesta, seconded by DeLena, to approve and authorize execution of the Curative Amendment Settlement Agreement. All aye votes.

TOWNSHIP MANAGER'S REPORT - Mr. Layne reported he met with Paul Hughes of the Ad-Hoc Audit Committee and Township Auditors from Reinsel, Kuntz Leshner. He further reported that as of July 3, 2006, the hours of operation for the Administrative Office will be from 8:00 A.M. to 4:30 P.M. Monday through Friday. He further reported he has been assisting with the development of the newsletter, has attended the Sewer, Planning, Open Space, Park & Recreation and Fire Committee meetings and has implemented weekly staff meetings with members of the staff and is working closely with all Department Heads. Mr. Layne reported he contacted a representative from Senator Rafferty's office with regards to a \$9,000 grant for replacement of the Firehouse roof. A motion by DeLena, seconded by Dolan, to authorize the Township Manager to proceed with the grant application for replacement of the firehouse roof. All aye votes.

MONTHLY FINANCIAL REPORT - Mr. Layne reported the Township's finances are strong and we are currently working with the auditor from Reinsel, Kuntz & Leshner with regards to some transfers between the General Fund and Payroll Fund.

CIVIL SERVICE COMMISSION - Mr. Leister reported that on June 15, 2006, Bryan Ross submitted to written and oral testing and is certified as Chief of Police. A motion by Iatesta, seconded by Dolan, to grant Civil Service protection to Chief Ross. All aye votes.

CONSIDERATION OF RESOLUTION #489 AND POSSIBLE ACTION ON A REFERENDUM INCREASING THE EARNED INCOME TAX RATE BY 0.25% TO FUND A TOWNSHIP OPEN SPACE PRESERVATION INITIATIVE - A motion by Iatesta, seconded by Dolan, to adopt Resolution #489. All aye votes.

DISCUSSION ON DRAFT NOISE ORDINANCE - Mr. Garner reported the Police Chief provided his comments and recommendations with regards to the proposed Noise Ordinance and noted he will incorporate them into the proposed ordinance.

#2-04 – 409 EVANS ROAD SUBDIVISION REVIEW EXTENSION REQUEST - A motion by Dolan, seconded by DeLena, to grant a 120 day review extension from July 11, 2006 for the 409 Evans Road Subdivision. All aye votes.

PRELIMINARY PLAN APPROVAL FOR THE ALTHOUSE TRACT SUBDIVISION – RESOLUTION #492 - Mr. Taylor provided a brief history with regards to the Althouse Tract Subdivision and noted it is located on the south side of Snyder Road and the east side of Gilbertsville Road. Jason Smeland, Richard C. Mast Associates, was present to discuss preliminary plan approval for the Althouse Tract Subdivision. It was noted that the Planning Commissioner reviewed the revised plans at their June 12, 2006, meeting and recommends approval subject to the following conditions: satisfactory completion of all technical requirements of the applicable ordinances in accordance with the review letter of LTL Consultants dated May 8, 2006; satisfactory completion of all requirements of the applicable ordinances in accordance with the review letter of the Montgomery County Planning Commission dated June 9, 2006; construction of a trail instead of sidewalk along Snyder & Gilbertsville Roads utilizing the construction specifications as recommended by the Open Space Committee; approval by LTL Consultants of an acceptable design of stormwater management facilities in accordance with Ordinance 377, Section 401.A.2; adjusting the landscaping around basin

PRELIMINARY PLAN APPROVAL FOR THE ALTHOUSE TRACT SUBDIVISION

CONT'D - A to achieve a more natural look possibly by using a species of laurel in this area; the Developer more clearly delineating the existing vegetation (to remain) along Micklitz Drive and Gilbertsville Road; the Developer provide additional landscaping to the buffer area behind Lots 12 and 15 to replace the existing vegetation that will be removed as part of the storm water management improvements; the Developer dedicate the small area by the Victory Baptist Church to the Church with an easement to the Township for future expansion of the walking trail; a waiver from Section 310.19.B(2)(a) to allow the curve near the intersection of Mimosa Lane and Gilbertsville Road to have a radius of 100 feet rather than the required 150 feet; a waiver from Section 310.19.B(2)(b) to allow construction of horizontal tagents in Mimosa Lane with lengths of less than the required 100 feet; a waiver from Section 310.19.B(1)(a) to allow construction of driveways within 40 feet of the intersections of Mimosa Lane and the proposed eyebrow; a waiver from Section 310.20.B92)(b) to allow an increase in the maximum permitted slope of driveways from 4 percent to 6 percent; a waiver from Section 310.23.F to allow the lot lines of Lots 14 and 15 and 17 and 18 to intersect the right-of-way at angles proposed; a waiver from Ordinance 377, Section 401.A.2 in order to provide for management of significant offsite stormwater that has been causing an erosion problem in the area of Mickletz and Grandy Roads subject to approval by LTL Consultants of an acceptable design of the stormwater management facilities; a waiver from Ordinance 350 from the requirement to provide a 35 foot landscape buffer in order to conserve the natural landscape and woodlands located on the development and in order to allow the proposed road to encroach within the required landscape buffer. After further discussion, a motion by Dolan, seconded by DeLena, to grant preliminary approval for the Althouse Tract Subdivision. All aye votes.

CARL SPECHT - 150 Primrose Lane - Expressed a concern regarding retention basins and mosquitoes.

CURATIVE AMENDMENT HEARING - Attorney Garner reported the Curative Amendment Hearing was continued from June 5, 2006 with no additional evidence from the applicant.

RESOLUTION #490 - A Resolution of the Upper Pottsgrove Board of Commissioners rejecting the Curative Amendment Application filed by Renovation by Design dated May 2, 2002. A motion by Iatesta, seconded by DeLena, to adopt Resolution #490. All aye votes.

TOWNSHIP MANAGER'S ORDINANCE AND JOB DESCRIPTION - A motion by Dolan, seconded by DeLena, to authorize the advertisement of the Township Manager's Ordinance. All aye votes.

GENERAL STATEMENT OF DUTIES - A motion by DeLena, seconded by Dolan, to approve by Resolution the General Statement of Duties of the Township Manager. All aye votes.

PUBLIC COMMENT:

HENRY BEALER - 1382 Farmington Avenue - Expressed his concern with regards to the overhanging trees located on the Winpenny property. Commissioner Iatesta stated he would to discuss the matter with the Public Works Director.

PAUL HUGHES - 2220 Horseshoe Drive - Questioned the time frame for hiring a Township Manager. Commissioner Taylor stated the Board would take action on the Ordinance at the July 17, 2006, meeting.

APPROVAL OF AMENDED BILL LIST - June 22, 2006 – Commissioner Dolan questioned invoices from LTL Consultants and Fulton Bank. After a brief discussion, a motion by DeLena, seconded by Dolan, to approve the amended Bill List dated June 22, 2006 for General Fund in the amount of \$63,547.54; Fire Fund in the amount of \$3,126.74; Sewer Fund in the amount of \$46,740.08; Park and Recreation Fund in the amount of \$92.42 and State Fund in the amount of \$37.19. Total Expenditures \$113,543.97. All aye votes.

APPROVAL OF MINUTES - A motion by Dolan, seconded by DeLena, to approve the minutes of the May 15, 2006, meeting as presented. All aye votes.

EXECUTIVE SESSION - At 8:10 P.M. Commissioner Taylor reported the Board would hold an Executive Session to discuss the possible acquisition of real estate ^{and} the personnel issues. The meeting reconvened at 10:00 P.M.

ADJOURNMENT - There being no further business, a motion by DeLena, seconded by Iatesta, to adjourn the meeting at 10:02 P.M.

Respectfully submitted,



Cynthia H. Saylor
Township Secretary