

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

**July 17, 2006**

A meeting of the Board of Commissioners was held on Monday, July 17, 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., Interim Manager Jack P. Layne and Township Secretary Cynthia H. Saylor. The meeting was called to order at 7:05 P.M. by Mr. Taylor. There were 13 people present in the audience.

**MOMENT OF SILENT PRAYER** – Mr. Taylor requested a moment of silent prayer 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.

**SPECIAL PRESENTATION** – Commissioner Kenneth Iatesta and Sewer Committee Chairman John Bealer presented a certificate of appreciation to Public Works employee Tony Alessi commending him for his outstanding work with regards to the Greengate sanitary sewer remediation.

**HERB MILLER - 184 Maugers Mill Road** - Was present on behalf of the Open Space Committee and reported they are currently getting estimates to purchase plaques denoting the historic properties within the Township. He further reported the Township's Park & Recreation Committee has secured estimates for the purchase of signs which will be installed at Hollenbach Park, Kulp Fields and Mocharniuk Meadows. Mr. Miller reported the estimates are under \$10,000 and requested positive action from the members of the Board. Mr. Miller noted the Park & Recreation Committee is made up of a group of volunteers who give a lot of their time and make recommendations for the good of the community and the quality of life.

**PUBLIC COMMENT:**

**GILBERT DUNCAN - 72 Hanover Drive** - Stated he is "ecstatic" when he walks into the administrative office and all the employees are "happy" and "smiling". Mr. Duncan addressed the members of the Board and strongly suggested they consider hiring Mr. Layne as Township Manager at tonight's meeting. Mr. Duncan addressed Commissioner Iatesta and referenced a conversation he had with him the morning Mr. Layne was hired as Interim Manager.

**ZONING ORDINANCE AMENDMENT** - Attorney Garner explained the Zoning Ordinance Amendment hearing process and stated the proposed ordinance revises maximum building coverage in the R-1 Zoning District and creates excess building coverage lots and revises the permitted density of two-family dwellings and townhouses in the R-3 Zoning District. It was noted that response from the Township's Planning Commission and the Montgomery County Planning Commission was favorable.

**ROBERT SLOSS - 2097 Needhammer Road** - Stated when the Township adopts an Ordinance it should be enforced. Mr. Sloss expressed his concern that any developer can request a special exception or a variance from the zoning codes. Mr. Garner stated under state law and all municipal law any individual has the right to seek a variance from the zoning requirements.

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**REPORTS:**

**EMERGENCY SERVICES - POLICE REPORT** - Commissioner Noll summarized the monthly Police Report and stated there were 2,339 calls this year as compared to 1,741 calls last year. He further reported that Police Chief Bryan Ross is currently working on implementing a "Use of Force Policy". **FIRE REPORT** - Commissioner Noll reported the Fire Committee will hold their meeting on Thursday, July 20, 2006 and are currently working on their By-Laws as required by the Memorandum of Understanding. He further reported the Committee discussed the possibility of sponsoring a picnic to be held at Heather Place Park sometime during the month of August. Mr. Noll expressed his thanks and appreciation to the residents and the Board for their support.

**PLANNING & ZONING REPORT** - Commissioner Taylor reported the Planning Commission met and discussed the proposed Village Commercial Ordinance, recommended an ordinance amendment to include standards for speed humps and requirements for installation in new developments and approved Sewage Planning Modules for the Bachman and Althouse Tracts.

**PUBLIC WORKS REPORT** - Commissioner Iatesta reported the Public Works Department has completed the restoration of a deteriorated gutter along Mock Road and will continue cleaning up debris after recent heavy rains. The Montgomery County Early Release Program had men onsite picking up trash discarded along Moyer Road, Mangers Mill Road, Gilbertsville Road and North State Street. All street restoration has been completed by Wexcon, Inc. Weekly mowing continues and retention basins in the Cherrytree Farms Development were manually cut. The first round of vegetation control was completed by Green Giant Lawn Care in mid June. A joint drainage project with Robert Bealer & Sons Excavating and the Public Works employees will begin in the next few weeks along Farmington Avenue in the area of the Pottsgrove Animal Hospital. Grout injection work to fill voids and eliminate ground water in manhole #1 located on Poplar Street was completed in late June.

**ROBERT SLOSS - 2097 Needhammer Road** - Expressed concern that the street light at the intersection of Route 100 and Moyer Road is constantly on. Public Works Director, Frank Quinter, stated he has contacted Met-Ed regarding the matter.

**DIANA UPDEGROVE - 1404 Farmington Avenue** - Expressed her concern with regards to the dead trees along State Street at the Anvil Studio property.

**PARKS, RECREATION AND OPEN SPACE REPORTS** - Commissioner Dolan reported the Open Space Committee held a brief meeting and noted we are currently waiting for approval by the County of the Township's Open Space Plan. Mr. Dolan briefly discussed the signage for the parks and described the artwork that will be depicted on the signs. Mr. Dolan stated the Park and Recreation Committee discussed the possibility of Regionalization and noted he discussed the matter with representatives from Lower and West Pottsgrove Townships.

**DIANA UPDEGROVE - 1404 Farmington Avenue** - Expressed her concern with regards to the eminent domain issue and the open space referendum. Mrs. Updegrove suggested incorporating something in the wording on the open space referendum that states the additional earned income tax monies will not be used for eminent domain.

**ROBERT SLOSS - 2097 Needhammer Road** - Stated that the increased income tax monies can be utilized for eminent domain unless it is specifically stipulated on the referendum. Attorney Garner stated the wording on the ballot has not been finalized with regards to the open space referendum.

**COMMISSIONER IATESTA** - Addressed Attorney Garner and questioned whether an ordinance or a resolution could address how the money could be spent. Mr. Garner stated he wasn't sure that through a referendum process the voters can mandate the elimination of the elected officials use of eminent domain and noted you can't bind future Boards.

**ADMINISTRATION REPORT** - Commissioner DeLena reported the Township Newsletter will be printed and mailed out this week and expressed her thanks and appreciation to Administrative Assistant Linda Coleman and Jack Layne for all their hard work in "putting it all together." Mrs. DeLena also reported that some minor changes have been made to the web site and stated the Township is looking into the possibility of utilizing an "intern" from the Montgomery County Community College to assist the staff with the web site. She also reported that she along with Commissioner Taylor, Mr. Layne and Mrs. Saylor met with the auditors to discuss their recommendations with regards to some minor accounting changes.

**ROBERT SLOSS - 2097 Needhammer Road** - Questioned whether the Township could utilize Officer Zoski for help with the Township's web site.

**ENGINEER'S REPORT** - Township Engineer John Theisen reported the Township received bids for the Farmington Avenue and Greengate paving project. Mr. Theisen stated the low bid was received from E.J. Breneman.

**COMMISSIONER DOLAN** - Questioned the Township Engineer on the status of the Highview II Subdivision. Mr. Theisen stated he is waiting to hear from the Developer's Engineer as to how he is going to resolve the issue with the detention basin. Commissioner Dolan questioned whether there is any discussion on public sewer for Continental Drive. John Toomey, who was present in the audience, stated it has been discussed; however the Sewer Committee is now focused on Horseshoe Drive, Bruce Drive and Regal Oaks. He further stated it would be a couple of years before public sewer could be installed along Continental Drive. Mr. Dolan asked that both Continental Drive and Concord Drive be placed back on the paving list.

**COMMISSIONER NOLL** - Requested an update with regards to the hydrants within the Maugers Mill Estates and Cherrytree Farms Subdivisions. Mr. Theisen stated he would look into the matter.

**ROBERT SLOSS - 2097 Needhammer Road** - Referenced the Highview II Subdivision and questioned whether there comes a time when the project can be shut down and noted there hasn't been anything done in the past year.

**GRINDER PUMPS** - John Toomey was present to discuss the use of grinder pumps with regards to the Farmington Avenue West sewer project. Mr. Toomey explained grinder pumps are needed due to elevation problems and noted two (2) will be installed on Chestnut Grove Road and eight (8) will be installed on Evans Road.

**JOHN TOOMEY CONT'D** - Mr. Toomey reported the Sewer Committee recommended that the maintenance of the grinder pumps would be the responsibility of the homeowner. There was discussion with regard to the grinder pumps being maintained by the Township vs. being maintained by the property owner. It was the consensus of the members of the Board, with the exception of Commissioner Taylor, that the Township would install the grinder pumps however they would be maintained by the property owner.

**SOLICITOR'S REPORT** - Attorney Garner reported that the Township received the finalized grant agreement with DEP for the Wolf Run project. He further reported he has been working with Superior Water with regards to the water service agreements. Mr. Garner noted that he met with the residents from Maugers Mill Estates prior to tonight's meeting regarding the water drainage issues.

**DIANA UPDEGROVE - 1404 Farmington Avenue** - Requested clarification with regards to which residents will be serviced by Superior Water as opposed to Pottstown Borough Authority. Attorney Garner advised approximately 14 or 15 properties along the south end of Farmington Avenue will be received water from the Borough Authority and everyone else will be serviced by Superior Water. He further noted that there are several properties along Willow Street that will be serviced by Pottstown Borough Authority.

**GREG SHARP - 969 Farmington Avenue** - Expressed his concern that he hasn't gotten any answers from the Borough Authority with regards to the water installation. Attorney Garner advised Mr. Sharp to address his questions with the members of the Board and noted the Township will be meeting with the Borough Authority to discuss the project within the next few weeks.

**ROBERT SLOSS - 2097 Needhammer Road** - Referenced the Church of the Latter Day Saints drainage project and questioned whether the cost to the Township is \$1500. Attorney Garner explained that the Church is contributing \$16,500 and each resident is paying \$700.

**MANAGER'S REPORT** - Mr. Layne reported he has submitted a request for a grant in the amount of \$8,500 for replacement of the firehouse roof. Mr. Layne expressed his thanks and appreciation to Public Works Director Frank Quinter for all his hard work with regards to the Farmington Avenue project.

**FINANCIAL REPORT** - Mr. Layne reported Compared to Budget Reports were provided to the members of the Board at tonight's meeting.

**CIVIL SERVICE REPORT** - Mr. Leister reported the Civil Service Rules and Regulations will be brought up to date to the original 2002 Board approved document within the next few weeks.

**CODE ENFORCEMENT REPORT** - A copy of the monthly Code Enforcement Report will be posted on the bulletin board.

**ORDINANCE #396 - REVISION TO TOWNSHIP MANAGER'S ORDINANCE** - An Ordinance of Upper Pottsgrove Township amending Sections 36-3, 36-6, and 36-7 of Chapter 136, Officers and Employees, of the Code of the Township of Upper Pottsgrove, as amended, to provide

**ORDINANCE #396 CONT'D** - for various amendments to the Township Manager Ordinance. A motion by DeLena, seconded by Iatesta, to adopt the revisions to the Township Manager's Ordinance. All aye votes.

**TURNBERRY FARMS OPEN SPACE TRANSFER** - Attorney Garner reported he is waiting for execution of the deed by the Turnberry Farms Homeowners Association.

**ORDINANCE #397 - R-1 ZONING DISTRICT REVISION** - An Ordinance amending Section 350-71.A of Chapter 350, Zoning, of the Upper Pottsgrove Township Code of Ordinances to revise maximum building coverage in the R-1 Zoning District and to create excess building coverage lots; and amending Section 350-89.B of Chapter 350, Zoning, of the Upper Pottsgrove Township Code of Ordinances to revise the permitted density of two-family dwellings and townhouses in the R-3 Zoning District. A motion by Dolan, seconded by DeLena, to adopt Ordinance #397 eliminating Section 3 regarding the R-3 zoning. All aye votes.

**RESOLUTION #493 - CONSTRUCTION STANDARDS HANDBOOK AMENDMENT** - A Resolution of the Upper Pottsgrove Township Board of Commissioners Amending the Construction Standards Handbook to require that Stortz connectors be installed on all fire hydrants in Upper Pottsgrove Township. A motion by DeLena, seconded by Noll, to adopt Resolution #

**SUMMER GROVE ESCROW RELEASE #1** - Township Engineer John Theisen reported there was an error in the original amount requested by Summer Grove and therefore is recommending an escrow release in the amount of \$835,614.54. A motion by Dolan, seconded by DeLena, to authorize Escrow Release #1 for the Summer Grove Subdivision in the amount of \$835,614.54. All aye votes.

**REDUCTION OF ESCROW FUNDS #1 FOR CODDINGTON VIEW** - A motion by Dolan, seconded by DeLena, to authorize the reduction of Escrow Fund #1 for Coddington View in the amount of \$214,669.88. All aye votes.

**SWEETWATER REVIEW 90-DAY EXTENSION** - A motion by Iatesta, seconded by DeLena, to approve the request for a 90-day extension from July 31, 2006 through October 28, 2006, for review of the Sweetwater Subdivision. All aye votes.

**BUDGET AMENDMENT** - Mr. Layne explained the auditors have recommended that the Payroll Fund be separated from the General Fund and therefore will require an amendment to the budget. Attorney Garner noted the amendment to the budget will not change any revenues or expenditures it will allow for the reallocation of funds as explained by the Manager. A motion by DeLena, seconded by Noll, to authorize the adjustment of the accounts as recommended by the auditors.

**ROBERT SLOSS - 2097 Needhammer Road** - Stated he would like to say "thank you" to whoever came up with the budget amendment recommendation.

**CLEAN WATER FUND** - Commissioner Taylor reported he along with Mr. Layne and Public Works Director Frank Quinter met with representatives from the Clean Water Fund. Mr. Taylor explained they will help prepare a Clean Water Ordinance at no cost to the Township. After a brief discussion, a motion by Dolan, seconded by DeLena, to authorize representatives from Clean Water Fund to prepare the ordinance. All aye votes.

**PAVING BID - FARMINGTON AVENUE** - Township Engineer John Theisen reported the Township received the low bid from E. J. Breneman in the amount of \$739,800 for the Farmington Avenue and Greengate Paving Project. After a brief discussion, with regards to the escalator clause, a motion by Iatesta, seconded by Noll, to accept the low bid submitted by E.J. Breneman in the amount of \$739,800 for the Farmington Avenue and Greengate Paving Project. All aye votes.

**GREGORY SHARPE - 969 Farmington Avenue** - Expressed concerns with regards to the proper crowning, drainage and the compaction of Farmington Avenue and noted the last time it was paved it was like a “roller coaster.” It was noted that there is an inspector on-site 24 hours a day.

When **COMMISSIONER NOLL** questioned why the project is taking so long; Public Works Director Frank Quinter stated because of all the rock and provided pictures to the members of the Board.

**EXECUTIVE SESSION** - At 8:50 P.M. Mr. Taylor announced the Board would meet in Executive Session to discuss a personnel issue. The meeting reconvened at 8:56 P.M.

**APPOINTMENT** - A motion by Dolan, seconded by DeLena, to appoint Jack P. Layne, Jr. as the Township Manager of Upper Pottsgrove Township subject to the execution of an employment agreement in a form acceptable to the Township. All aye votes.

**TOWNSHIP MANAGER EMPLOYMENT AGREEMENT** - A motion by Iatesta, seconded by Noll, to authorize and approve execution of the Employment Agreement with Jack P. Layne, Jr. as Township Manager of Upper Pottsgrove. All aye votes.

**TOWNSHIP MANAGER** - Thanked the Police Chief for his support and Cynthia Saylor for all her help and support even though she has been going through a “rough time” the last few weeks.

**PUBLIC COMMENT:**

**REG LEISTER - 1693 Farmington Avenue** - Addressed Commissioner Noll and questioned the status of the Emergency Management Coordinator position. Mr. Noll stated only one person applied for the position and the Fire Committee will make a recommendation after their meeting.

**FRANK FRIZ - 1750 Farmington Avenue** - Requested an update with regards to the Farmington Avenue West sewer project. Mr. Friz expressed concern with regards to resident notification. Commissioner Taylor provided a brief outline of the Farmington Avenue West sewer project.

**PAYMENT OF BILLS - July 17, 2006** - Commissioner Noll questioned invoices for Richard Dillion, Steeley & Smith and Superior Water.

**ROBERT SLOSS - 2097 Needhammer Road** - Stated that prior to tonight's meeting a copy of the Bill List was always posted on the bulletin board and questioned why the policy was changed. Mr. Layne explained the members of the Board should have an opportunity to review the Bill List before it is posted in the event any changes or additions are made. Mr. Layne stated he has no problem with supplying copies of the Bill List at the Commissioners meeting. Mr. Sloss requested that the Bill List be read in its entirety itemizing every expenditure and amount of each invoice. He also asked that the minutes reflect that Commissioner Taylor refused to read the Bill List and noted that he was taping the meeting. At this time Commissioner Dolan provided Mr. Sloss with his copy of the Bill List. Commissioner Taylor stated the Board will take under advisement any policy concerning the publication of the Bill List. After a brief discussion, a motion by Dolan, seconded by DeLena, to approve the Bill List dated July 17, 2006, for General Fund in the amount of \$111,060.78; Fire Fund \$6,161.86; Park and Recreation Fund \$94.74; Sewer Fund \$80,844.66 and State Fund \$182.20. Total Expenditures - \$198,344.24. All aye votes.

**APPROVAL OF MINUTES - June 5, 2006** - A motion by Noll, seconded by Iatesta, to approve the minutes of the June 5, 2006, meeting as presented. All aye votes.

**APPROVAL OF MINUTES - June 22, 2006** - Action on the approval of the June 22, 2006, minutes was tabled until the August 21 meeting.

**EXECUTIVE SESSION** - At 9:17 P.M. Mr. Taylor reported the Board would meet in Executive Session to discuss personnel issues with no decisions being made. The meeting reconvened at 10:38 P.M.

**ADJOURNMENT** - There being no further business the meeting adjourned at 10:40 P.M.

Respectfully submitted,



Cynthia H. Saylor  
Township Secretary