

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

September 5, 2006

The meeting of the Board of Commissioners was held on Tuesday, September 5, 2006, at the Upper Pottsgrove Administrative Offices, 1409 Farmington Avenue, with Commissioners DeLena, Iatesta, Noll and Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., Township Manager Jack P. Layne, Jr., Township Secretary Cynthia Saylor and Police Chief Bryan D. Ross. There were 12 people and a Mercury reporter present in the audience. Mr. Taylor called the meeting to order at 7:04 P.M. Commissioner Dolan was absent. Robert Sloss advised he was taping the meeting.

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:

ROBERT SLOSS - 2097 Needhammer Road - Apologized for an incorrect statement he made at the previous Board meeting with regards to a \$100,000 contribution from Turnberry Farms. Mr. Sloss expressed his concern regarding a \$240,000 expenditure being paid from the General Fund for the installation of public water when not all the residents are being hooked into the public water system. Mr. Sloss suggested Township Staff "track" all the expenses with regards to the installation of public water. Board President, Elwood Taylor, explained the Township will be reimbursed from the DEP for those expenses pertaining to the installation of public water.

OLD BUSINESS:

BOERNER SUBDIVISION STREET NAMES - A motion by DeLena, seconded by Iatesta, to approve the street names for the Melville Estates Subdivision (Boerner Tract). All aye votes.

NEW BUSINESS:

CODDINGTON VIEW ESCROW RELEASE #2 PHASE 1 - A motion by Noll, seconded by DeLena, to authorize escrow release #2 for Phase I of the Coddington View Subdivision in the amount of \$644,370.89. All aye votes. It was noted that the full release in the amount of \$693,120.89 was not recommended by the Township Engineer due to the fact that no improvements have been made to Farmington Avenue at this point.

CODDINGTON VIEW ESCROW RELEASE #1 PHASE 2 - A motion by Noll, seconded by Iatesta, to authorize escrow release #1 for Phase 2 of the Coddington View Subdivision in the amount of \$460,885.35. Commissioner Noll amended the motion to read as follows: a motion by Noll, seconded by Iatesta, to authorize escrow release #1 in the amount of \$460,885.35 for Phase 2 subject to the review of the Solicitor. All aye votes.

CODDINGTON VIEW SEWER ESCROW RELEASE #1 - A motion by Iatesta, seconded by DeLena, to authorize sewer escrow release #1 for the Coddington View Subdivision in the amount of \$166,737.06. All aye votes.

SUMMER GROVE ESCROW RELEASE #2 - A motion by DeLena, seconded by Iatesta, to authorize escrow release #2 in the amount of \$176,543.77. All aye votes.

BOARD OF APPEALS DISCUSSION - Attorney Chuck Garner referenced a memo from Code Enforcement Officer Richard Dillon, regarding the Property Maintenance Code and Ordinance #381. Mr. Garner stated the Township adopted Ordinance #381 which adopts the 2003 Property Maintenance Code and amends Section 111 of the code to create a Board of Appeals that complies with the PA UCC regulations. It is the recommendation of the Code Enforcement Officer to create a property maintenance code of appeals and to provide for successor codes. After a brief discussion, it was agreed that the Solicitor would prepare an amendment to Ordinance #381.

ROBERT SLOSS - 2097 Needhammer Road - Addressed the Solicitor and questioned whether the Property Maintenance Code applies to all properties including new development.

HENRY BEALER - 1382 Farmington Avenue - Expressed concern regarding dead trees along his property line.

DIANA UPDEGROVE - 1404 Farmington Avenue - Questioned what the next step would be in the appeals process. Attorney Garner stated the Court of Common Pleas.

PUBLIC COMMENT:

REG LEISTER - 1693 Farmington Avenue - Mr. Leister stated he would like to publicly, for the record, encourage the entire Board to adopt the National Incident Management System (NIMS) "by Resolution: under the National Response Plan. He further stated "Municipalities must adopt this emergency management protocol before the end of fiscal 2006 to be eligible for DHS (Department of Homeland Security) funding for Fiscal 2007. Many municipalities view these requirements (erroneously) as a training issue only for public officials, staff, police, fire and public works. It is not. We must publicly adopt this standard so that we are assured of our eligibility for these funds."

COMMISSIONERS COMMENTS:

COMMISSIONER IATESTA - Expressed his thanks to the Township Manager for talking to a resident of Farmington Avenue and addressing her concerns.

APPROVAL OF BILL LIST - September 5, 2006 - Commissioner Noll questioned invoices from D & A Emergency Equipment and Reinsel Kuntz Leshner. A motion by Noll, seconded by DeLena, to approve the Bill List dated September 5, 2006, for General Fund in the amount of \$20,105.50 and Sewer Fund in the amount of \$986.26. Total Expenditures - \$21,091.76. All aye votes.

PUBLIC HEARING

OPEN SPACE PLAN - Attorney Chuck Garner opened the public hearing at 7:33 P.M. and asked for public comment with regards to the Open Space Plan.

ROBERT SLOSS - 2097 Needhammer Road - Expressed concern regarding the financial obligation to the residents. Board President Elwood Taylor stated the Township would be responsible for a 20% match and the County would fund 80% of the cost to purchase any open space.

ROBERT SLOSS CONT'D - Mr. Sloss noted his opposition to using taxpayers monies to purchase open space and stated once all the open space is gone the Township will take properties by eminent domain.

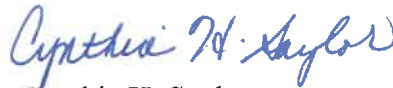
Attorney Garner closed the public hearing at 7:40 P.M.

RESOLUTION # 495 - A Resolution of Upper Pottsgrove Township adopting the Upper Pottsgrove Township Open Space Plan dated August, 2006. A motion by DeLena, seconded by Iatesta, to adopt Resolution # 495. All aye votes.

EXECUTIVE SESSION - At 7:42 P.M. Commissioner Taylor reported the Board would hold an Executive Session to discuss land acquisition, personnel matters and possible litigation. The meeting reconvened at 9:30 P.M.

ADJOURNMENT - There being no further business the meeting adjourned at 9:32 P.M.

Respectfully submitted,



Cynthia H. Saylor
Township Secretary