

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

**September 18, 2006**

A meeting of the Board of Commissioners was held on Monday, September 18, 2006, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue with Commissioners DeLena, Dolan, Iatesta, Noll and Taylor present. Also present were Solicitor Charles D. Garner, Jr., Township Engineer John Theisen, Public Works Director Frank Quinter, Township Manager Jack P. Layne, Jr. and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:03 P.M. There were 14 people present in the audience.

**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:**

Gilbert Duncan and Robert Sloss both reported that they were taping the meeting.

When **GILBERT DUNCAN, 72 Hanover Drive**, questioned why it is necessary to advise the Board that he is taping the meetings every time when he has previously indicated this in the past. Mr. Taylor responded as courtesy to the public.

**CARL SPECHT - 150 Primrose Lane** - Referenced the \$5.00 increase in quarterly sewer fees and questioned the members of the Board if they would consider changing the fees back to \$100/per quarter. Mr. Specht stated all Township residents are benefiting from the increase in sewer fees however; only the sewer users are paying the fees. Attorney Garner stated the Board passed an Ordinance increasing the quarterly sewer rates. Mr. Specht requested an update regarding a proposed fire hydrant tax. Commissioner Taylor stated he would research the matter.

**ROBERT SLOSS - 2097 Needhammer Road** - Referenced the Rules of Decorum with regards to the distribution of meeting information to the public and expressed his concern that there weren't copies of the minutes, Bill List or proposed ordinances/resolutions available to the public.

**LISA HERB, 815 WILLOW STREET** and **TOM LANDIS, 817 WILLOW STREET** both were present to discuss a storm water drainage issue and provided pictures of the properties involved. Ms. Herb read a complaint letter and provided a brief history of the on-going problem with regards to the damage created by the discharge of storm water. Ms. Herb expressed her concern with regards to health issues due to the stagnant water that accumulates in the alley behind her home. Ms. Herb explained that even though she resides in the Borough of Pottstown the storm water drain is located in Upper Pottsgrove Township. She further explained that the Township agreed to "fix the problem" however they must obtain access through a neighboring property located at 826 Poplar Street and the property owner has denied access. Township Manager Jack Layne stated he along with the Board is committed in getting this matter resolved in a timely fashion.

**BID OPENING** - Mr. Taylor announced the bid opening for the Wolf Run project is scheduled for 7:15 P.M. in the Manager's office.

**MARY BIEN - 826 Poplar Street** - Stated she has been aware of the situation for twenty years and advised she would be willing to grant access through her property as long as it is not permanent.

**GREG SHARPE - 969 Farmington Avenue** - Expressed a concern regarding speeding traffic along Farmington Avenue. Chief Ross, who was present in the audience, noted he would look into the matter.

**STEVEN AILES**, Chairman of the Up for Open Space Committee, provided a brief presentation with regards to the benefits of open space and outlined the benefits of open space preservation. Mr. Ailes stated open space helps to preserve the quality of life and helps to maintain property values. He further stated there is a limited amount of open space left in the Township however there is a lot of desire to develop it. Mr. Ailes referenced a referendum on the November ballot which calls for a ¼% increase in the earned income tax which equals out to approximately \$.54 per day. Mr. Ailes emphasized the increase will not affect anyone on social security and encouraged the residents to back the referendum.

**ROBERT SLOSS - 2097 Needhammer Road** - Addressed Mr. Ailes and stated he is totally against the increase in the earned income tax. Mr. Sloss questioned that once all of the open space is purchased will the tax be eliminated. Mr. Ailes stated the increase in the earned income tax will be used exclusively for the purchase of open space from willing land owners.

**EMERGENCY SERVICES** - Commissioner Noll read the monthly police report and noted a copy of the report will be posted on the bulletin board.

**FIRE REPORT** - Commissioner Noll reported the Fire Committee meeting was postponed until October. He further reported that the volunteers have been "cleaning out" the upstairs and are actively maintaining the fire equipment.

**HERB MILLER - 84 Mangers Mill Road** - Thanked Commissioner Noll and the Police Chief for the placement of the electronic timing device on Mangers Mill Road. Mr. Miller noted that now that it is gone; the speeders are back.

**ROBERT SLOSS - 2097 Needhammer Road** - Questioned the status of the Fire Company By-Laws. Mr. Dolan stated the Board would have them in October.

**REG LEISTER - 1693 Farmington Avenue** - Questioned whether the Fire Company has access to the internet and if the computers are networked. Mr. Noll stated there is one computer in the Chief's office that is hooked up to the internet; however there are "older computers" that are being used for training purposes.

**ADMINISTRATION REPORT** - Commissioner DeLena reported the Township staff is moving forward with regards to budget preparation. She further reported the Newsletter will be distributed during the second week of October.

**PLANNING AND ZONING REPORT** - Commissioner Taylor briefly outlined the activities of the Planning and Zoning Committee and reported a copy of the report will be placed on the bulletin board.

**PUBLIC WORKS REPORT** - Commissioner Iatesta reported Anrich Construction Company has completed the paving of the sewer upgrades and water main installation on Phase IV of Farmington Avenue. Service connections and curb stops are being installed. W. K. Frame Construction Company has completed the paving of the upgrades on Phase I of the Farmington Avenue Sewer upgrades. Danella Construction, subcontractor for Superior Water, has installed all service connections and curb stops in the Greengate Subdivision. The Public Works Department performed maintenance in the way of grease removal from the wet well walls of the Cherry Tree Farms pumping station. Mr. Iatesta reported that he along with Public Works Director, Frank Quinter and the Township Manager will review LTL's invoice prior to it being placed on the Bill List for payment.

**COMMISSIONER DELENA** - Expressed concern with regards to the condition of Farmington Avenue and whether it will "hold up" during the winter months. Public Works Director, Frank Quinter, stated permanent restoration has been made on Farmington Avenue from Wilson Street to Steinmetz Road.

**COMMISSIONER NOLL** - Questioned whether the Township has obtained any commitments from the Farmington Avenue contractor regarding any complimentary improvements to the parking lot. Mr. Quinter stated that both he and the Township Manager have discussed the matter and approach all the parties involved at the end of construction.

**CARL SPECHT - 150 Primrose Lane** - Questioned recent road repairs recently done on Lotus Drive.

**PARKS & RECREATION** - Commissioner Dolan reported the Park & Recreation meeting was cancelled due to lack of a quorum. **OPEN SPACE REPORT** - Commissioner Dolan reported open space issues would be discussed later on the agenda.

**ENGINEER'S REPORT** – Mr. Theisen noted a copy of the monthly Engineer's Report will be posted on the bulletin board.

**ROBERT SLOSS – 2097 Need hammer Road** – Expressed concern with regards to the elevation of Farmington Avenue and noted if the elevation was raised the fire trucks would not be able to get out of the station.

**TOWNSHIP MANAGER'S REPORT** - Mr. Layne reported the staff is moving forward with budget preparation for 2007, the Newsletter will be mailed in early October and we are working on the enhancement of the Township's web site. He further reported that he prepared and submitted the first invoice totaling \$251,000 to the Pennsylvania Department of Environmental Protection for the Wolf Run Waterline project, he attended a meeting at Lower Pottsgrove Township requesting our participation in a yard waste recycling center grant program, met with representatives from Fulton Bank to discuss current and proposed investments and met with Berks Montgomery Municipal Authority to discuss use of available sewer capacity.

**FINANCIAL REPORT** - Mr. Layne provided a brief outline with regards to the monthly finances. Commissioner Noll questioned the amount of receipts noted in the Park and Recreation Fund. Mr. Layne stated he would research the question.

**SOLICITOR'S REPORT** - Attorney Chuck Garner reported he has not received the executed Deed of Dedication with regards to the Turnberry Farms Open Space. He further reported he has been working with LTL Consultants and the Code Enforcement Officer concerning some zoning violations within the Township. Mr. Garner stated he would like to meet with the members of the Board in Executive Session to discuss potential litigation and personnel matters.

**NATURAL LANDS TRUST PROPOSAL** - Mr. Drew Gilchrist, Natural Lands Trust was present to discuss the procedure whereby the Township would apply to the Department of Conservation and Natural Resources for a grant for the purpose of obtaining a conservation easement on the Stewartz property.

**RESOLUTION #496** - A motion by Dolan, seconded by Iatesta, to authorize the Township to serve as the applicant on the conservation easement grant and to name the Township Manager as the contact person. All aye votes.

**PLUMBING CONTRACT AWARD** - The bids were opened and reviewed by the Township Engineer and the Public Works Director. Due to irregularities in the bids, a motion by Iatesta, seconded by Dolan to reject all bids.

**GREG SHARPE - 969 Farmington Avenue** - Requested a clarification with regards to property restoration and landscaping.

**ORDINANCE #400** - An Ordinance of the Township of Upper Pottsgrove Amending Ordinance # 381 which will amend the International Property Maintenance Code 2003 Edition to re-establish a Property Maintenance Code Board of Appeal and to specifically provide for successor property maintenance codes. After a brief discussion, a motion by Iatesta, seconded by DeLena, to adopt Ordinance # 400. All aye votes.

**RESOLUTION #497** - A motion by Noll, seconded by DeLena, to approve the Althouse Sewage Planning Module and to forward to the Department of Environmental Protection.

**RESOLUTION #498** - A motion by Noll, seconded by DeLena, to approve the Bachman Tract Sewage Planning Module and to forward to the Department of Environmental Protection. All aye votes.

**ADVERTISING ON TOWNSHIP VEHICLES** - Mr. Layne provided information to the members of the Board with regards to a program which will generate non-tax revenue by utilizing non-emergency vehicles for advertising. Mr. Layne stated any advertisement would be approved by the members of the Board. When Commissioner Noll questioned which vehicles would be used for advertising Mr. Layne stated "public works vehicles." After a brief discussion, a motion by DeLena, seconded by Dolan, to authorize the Manager to pursue advertising on Township vehicles. All aye votes.

**COMMISSIONERS COMMENTS:**

**COMMISSIONER IATESTA** - Requested an update with regards to the cell tower. Commissioner Noll stated he will provide an update at the next meeting.

**COMMISSIONER DOLAN** - Provided a clarification with regards to open space funding and purchasing.

**COMMISSIONER DELENA** - Requested a timeframe for the installation of public water in Windsor Heights.

**PUBLIC COMMENT:**

**DIANA UPDEGROVE - 1404 Farmington Avenue** - Questioned the names and number of carriers on the cell tower. It was unclear as to the names and exact number of carriers on the cell tower; however Mr. Layne stated he would look into the matter.

**PAYMENT OF BILLS** - A motion by Iatesta, seconded by Noll, to approve the Bill List dated September 18, 2006, for General Fund in the amount of \$57,138.13; Fire Fund in the amount of \$2,992.73; Park and Recreation Fund in the amount of \$90.85; Sewer Fund in the amount of \$19,248.56 and State Fund in the amount of \$17.10. Total Disbursements - \$79,487.37

**EXECUTIVE SESSION** - At 8:50 P.M. Mr. Taylor stated the Board will meet in Executive Session to discuss personnel and possible litigation. The meeting reconvened at 9:27 P.M.

**ADJOURNMENT** - There being no further business, a motion by Dolan, seconded by Noll, to adjourn the meeting at 9:29 P.M. All aye votes.

Respectfully submitted,



Cynthia H. Saylor,  
Township Secretary