

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

December 4, 2006

A meeting of the Board of Commissioners was held on Monday, December 4, 2006, at the Upper Pottsgrove Township Administrative Offices, 1409 Farmington Avenue, with Commissioners DeLena, Dolan, Iatesta Noll and Taylor present. Also present were Solicitor Charles D. Garner, Jr. Township Manager Jack P. Layne and Township Secretary Cynthia Saylor. There were 7 people present in the audience. Mr. Taylor called the meeting to order at 7:00 P.M.

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.

PUBLIC COMMENT: There was no public comment.

ADOPTION OF RIGHT-OF-WAY ORDINANCE - An Ordinance amending the Upper Pottsgrove Township Code of Ordinances to provide for the regulation of communication systems within the Township Right-of-Ways. Commissioner Noll had questions regarding the Township governing the construction and underground installation of communications systems. After a brief discussion, a motion by DeLena, seconded by Iatesta, to adopt the Right-of-Way Ordinance. All aye votes. Attorney Garner explained it would also be necessary to adopt a Resolution amending the Comprehensive Township Fee Schedule establishing an application fee of \$500 per application.

RESOLUTION #501 - A Resolution amending the Comprehensive Township Fee Resolution for the purpose of creating a fee associated with an application for a Right-of-Way License. A motion by Dolan, seconded by DeLena, to adopt the Resolution. All aye votes

REG LEISTER - 1693 Farmington Avenue - Questioned whether the proposed ordinance also covers existing utilities already located in the easement corridor; i.e. electric company power lines, etc. Mr. Garner replied "no." Mr. Leister stated that there is technology being tested as close as Emmaus, where the power lines are being used to deliver internet services in competition with other utilities (telephone and cable). He further stated that the problem is that it is a horrible radio emission polluter and interferes with licensed Public Service, Civil Air Patrol, Aircraft, Police, Fire, Military and Amateur Radio used in emergency communications. Mr. Garner stated the proposed ordinance does not affect any utility that is already in place.

REAL ESTATE TRANSFER TAX ORDINANCE AMENDMENT - An Ordinance of the Board of Commissioners Amending Section 318-39 Imposition of Tax; Interest of Article V Realty Transfer Tax, of Chapter 318 Taxation, of the Upper Pottsgrove Township Code of Ordinances to Permit the Imposition of Interest on Delinquent Realty Transfer Tax Payments. A motion by DeLena, seconded by Noll, to authorize the Solicitor to advertise the proposed amendment to the Ordinance. All aye votes.

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ROBERT SLOSS - 2097 Needhammer Road - Questioned whether the amendment is really necessary. Mr. Garner stated the ordinance allows the municipality to collect interest on unpaid real estate transfer taxes.

PROPOSED 2007 BUDGET - Mr. Layne expressed his thanks and appreciation to everyone involved in the 2007 budget process, especially the Commissioners, the Department Heads, respectfully Cindy Saylor, Police Chief Bryan Ross, Public Works Director Frank Quinter, Michelle Reddick and Linda Coleman. Mr. Layne stated there will be no tax increase in 2007. He further stated the budget process was a “team effort” and noted that the 2007 budget is “tight” as our fund balances in the General and Sewer funds are restrictive. Mr. Layne reported the Township is looking into implementing new software and possibly hard ware from Dallas Data Systems to help keep us moving in the right direction. After a brief discussion, a motion by Dolan, seconded by Iatesta, to approve the tentative budget and to authorize the advertisement of the final budget. All aye votes.

ROBERT SLOSS - 2097 Needhammer Road - Addressed Mr. Layne and asked what the anticipated ending balance in the General Fund. Mr. Layne responded “\$684,984.” When Mr. Sloss questioned where the money came from; Mr. Layne stated anticipated revenues from the Developers, a transfer from the Liquid Fuels Fund, a transfer from the Sewer Fund, a transfer from the Fire Fund reimbursing the General Fund for invoices paid. When Mr. Sloss questioned whether the Township will need a tax anticipation note in 2007; Mr. Layne responded “yes”; however one of the goals for the upcoming year is to not have a tax anticipation note in 2008.

REQUEST FOR 2007 FUNDING FOR POTTSTOWN LIBRARY – Lynn Burkholder was present and outlined the activities and future goals of the Pottstown Library and asked the Commissioner to consider increasing their financial support for the upcoming year.

REQUEST FOR ESCROW RELEASE FROM T.H. PROPERTIES FOR THE FARMINGTON AVENUE SEWER REPLACEMENT PROJECT PHASE IV - A motion by Iatesta, seconded by DeLena, to approve the request for escrow release from T.H. Properties in the amount of \$68,425.90 for the Farmington Avenue Sewer Replacement Project Phase IV. All aye votes.

REQUEST FOR ESCROW RELEASE FROM ROUSE/CHAMBERLIN HOMES FOR THE FARMINGTON AVENUE SEWER REPLACEMENT PROJECT PHASE II AND III - A motion by Noll, seconded by DeLena, to approve the request for escrow release from Rouse/Chamberlin in the amount of \$566,091.80 for the Farmington Avenue Sewer Replacement Project Phases II and III. All aye votes.

REQUEST FOR ESCROW RELEASE FROM T.H. PROPERTIES FOR CODDINGTON VIEW PHASE II - A motion by Iatesta, seconded by DeLena, to approve the request for escrow release from T.H. Properties in the amount of \$652,122.15 as recommended by the Engineer for Coddington View Phase II. All aye votes.

When **ROBERT SLOSS, 2097 Needhammer Road**, questioned whether the escrow release would come from the Capital Reserve Fund; Mr. Layne responded "no."

PROPOSAL TO INCREASE THE EARNED INCOME TAX PER THE OPEN SPACE TAX ORDINANCE - There was no action taken by the Board.

ROBERT SLOSS - 2097 Needhammer Road - Requested clarification that the increase in the earned income tax would be used exclusively for open space.

REVIEW EXTENSION FOR ALTHOUSE TRACT - A motion by DeLena, seconded by Dolan, to approve a 90-day extension of time for review of the Althouse Subdivision. All aye votes.

ZONING HEARING BOARD APPEAL - TIMOTHY ACREE - Applicant has requested a variance under § 350-149.E(.2) of the Upper Pottsgrove Township Zoning Code to allow the addition of a bathroom and laundry facility to the existing residence. The addition would extend two feet beyond the existing side wall of the home. The Board agreed to take no official action.

RESOLUTION AUTHORIZING THE TOWNSHIP MANAGER TO SIGN RETIREMENT AGREEMENT - A motion by DeLena, seconded by Dolan, to adopt the Resolution authorizing the Township Manager to sign the Retirement Agreement with Smith Barney. All aye votes.

PUBLIC COMMENT:

REG LEISTER - 1693 Farmington Avenue - Requested an update with regards to the Farmington Avenue West sewer project. Mr. Layne stated a public meeting will be scheduled sometime in mid-January 2007.

ROBERT SLOSS - 2097 Needhammer Road - Referenced two upcoming "Laws of the Road" and suggested they be incorporated in the next newsletter. Mr. Sloss advised the members of the Board that they made "history" at tonight's meeting by spending over \$1,000,000 at one time. Mr. Layne noted that some of the money will be reimbursed to the Township.

REG LEISTER - 1693 Farmington Avenue - Stated the Montgomery County RACES (Radio Amateur Civil Emergency Service) for the 3rd year in a row placed 1st in national Field Day competition in the "F1 Emergency Operations Center category." He further stated we scored nearly twice the points of the 2nd place team in over 46 groups who competed in emergency communications under "out in the field" conditions. Which this past year involved thunderstorms and heavy downpours of rain, etc. In other words real-life foul weather conditions using non-commercial power sources to contact as many other amateur radio stations across the United States. This included both voice and digital (email over radio) communications which Mr. Layne participated in by sending and receiving emails to/from me from the field.

COMMISSIONERS COMMENTS:

COMMISSIONER NOLL - Provided an update regarding the cell tower and stated he spoke with a representative from American Tower. Mr. Noll reported American Tower is working together with Cingular Wireless on an agreement to move the antennae inside; however, they (American Tower) was notified last week that Cingular changed their mind and are no longer planning to move the exterior antennae inside. He further reported that Cingular recommended replacing the rope with a chain and a new pulley system. Mr. Noll noted that Cingular Wireless did agree to replace the torn flag.

COMMISSIONER IATESTA – Expressed his thanks and appreciation to the members of the Board for all the time and effort spent on the preparation of the 2007 budget; in particular Mr. Layne, Commissioner Taylor, John Bealer and Matt Dallas from Dallas Data Systems. Mr. Iatesta reported there will be a “walk down” along Farmington Avenue with regards to potholes and the condition of the road.

DIANA UPDEGROVE - 1402 Farmington Avenue - Clarified the three users on the cell tower as follows: Omnipoint which is now T-mobil, Sprint/Nextel and Cingular Wireless.

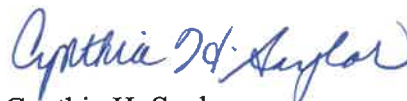
APPROVAL OF BILL LIST - December 4, 2006 - A motion by Iatesta, seconded by DeLena, to approve the Bill List dated December 4, 2006, for General Fund in the amount of \$392,120.41; Fire Fund in the amount of \$12,934.30; Park & Recreation Fund in the amount of \$17.70; Sewer Fund in the amount of \$16,056.19; State Fund in the amount of \$2,696.96 and Capital Reserve Fund in the amount of \$849,599.62. Total Expenditures - \$1,273,425.18.

ROBERT SLOSS - 2097 Needhammer Road - Questioned invoices from Witmer Associates and William Gift.

APPROVAL OF MINUTES - November 8, November 13, and November 15, 2006 - A motion by Dolan, seconded by DeLena, to approve the minutes for the November 8th, November 13th and November 15th meetings as presented. All aye votes.

ADJOURNMENT - There being no further business, a motion by DeLena, seconded by Dolan, to adjourn the meeting at 8:18 P.M. All aye votes.

Respectfully submitted,



Cynthia H. Saylor
Township Secretary