

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

March 16, 2009

A meeting of the Board of Commissioners was held on Monday, March 16, 2009, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners DeLena, Dolan, Noll, Spaide and Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., Township Manager Jack P. Layne, Public Works Director Frank Quinter and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:02 P.M. There were 12 people 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 COMMENT:

JENNIFER GROVES - 1425 Chestnut Grove Road - Asked what type of development is being proposed on the property across from the Upland Square Shopping Center. Commissioner Taylor stated there have been discussions with the developer; however nothing official has come before the Board. He further stated the proposed development would “dove tail” nicely with the Route 100 and State Street intersection improvements. Mr. Taylor noted the development would be good for the Township as far as the tax base and potential job opportunities.

GILBERT DUNCAN - 72 Hanover Drive - Referenced a recent article in the newspaper with regards to the open space and trails throughout the township and questioned how the Township can continue to spend money on open space when there are elderly residents being forced to sell their homes due to the economy. Commissioner Taylor stated the purchase of open space is being paid from the earned income tax revenue not the elderly residents in the township.

REPORTS:

EMERGENCY SERVICES REPORT - Commissioner Noll read the monthly Police Report and stated a copy will be posted on the bulletin board.

FIRE REPORT - Commissioner Noll reported the Fire Committee will meet on Thursday, March 19 at 7:00 P.M. Mr. Noll reported there will be a concert held at the Gilbertsville Firehouse on Friday, March 27th, 2009 which will benefit the Upper Pottsgrove Fire Company.

PLANNING AND ZONING REPORT - Commissioner Taylor reported the Planning Commission discussed the proposed Retail Office District Ordinance.

PUBLIC WORKS REPORT - Commissioner Spaide summarized the monthly activities performed by the Public Works Department and noted a copy of the report will be posted on the bulletin board.

Ms. Spaide stated the county prisoners were picking up trash throughout the Township and reported the annual street sweeping will take place the week of April 20, 2009. She further stated she would contact Met-Ed regarding trees that hanging over the electrical wires.

ROBERT SLOSS - 2097 Needhammer Road - Referenced the landscaping work that was recently done by the county prisoners at the Lower Pottsgrove Township Municipal building. Mr. Sloss questioned whether it would be feasible to utilize their services to maintain the open space properties and trails within the Township. Public Works Director, Frank Quinter, reported that he has utilized their services in the past and noted the prisoners painted the outside of the Administrative Office building last year.

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

TOWNSHIP SOLICITOR'S REPORT - Attorney Garner reported most of his activities will be discussed during the Executive Session portion of the meeting.

TOWNSHIP MANAGER'S REPORT - Mr. Layne reported he assisted in the completion and submittal of the H20 and PennVest sewer and water project applications; assisted in the completion and submittal of request for Federal funding assistance to Congressman Charles Dent's Office, coordinated Township's Emergency Management Team's participation in the Pennsylvania Emergency Management Agency's Weather Alert Emergency Drill; attended Montgomery County Emergency Management Coordinator training session; assisted in coordinating efforts to contact Regal Oaks residents regarding the inspection of their properties for sump pumps; coordinated efforts for preparation and development of a Master Plan for the Prince/Austerberry Property by Rettew and attended various committee meetings. Mr. Layne stated the bid opening for the Regal Oaks Pump Station will be held on April 15 at 11:00 A.M. and the pre-bid meeting for the same project will be held on April 2nd. Mr. Layne noted that the auditors from Reinsal, Kuntz & Leshner are in the process of performing the Township's annual audit.

MONTHLY FINANCIAL REPORT - Copies of the monthly Financial Reports were provided to the members of the Board in their meeting packets.

NEW BUSINESS:

DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED SUMP PUMP USER FEE ORDINANCE - Ordinance #433 - An Ordinance of the Board of Commissioners of Upper Pottsgrove Township amending Chapter 275, Sewers and Sewage Disposal, of the Code of the Township of Upper Pottsgrove, as amended, to Create a Sump Pump User Fee. - A motion by Dolan, seconded by DeLena, to approve Ordinance #433. All aye votes.

GILBERT DUNCAN - 72 Hanover Drive - Requested a clarification with regards to the sump pump inspections.

DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSAL TO ALLOW SCHEDULE 40 PVC PIPE FOR SEWER INSTALLATION

- Attorney Garner stated the Sewer and Water Committee are recommending that the Board of Commissioners amend the Township code of Ordinances to allow for the inclusion of co-extruded composite PVC DWV Schedule 40 IPS pipe (solid) as an acceptable material for sewer connections in addition to the currently used SDR-26. Schedule 40 PVC is a material that is approved for use by the International Plumbing Code and is used for sewer laterals in most of the neighboring municipalities.

A motion by Noll, seconded by DeLena, to amend the Township Code of Ordinances to allow for the use of PVC DWV Schedule 40 IPS pipe as an acceptable material for sewer connections. All aye votes.

JENNIFER GROVES - 1425 Chestnut Grove Road - Expressed concern that the roads will be torn up. Commissioner Taylor stated the amendment to the Code of Ordinances would pertain to future sewer installations and replacements.

When **GILBERT DUNCAN, 72 Hanover Drive**, questioned what the Township is currently using; Mr. Quinter stated SDR -26 and noted the Schedule 40 pipe is easier to work with.

ROBERT SLOSS - 2097 Needhammer Road - Questioned whether the Township can expect a lower bid due to the change in the piping requirements. Mr. Quinter stated the change in piping requirements would not be that significant.

JOHN BEALER - 1521 Farmington Avenue - Reiterated the recommendation of the Sewer Committee, with the support of LTL Consultants, to amend the Code of Ordinances to allow for the inclusion of co-extruded composite PVC DWV Schedule-40 IPS pipe as an acceptable material for sewer connections.

POSSIBLE APPROVAL OF A REQUEST TO HAVE RETTEW PREPARE AND SUBMIT THE PENNSYLVANIA DEPARTMENT OF NATURAL RESOURCES GRANT APPLICATION OF THE DEVELOPMENT OF THE PRINCE/AUSTERBERRY PARK AREA

- David Beideman, RETTEW Associates, was present to discuss the grant application process for the development of the Prince/Austerberry Park. Mr. Beideman stated that up to 50% of the construction costs of the Master Plan for the Prince/Austerberry Park could be funded from the DCNR grant. He further stated the deadline for the submission of the grant application is April 22, 2009. Commissioner Dolan stated he felt it would be cost effective to have RETTEW Associates prepare the grant application. After discussion, a motion by Dolan, seconded by Spaide, to authorize RETTEW Associates to prepare and submit the Pennsylvania Department of Natural Resources Grant Application for the Development of the Prince/Austerberry Park. All aye votes.

ROBERT SLOSS - 2097 Needhammer Road - Expressed his concern regarding the Township's open space purchases and the construction of trails and parks and noted the original referendum was for the purchase of open space and not the construction of trails and parks. Attorney Garner stated that a few years ago the Township did a capital borrowing and some of that money was earmarked for open space purchases. Mr. Garner clarified that the Township is not using the earned income tax revenue. Commissioner Noll requested clarification that the fees for the Prince/Austerberry Master Plan would be paid from the funds available from the capital borrowing.

GILBERT DUNCAN - 72 Hanover Drive - Expressed his concern and questioned how the residents of the Township will know if the money is solely being spent on open space purchases. Mr. Layne responded to Mr. Duncan's concern and explained one of the reasons the Township is applying for the grant from DCNR is because there is a larger "pot" of money available for specific purposes such as the construction of trails.

KEITH KEHL - 1625 Gilbertsville Road - Requested clarification regarding the additional ¼% in earned income tax revenue and the repayment of the loan. Commissioner Taylor explained the Township collects an additional ¼% in earned income tax from the wage earners in the Township that is used strictly for the purchase of open space. He further explained that the Township previously borrowed money in 2005 and a portion of that money has been used for studies and expenses associated with open space but not the actual purchase of open space.

COMMISSIONER NOLL - Questioned whether there is a tracking system in place to distinguish between the two funds. Attorney Chuck Garner stated there would be a tracking system in the Township's Capital Account showing how much of the open space money has been used from the 2005 borrowing.

RICHARD BALL - 1371 Chestnut Grove Road - Questioned whether the Township has a cost estimate regarding the Prince/Austerberry Park project.

DEIDRE SLIFER - 1443 Farmington Avenue - Expressed her concern that if the Township is not awarded the grant how will we pay for RETTEW'S services and questioned whether there will be another tax increase. Commissioner Taylor stated there is enough money to pay for RETTEW'S services.

DISCUSSION AND PRESENTATION BY MCMAHON ASSOCIATES REGARDING THE STATE ROUTE 100 STUDY - Chris Williams, McMahon Associates, was present to discuss proposed recommendations for traffic improvements along the Route 100 corridor. Mr. Williams stated the goal of the project is to improve safety and mobility along the Route 100 corridor; specifically to address issues relative to traffic congestion. He further stated that Route 100 is an eleven (11) mile corridor with a total of nineteen (19) key intersections and it traverses through several municipalities and counties. Mr. Williams stated McMahon Associates has been working in connection with the Pottstown Metropolitan Planning Commission and representatives from PennDot. Mr. Williams stated the project will conclude in June 2009.

ROBERT SLOSS - 2097 Needhammer Road - Expressed his concern that in fifteen or twenty years Route 100 will not be able to handle the added traffic volume. Mr. Williams stated that eventually Route 100 may need to be six lanes.

OLD BUSINESS:

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE #434 ARTICLE VII, MUNICIPAL INDUSTRIAL PRETREATMENT PROGRAM OF CHAPTER 275, SEWERS AND SEWAGE DISPOSAL - An Ordinance amending Article VII, Municipal Industrial Pretreatment Program of Chapter 275, Sewers and Sewage Disposal, of the Code of Ordinances of Upper Pottsgrove Township, as amended, to Incorporate Regulations Developed by the Environmental Protection Agency. A motion by Noll, seconded by DeLena, to approve Ordinance #434. All aye votes.

DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED 2009 ROAD IMPROVEMENT PROGRAM - Public Works Director, Frank Quinter, stated the Township has approximately \$90,000 budgeted for road improvements this year and noted there was a \$12,000 cut in Liquid Fuels money. Mr. Quinter recommended paving Pineford Road and a portion of Snyder Road, from Gilbertsville Road to Mimosa Lane, as part of the 2009 road improvement program. When Commissioner Taylor questioned the Public Works Director's his concerns regarding Horseshoe Drive; Mr. Quinter stated there is curbing and gutter work that should be done first. Commissioner Noll stated he was in agreement with the Public Works Director's recommendation to pave Pineford Road and a portion of Snyder Road; however he would like to make an effort and do some type of improvements on the roads our long-time residents have been living on.

PROPOSED 2009 ROAD IMPROVEMENT PROGRAM CONT'D - Mr. Noll stated he would like to look into other funding alternatives in order to make additional road improvements.

KEITH KEHL - 1625 Gilbertsville Road - Stated Cross Road should be closed due to deplorable driving conditions.

GARY NOVACK - 1433 North Hanover Street - Requested a clarification with regards to micro surfacing verses oil and chip. Mr. Quinter stated there is no whip-off involved with micro surfacing.

A motion by Dolan, seconded by DeLena, to approve the Pineford Road and Snyder Road projects and authorize the Public Works Director and Engineer to begin bid preparation. All aye votes.

OTHER PUBLIC COMMENT:

KEITH KEHL - 1625 Gilbertsville Road - Referenced a recent newspaper article regarding a stimulus package for police and questioned whether it pertained to Upper Pottsgrove Mr. Layne stated we were not competitive with respect to population and crime statistics.

COMMISSIONERS COMMENTS:

COMMISSIONER DOLAN - Reported there will be a meeting held on Monday, March 30, 2009 at 7:00 P.M. to discuss Police Regionalization.

PAYMENT OF BILLS - March 2nd and March 16th - A motion by DeLena, seconded by Dolan, to approve the Bill List dated March 2, 2009 in the amount of \$ 45,925.09 and the Bill List dated March 16, 2009 in the amount of \$103,947.90. All aye votes.

RICHARD BALL - 1371 Chestnut Grove Road - Referenced the invoice from RETTEW Associates and questioned whether the Board just took action regarding this matter at tonight's meeting. Mr. Layne explained the invoice on the March 16th Bill List is for Master Plan and the Township will be reimbursed with a \$25,000 grant from the Pottstown Health and Wellness Foundation.

APPROVAL OF MINUTES - February 17, 2009 - A motion by DeLena, seconded by Noll, to approve the minutes of the February 17, 2009, meeting as presented. Commissioner Spaide abstained from voting because she was absent from the meeting.

EXECUTIVE SESSION - At 8:25 P.M. Mr. Taylor announced there would be an Executive Session to discuss three matters of pending litigation and one matter of potential litigation. The meeting reconvened at 10:15 P.M. with no decisions being made.

ADJOURNMENT - A motion by Spaide, seconded by DeLena, to adjourn the meeting at 10:17 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor,
Township Secretary