

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

November 15, 2010

A meeting of the Board of Commissioners was held on Monday, November 15, 2010, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners Dolan, Miller, Noll, Spaide and Taylor present. Also present were Solicitor Charles D. Garner, Jr., Police Chief William A. Moffett, Township Manager Jack P. Layne, Jr. and Township Secretary Cynthia Saylor. Commissioner Taylor called the meeting to order at 7:00 P.M. There were 6 people present in the audience.

MOMENT OF SILENCE - Commissioner 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: None

EMERGENCY SERVICES REPORT - Commissioner Noll advised there will be a Fire Committee meeting Thursday, November 18, 2010. He further advised that Martin Schreiber is the new Fire Company President and Stanley Hildenbrand is the new Fire Chief. Commissioner Noll stated that copies of the monthly Fire Reports as well as the monthly Police Report will be posted on the bulletin board.

PLANNING & ZONING REPORT - Commissioner Taylor reported that the Planning Commission met and discussed the Route 100 Overlay Ordinance.

PUBLIC WORKS REPORT - Commissioner Spaide reported that the Highway Department has begun preparations for the upcoming winter.

PARKS, RECREATION AND OPEN SPACE - Commissioner Miller stated he had nothing to report.

SPECIAL TOWNSHIP PROJECTS - Commissioner Dolan provided a brief update with regards to the use of open space funding for maintenance purposes.

TOWNSHIP ENGINEER'S REPORT - It was noted that a copy of the monthly Engineer's Report will be posted on the bulletin board.

TOWNSHIP MANAGER'S REPORT - Mr. Layne reported that he assisted with the coordination and presentation of the proposed 2011 Annual Budget; submitted written and verbal testimony at the Superior Water rate increase hearing; assisted in coordinating agreement negotiation efforts with Tri-Star; assisted in efforts to provide a new cell tower on the Smola property and assisted in the preparation and submittal of a grant application for funding from the Pottstown Area Health and Wellness Foundation.

MONTHLY FINANCIAL REPORTS - Copies of the monthly Financial Reports were included in the Board members' meeting packets. Mr. Layne reported that as of October 31, 2010, the Township has received 76.6% of the budgeted revenues and expended 69.6% of the budgeted expenditures. Mr. Layne noted that the Annual 2011 Budget has been advertised for public review.

NEW BUSINESS:

DISCUSSION AND POSSIBLE AUTHORIZATION TO OBTAIN PROPOSALS FOR A TAX ANTICIPATION NOTE (TAN) FOR 2011 - A motion by Spaide, seconded by Dolan, to authorize staff to obtain proposal for a Tax Anticipation Note (TAN) in the amount of \$300,000.00 for 2011. All aye votes.

DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED REVISED FEES FOR 2011 - It was agreed that the members of the Board and the Solicitor would review the proposed revised fees for 2011 and take action at the December 6, 2010, meeting.

DISCUSSION AND POSSIBLE APPROVAL OF AN AGREEMENT WITH HOUGH ASSOCIATES TO COLLECT 2010 RESIDENTIAL AND COMMERCIAL RECYCLING DATA AND TO PREPARE THE PADEP RECYCLING GRANT APPLICATION - A motion by Miller, seconded by Spaide, to execute an Agreement with Hough Associates to collect the 2010 residential and commercial recycling data and prepare the PA DEP Recycling Grant Application. All aye votes.

DISCUSSION AND POSSIBLE ACTION REGARDING 2011 COMMITTEE APPOINTMENTS - Commissioner Dolan agreed to represent Upper Pottsgrove Township in place of Commissioner Spaide at the Pottstown Area Regional Planning Commission meetings in 2011.

OLD BUSINESS:

DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSAL SUBMITTED BY TRISTAR INVESTORS, INC - Attorney Garner provided a brief history pertaining to the proposal submitted by TriStar Investors, Inc with regards to the Township's cell tower located on Heather Place. Attorney Garner stated the proposal includes an up front payment of \$75,000.00 for the rights to the extension of the lease after it expires with American Tower. He further stated that he contacted American Tower to see if they had any interest in extending their lease; however, he has not received any response from them. Attorney Garner reported that it is his recommendation, along with Mr. Layne, that TriStar will contribute towards the Township's out of pocket costs for Attorney fees. Commissioner Noll expressed his concern with giving up ownership of the Heather Place cell tower. After further discussion, a motion by Miller, seconded by Dolan, to authorize and execute the Letter Agreement with TriStar Investors subject to final review by the Solicitor and the Township Manager. All aye votes.

OTHER PUBLIC COMMENT: None.

COMMISSIONER COMMENTS: None.

TOWNSHIP MANAGER - Mr. Layne reported that he met with a representative from Glacial Energy of PA regarding the Township's electric bills and noted that he will have additional information for the Board members at the next meeting.

PAYMENT OF BILLS - A motion by Noll, seconded by Miller, to approve the Bill List dated November 15, 2010, for General Fund in the amount of \$27,167.68; Fire Fund in the amount of \$1,491.38; Sewer Fund in the amount of \$1,010.96; Capital Fund in the amount of \$2,204.88; Open Space Fund in the amount of \$1,621.13 and Escrow Fund in the amount of \$264.00. Total Expenditures - \$33,750.03. All aye votes.

APPROVAL OF MINUTES - A motion by Spaide, seconded by Miller, to approve the minutes of the November 1, 2010, meeting as presented. All aye votes.

PUBLIC HEARING ON A CONDITIONAL USE APPLICATION SUBMITTED BY LIBERTY TOWERS, LLC - Attorney Garner opened the public hearing at 7:30 P.M. and noted that this is a continuation from the October 18, 2010, meeting. Crystal Fisher, Esquire with Lemanowicz, LLP was present to continue discussions regarding the Conditional Use Application submitted by Liberty Towers, LLC for the construction of a wireless telecommunications facility on the property located at 96 Pineford Road. The hearing was closed at 8:12 P.M. Attorney Garner explained that the members of the Board have forty five (45) days to make a decision.

EXECUTIVE SESSION - At 8:13 P.M. Commissioner Taylor advised the Board would meet in Executive Session to discuss legal matters with no decisions being made. The meeting reconvened at 8:44 P.M.

ADJOURNMENT - There being no further business, a motion by Dolan, seconded by Spaide, to adjourn the meeting at 8:45 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor,
Township Secretary