

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

**May 21, 2012**

The meeting of the Board of Commissioners was held on Monday, May 21, 2012, at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Commissioners Dolan, Miller, Noll, and Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., Township Manager Jack P. Layne, Police Chief William Moffett, Public Works Director Frank Quinter and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:00 P.M. There were 8 people and a Mercury Reporter present in the audience. Commissioner Spaide was absent.

**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:**

**JOHN WEST - 1611 Applegate Lane** - Advised that he was taping the meeting.

**REPORTS:**

**EMERGENCY SERVICES - POLICE REPORT** - Chief Moffett read the monthly Police Report. Chief Moffett reported that he, along with the Township Manager, attended a meeting with the Coddington View residents to address their questions and concerns regarding the recent thefts/burglaries that have taken place. The Chief emphasized the importance of locking your homes and vehicles. Commissioner Taylor expressed his appreciation to Chief Moffett and Mr. Layne for the community outreach. **FIRE REPORT** - Commissioner Dolan provided an update with regards to the Fire Committee's discussions pertaining to fees for false fire alarms.

When **COMMISSIONER NOLL** questioned the specific changes that we are looking at amending and who will be responsible for the billing and financial management of the hazmat/accident fees; Commissioner Dolan stated that the Fire Company would like to utilize an outside agency to collect the fees for both the false fire alarms and the hazardous waste calls.

**JOHN WEST - 1611 Applegate Lane** - Expressed his concern as to whether residents will have the ability to refuse service.

**PLANNING AND ZONING REPORT** - Commissioner Taylor reported that the Planning Commission did not meet this month.

**PUBLIC WORKS REPORT** - Public Works Director Frank Quinter reported the Highway Department planted trees, extended the width of the parking lot and changed grade of bank at pond in Sussell Park. They also continued routine mowing and trimming of all township parks and open space areas; trimmed brush at the intersection Maugers Mill and Orlando Road; obtained pricing in order to have a large dead tree removed from Snyder Road and continued patching and compacting potholes.

**PUBLIC WORKS REPORT CONT'D** - With regards to Wastewater; the public works department reviewed sewer lateral televising videos with LTL Consultants; retelevise 10 leaking laterals in the Regal Oaks Subdivision and attempted to secure pricing for the removal of flume at Turnberry Farms metering station.

**COMMISSIONER NOLL** expressed his thanks and appreciation to the Highway "team" for all their hard work and efforts in cleaning up both Sussell and Sunset Parks.

**PARKS, RECREATION AND OPEN SPACE REPORTS** - Commissioner Miller reported that the sign has been installed at Sussell Park. He further reported that Pastor Levensood, from Hopewell Community Church, attended the recent Park, Recreation and Open Space meeting and suggested that they (church) join forces with the Township in hosting this year's Community Day. Commissioner Miller noted that Pastor Levensood is responsible for ten (10) new volunteers to the clean-up brigade. Commissioner Dolan expressed his concern that Township dollars will be used to sponsor an event hosted by Hopewell Community Church. Commissioner Miller stated that it was the recommendation of the Park and Recreation Committee that the Church join forces with the Township in planning Community Day. In response to a question from **COMMISSIONER NOLL**; Commissioner Miller stated the Church will work "arm and arm" with the Park and Recreation Committee. After further discussion, a motion by Noll, seconded by Miller, to accept the recommendation of the Park, Recreation and Open Space Committee to join forces with Hopewell Community Church in planning this year's Community Day festivities. All aye votes. Regarding other business, Commissioner Miller reported that the Borough of Pottstown is contemplating putting in a bike trail and the Park, Recreation and Open Space Committee recommended the purchase of a five bike rack to be placed in Sunset Park. Mr. Miller noted that there are a number of dead and overhanging limbs along the trail in Sunset Park that need to be cleared. The Students Against Violating the Earth will give a presentation at Pottsgrove High School on Wednesday, May 23<sup>rd</sup> and invited anyone interested in joining him at the meeting.

**SPECIAL PROJECTS REPORT** - Commissioner Noll stated he had no specific updates on any special projects; but if anyone had any questions regarding any project he would look into the matter.

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

**SOLICITOR'S REPORT** - Attorney Garner reported that he along with Township Manager, Jack Layne, attended the closing for the property located at 10 West Moyer Road. He further reported that the Woodbrook Townhome project will soon be finished and the punch-list items are almost completed. Attorney Garner referenced Ordinance #455 and requested that the Board take formal action in adopting this ordinance and noted he was concerned about the timing of the legal ad.

**ORDINANCE #455** - An Ordinance Authorizing the Township of Upper Pottsgrove to Participate in the Municipal Risk Management Workers' Compensation Pooled Trust. A motion by Dolan, seconded by Miller, to reaffirm and adopt Ordinance #455. All aye votes.

**COMMISSIONER MILLER** - Referenced the recently purchased property located at 10 West Moyer Road and noted that the Park, Recreation and Open Space Board are currently looking for land to be used as a possible baseball field. Mr. Miller stated that the need for ball fields within the Township is in high demand and previously we have had to turn teams away.

Attorney Garner referenced the recent push from municipalities in an attempt to change the ordinance with respect to the open space earned income tax funds to allow a certain percentage of those funds to be used for maintenance. Mr. Garner stated to date he has not heard any update regarding the status of this Bill.

**TOWNSHIP MANAGER'S REPORT** - Mr. Layne reported that he assisted in coordinating efforts to successfully obtain an A2 Bond Rating from Moody's and to have a bond refinancing proposal amounting to \$3,090,000 approved by the Board; assisted in coordinating efforts to meet with Woodbrook residents a second time regarding proposed traffic and parking revisions; contacted Coddington View residents to coordinate an HOA meeting with them and also, along with Chief Moffett responded to their concerns and questions; assisted in coordinating efforts with the Chief to complete and submit the Police Regionalization application information that was provided to the State; assisted in coordinating efforts to obtain additional open space; completed and submitted a full application to the Pottstown Area Health and Wellness Foundation for grant funding to provide for the extension and development of the Spregel's Run Pedestrian Trail and Sunset Park; attended an Emergency Management Coordinators' training program that was provided by Montgomery County and assisted in coordinating efforts to have trees planted at Heather Place Park. Mr. Layne reported that the bid opening for the 2012 Road Improvement Project will be held on Friday, June 8<sup>th</sup>.

**MONTHLY FINANCIAL REPORT** - Mr. Layne reported that the Township has received 48.6% of the budgeted revenue and spent 31.6% of the budgeted expenses.

**NEW BUSINESS:**

**DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION #611 DESIGNATING GOODWILL AMBULANCE AS THE PROVIDER OF AMBULANCE SERVICE FOR THE TOWNSHIP AND UPPER POTTS GROVE TOWNSHIP FIRE COMPANY NO. 1 AS THE PROVIDER OF FIRE PROTECTION** - A motion by Dolan, seconded by Miller, to approve Resolution #611 designating Goodwill Ambulance as the provider of ambulance service for the Township. All aye votes.

**DISCUSSION AND POSSIBLE ACTION REGARDING ACT 13 OF 2012** - Attorney Garner explained that Act 13 of 2012 preempts municipal zoning of gas and oil operations in all municipalities in the Commonwealth; the Act basically allows gas drilling and other aspects of gas development in all zones in a municipality, including residential zones, and requires municipalities to allow other gas and oil operations in districts prescribed by the State. After discussion, a motion by Noll, seconded by Miller, authorizing the Township Manager to write a letter in support of Act 13. All aye votes.

**DISCUSSION AND POSSIBLE AUTHORIZATION TO APPOINT ROBERT ANTHONY AS AN ALTERNATE TO THE ZONING HEARING BOARD - Resolution #612** - A Resolution appointing Robert Anthony, as successor, to serve as an alternate member of the Upper Pottsgrove Township Zoning Hearing Board. A motion by Noll, seconded by Dolan, to appoint Robert Anthony as an Alternate Member to the Zoning Hearing Board. All aye votes.

**OLD BUSINESS:**

**DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE ADVERTISEMENT OF ORDINANCE AMENDING SECTION 97 TO REVISE THE PROCEDURE FOR CHARGING SERVICE FEES FOR FALSE FIRE ALARMS** - Attorney Garner explained that the existing Township Ordinance regarding false fire alarms was adopted in June of 2007. He further explained that Section 97 establishes service fees for false fire alarms to be assessed by the Township so that in any calendar year there are two (2) false alarms that can occur without charge. Additional false alarms within the calendar year are to be assessed fees based on a Resolution adopted by the Board of Commissioners. Attorney Garner stated that the Fire Committee recommended one free false fire alarm within the calendar year and then start assessing fees for the second, third, fourth, fifth and subsequent false alarms thereafter. After a lengthy discussion, a motion by Dolan, seconded by Miller, to authorize the advertisement of the amendment and the preparation of the revised fee Resolution. When **COMMISSIONER NOLL** asked if any documentation was received noting an excessive amount of false alarms within the Township; Commissioner Dolan stated he didn't have an exact amount, however it definitely does happen in this Township. Mr. Dolan said that the goal is to discourage false alarms. Commissioner Noll stated he cannot support amending an entire ordinance without seeing any reports or documentation to justify the change. He further stated that he surveyed surrounding townships with regards to false alarm fees and noted that West Pottsgrove Township allows three (3) false alarms before a fine is assessed; Lower Pottsgrove assesses a \$35.00 fine on the second false alarm and on the third false alarm the fine is \$150.00 and West Norriton Township allows three (3) false alarms before a fine is assessed. Commissioner Noll stated he is not aware of any First Class Township in Montgomery County, other than Lower Pottsgrove, that charges on the second false alarm and their fine is \$35.00; we're recommending \$100.00. He further stated that he supports the volunteers and would like to help them in any way that we can; however, he does not agree with the hardship that would be placed on the residents.

**PEGGY MOSER - 1468 Heather Place** - Agreed with Commissioner Noll and stated that the Fire Company has a responsibility to provide and share the reports with the Fire Committee.

**JOHN WEST - 1611 Applegate Lane** - Stated that he was in attendance at the Fire Committee meeting and noted that Commissioner Dolan asked for documentation pertaining to the number of false fire alarms within the township. He further stated that he is in agreement with Commissioner Noll with regards to the need for documentation from the Fire Company.

**COMMISSIONER TAYLOR** - Stated that he is in agreement with wanting to support the firefighters; however, in his opinion the fees don't come close to the cost of covering the expense of having all the firefighters and equipment respond.

**COMMISSIONER TAYLOR CONT'D** - Commissioner Taylor noted that it costs more than \$35.00 to have the Fire Company respond to one false alarm.

**COMMISSIONER MILLER** - Stated that he came from a township where a false alarm became a safety issue and a person was killed at an intersection when the fire truck responded to the call. He further stated that he is in agreement that after the first false alarm there shouldn't be any subsequent alarms.

**COMMISSIONER NOLL** - Advised that the fire trucks do not roll on all false alarms; the Fire Chief responds directly to the scene and then radio's back to the station. Commissioner Noll reiterated that the trucks do not roll on all false alarms and there is no expense incurred by the Fire Company on the majority of the calls.

**COMMISSIONER TAYLOR** requested a roll call vote: Aye votes ~ Commissioners Dolan and Taylor. Nay votes ~ Miller and Noll. Motion fails. Commissioner Miller noted that both Commissioners' Dolan and Noll have valid points and asked that the matter be tabled to the next meeting.

**DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED ROAD AND PARKING RECONFIGURATION AT WOODBROOK ESTATES** - Commissioner Taylor reported that he along with Jack Layne, Frank Quinter and Commissioner Spaide met for the second time with residents from Woodbrook Estates with regards to the proposed improvements to the parking and traffic within their development. After a brief discussion, a motion by Miller, seconded by Dolan, to approve the proposed road and parking reconfiguration at Woodbrook Estates. All aye votes.

In response to a statement from **KEITH KEHL, 1941 Gilbertsville Road**, regarding Laura Lane; Commissioner Taylor stated that the road is the standard thirty (30) foot width just like every other road in the township.

In response to a question from **DIANA UPDEGROVE, 1404 Farmington Avenue**, Commissioner Taylor explained that the streets within the Woodbrook Estates Development are dedicated and the Developer has completed everything required to establish the roads per his plan. He further explained that the Township is helping the community by reconfiguring the parking and the addition of a three-way stop sign at the intersection of Laura Lane and Brynne Lane. It was noted that the Township would be responsible for the installation of the new signage and stop signs.

**DISCUSSION AND POSSIBLE ACTION TO APPROVE AN AMENDMENT TO THE TOWNSHIP ZONING ORDINANCE REGARDING ACCESSORY STRUCTURES** - Attorney Garner explained that at the April meeting the Board discussed changes to the Zoning Ordinance relating to accessory structures. He further explained that the Township's Zoning Officer, Jeff Vogels, had expressed his concern regarding the lack of detail and vagueness relating to these types of structures. Attorney Garner provided draft language changes to the Township's Zoning Ordinance

for the Board's review and noted that no formal action would be taken tonight.

**DISCUSSION AND POSSIBLE ACTION TO APPROVE AN AMENDMENT TO THE TOWNSHIP ZONING ORDINANCE REGARDING ACCESSORY STRUCTURES CONT'D**

It was agreed that any comments or concerns regarding the proposed language would be e-mailed to the Township Manager.

In response to a question from **DIANA UPDEGROVE, 1404 Farmington Avenue**, Attorney Garner stated he would have to read the provisions in the Zoning Ordinance regarding non-conforming use. Mrs. Updegrove also expressed her concern regarding temporary trailers i.e. pods.

**OTHER PUBLIC COMMENT:**

**SUSAN DAVIS** - Introduced herself as the new Director of the Pottstown Public Library and thanked the members of the Board for their support. Ms. Davis stated that she had gotten "lost" on her way to the meeting and noted the confusion between State Street and State Road.

**KEITH KEHL - 1941 Gilbertsville Road** - Agreed that there is confusion between State Street and State Road. Public Works Director, Frank Quinter, explained that PennDOT changed North State Street to State Road a few years ago. When Mr. Kehl questioned the proposed width of Cross Road upon completion; Commissioner Taylor stated he would have to look at the plans.

**COMMISSIONERS COMMENTS:** None

**PAYMENT OF BILLS - Amended Bill List May 21, 2012** - A motion by Dolan, seconded by Miller, to approve the amended Bill List dated May 21, 2012, for General Fund in the amount of \$40,697.76; Fire Fund in the amount of \$227.72; Sewer Fund in the amount of \$1,029.51; Capital Fund in the amount of \$2,731.98; Open Space Fund in the amount of \$3,496.27 and State Fund in the amount of \$266.36. Total Disbursements ~ \$48,449.60. When Commissioner Noll questioned the invoice from Hach Company in the amount of \$2,731.98, Mr. Layne explained the expense is the monthly service for the new sewer meters.

**JOHN WEST - 1611 Applegate Lane** - Questioned invoices from Lower Pottsgrove Township and a mileage reimbursement for Matt Galamba as depicted on the May 21<sup>st</sup> Bill List. Chief Moffett explained that he purchased used equipment from Lower Pottsgrove to use the spare parts. Mr. Layne explained that Matt Galamba was reimbursed for his mileage when he attended a training session.

**APPROVAL OF MINUTES - April 16, 2012 & May 7, 2012** - A motion by Dolan, seconded by Miller, to approve the minutes of the April 16 and May 7, 2012 meetings as presented. All aye votes.

**EXECUTIVE SESSION** - At 8:32 P.M. Commissioner Taylor advised that the Board would be meeting in Executive Session to discuss possible open space acquisition and possible action could be taken. The meeting reconvened at 9:02 P.M.

**AGREEMENT OF SALE - Pineford Road Property** - A motion by Dolan, seconded by Miller, to approve and execute an Agreement of Sale with RGM Development Corporation for the purchase of the Pineford Road property consisting of 12.23 acres at a purchase price not to exceed \$500,000.00. All aye votes. A motion by Dolan, seconded by Miller, to authorize the appropriate officials of Upper Pottsgrove Township to execute all documents necessary to accomplish the purchase of the Pineford Road property, upon satisfactory compliance of all conditions in the Agreement of Sale. All aye votes.

**ADJOURNMENT** - There being no further business, a motion by Dolan, seconded by Miller, to adjourn the meeting at 9:05 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor,  
Township Secretary