

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

**September 4, 2007**

The meeting of the Board of Commissioners was held on Tuesday, September 4, 2007, at the Upper Pottsgrove Administrative Offices, 1409 Farmington Avenue, with Commissioners DeLena, Dolan, Noll and Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., Township Manager Jack P. Layne, Jr., Township Secretary Cynthia Saylor and Engineer John Wentzel. There were 8 people present in the audience. Mr. Taylor called the meeting to order at 7:30 P.M. Commissioner Iatesta 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.

**SPECIAL PRESENTATION** - Mr. Layne presented a plaque to the members of the Board from E.J. Brenneman Recycling and Paving Company in recognition of an article that appeared in the July 2007 issue of Better Roads, a nationally distributed Governmental and Contractor Magazine, for realizing the many advantages of Cured In Place Asphalt Recycling.

**PUBLIC COMMENTS:**

**ED QUAY - 948 Commerce Drive** - Reiterated the concerns of the local businessmen with regards to the proposed reconfiguration of the Route 100, State Street and Commerce Drive intersection. Mr. Quay expressed his concern regarding the inability to make a left hand turn from Commerce Drive onto State Street and noted a major inconvenience. Commissioner Taylor stated letters have been forwarded to PennDot representatives addressing the concerns of the Township and the neighboring business owners.

**ROBERT ANYTHONY - 1376 Chestnut Grove Road** - Requested an update with regards to a proposed gun ordinance which was discussed at last month's meeting. Attorney Chuck Garner reported he would have a draft of a proposed ordinance for the Board's review at the next meeting.

**HENRY BEALER - 1382 Farmington Avenue** - Expressed his appreciation to the Highway Department for the "good job" they did in repairing the drop off along the shoulder of Farmington Avenue.

**RATIFICATION OF EXTENSION AGREEMENT FOR THE WATERLINE PROJECT** - A motion by Dolan, seconded by Noll, to ratify the extension of the waterline project agreement. All aye votes.

**DISCUSSION ON PROPOSED PARKING TICKET ORDINANCE** - Police Chief Bryan Ross discussed a proposed ordinance which would allow the Police Officers to issue parking tickets for all parking violations. Chief Ross explained that currently Officers attempting to cite for a parking violation must issue a traffic citation which involves additional fees and fines. He further explained the Township would receive 100% of the fine money generated rather than the 50% currently generated thru traffic citations. After a brief discussion, a motion by DeLena, seconded by Noll, to authorize the Solicitor to draft a parking ticket ordinance. All aye votes.

**HENRY BEALER - 1382 Farmington Avenue** - Expressed his concern regarding snow plowing when vehicles are parked on the both sides of the street.

**AUTHORIZATION FOR SOLICITOR TO PREPARE A ZONING ORDINANCE AMENDMENT INSURING TOWNSHIP COMPLIANCE WITH THE REGIONAL PLAN -**

The Solicitor explained the minor changes to the amendment and noted he would have a draft for the members of the Board for the next meeting. After a brief discussion, a motion by DeLena, seconded by Dolan, to authorize and establish the public hearing date of October 1, 2007 for the zoning amendment insuring compliance with the Regional Plan. All aye votes.

**ANNUAL INCENTIVE PAY COMPENSATION FOR THE TOWNSHIP MANAGER AND POLICE CHIEF** - A motion by Dolan, seconded by DeLena, to approve an annual incentive pay compensation of 4% for Township Manager Jack Layne and Police Chief Bryan Ross. All aye votes.

**FINAL APPROVAL OF 409 EVANS ROAD SUBDIVISION** - Commissioner Taylor reported the Planning Commission reviewed revised final plans for the 409 Evans Road Subdivision and recommends their approval subject to the following conditions: compliance with all conditions and comments set forth in the Township Engineer's letter dated August 10, 2007; compliance with all conditions and comments set forth in the Montgomery County Planning Commission's review letter dated July 6, 2007; compliance with all requirements in the Upper Pottsgrove Township Board of Commissioners Conditional Use Order date February 21, 2006; a restriction to be placed on the final plan, the form of which shall be acceptable to the Township, prohibiting the use of fertilizers, pesticides and other similar chemicals, including chemicals for ice removal, on the seven (7) lots. Said restriction shall be included in the Homeowners' Association documents; the submission and approval of Homeowners' Association documents, including conservation easements, the form of which shall be acceptable to the Township to address the following items which shall include, but not be limited to, maintenance of stormwater and maintenance of vegetation, and the construction of accessory uses; the execution by the Applicant of a Developer's Agreement in a form acceptable to the Township Solicitor, the revision of note 16 on the Final Plan to restrict and prohibit the construction of accessory uses and structures to the proposed housing units that would impact impervious coverage; the preparation and execution of a Pump Station Improvement Agreement, the form of which shall be acceptable to the Township, setting the financial obligations of the developer to construct the pump station, with the understanding that the pump station shall be, ultimately, owned and maintained by the Township; approval and/or receipt of permits as required from any outside agencies, including, but not limited to, the Department of Environmental Protection, Penn Dot and the Montgomery County Conservation District; and execution by the Applicant of this Resolution noting acceptance of the conditions as stated herein within ten (10) days of the date of the approval of this Resolution. In addition, the Applicant has previously requested waivers from certain provisions as outlined in the lettered dated August 9, 2007, from Aston Surveyors/Engineers. This Resolution hereby reaffirms the granting of those waivers, all of which are under and subject to Final Plan approval. After discussion, a motion by Dolan, seconded by Noll, to grant final plan approval of the 409 Evans Road Subdivision with a minor change in the last line in paragraph 5 to include "structures." All aye votes.

**ROBERT SLOSS - 2047 Needhammer Road** - Asked if the plan would become null and void if for any reason the developer fails to meet the conditions outlined prior to the Board granting final approval. Solicitor Garner stated the plan would not be released for recording until all the conditions have been reviewed and satisfied by his office, the Township and the Engineer. When Mr. Sloss questioned the timeframe; Mr. Garner stated according to the resolution the developer has 120 days to satisfy these conditions.

**ALTHOUSE SUBDIVISION REVIEW EXTENSION** - A motion by Dolan, seconded by Delena, to approve a thirty (30) day extension request from September 9, 2007, for the Althouse Subdivision. All aye votes.

**MAUGERS MILL DRAINAGE PROJECT** - Attorney Garner summarized the agreement between the Church of the Latter Saints and the Township with regards to the Maugers Mill drainage project. A motion by Noll, seconded by DeLena, to approve and authorize the execution of the Agreement with the Church of the Latter Day Saints and the Drainage Easement Agreement subject to the six (6) impacted property owners providing the executed releases to the Township Manager. All aye votes.

**OTHER PUBLIC COMMENT:** None.

**COMMISSIONERS COMMENTS:**

**COMMISSIONER TAYLOR** - Reported the Township made settlement with the Prince/Austerberry property last week. Mr. Taylor noted this is one of the keystone properties in the Sprugel's Run Trail system that the Planning Commission and the Open Space Committee have been working on over the last few years.

**APPROVAL OF AMENDED BILL LIST - August 20, 2007** - A motion by DeLena, seconded by Noll, to approve the amended Bill List of August 20, 2007, in the amount of \$614,698.38. Due to a misunderstanding regarding the Capital Fund expenditures; the motion was withdrawn until further financial documentation could be obtained.

**APPROVAL OF BILL LIST - September 4, 2007** - A motion by Noll, seconded by DeLena, to approve the Bill List dated September 4, 2007 for General Fund in the amount of \$53,520.82; Fire Fund in the amount of \$922.00; Park and Recreation Fund in the amount of \$274.00; Sewer fund in the amount of \$17,403.27; Capital Fund in the amount of \$36,041.50 and State Fund in the amount of \$2,103.02. Total Expenditures - \$110,264.61. All aye votes.

When **ROBERT SLOSS, 2097 Needhammer Road**, questioned why copies of the Bill List dated September 4th were not made available for the public; Mr. Layne stated copies of the Bill List were placed on the back table prior to the meeting.

**APPROVAL OF MINUTES - August 20, 2007** - A motion by Noll, seconded by DeLena, to approve the minutes of the August 20, 2007 meeting as presented. Aye votes: DeLena, Noll and Taylor. Abstain: Dolan. Commissioner Dolan explained he abstained from voting due to the fact that he was not present at the August 20 meeting. Motion carried.

**ADJOURNMENT** - There being no further business, a motion by DeLena, seconded by Noll, to adjourn the meeting at 8:28 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor  
Township Secretary