

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

October 15, 2007

A meeting of the Board of Commissioners was held on Monday, October 15, 2007, 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 Engineer John Theisen, Township Manager Jack P. Layne, Jr. and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:00 P.M. There were 25 people and a Mercury reporter present 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:

LORRAINE LITTLE - Questioned whether Highview Lane is considered a private or a township road. Attorney Chuck Garner stated according to the Township records Highview Lane is a private road. When asked who owns the road Attorney Garner stated the original subdivider dating back to the 1960's.

TOM WERT - 183 Primrose Lane - Requested an update with regards to the flag on the cell tower. Mr. Layne stated he contacted the representative from American Tower on several occasions and the flag is still tangled at the bottom of the pole. Mr. Layne further stated the Solicitor has written a letter addressing our concerns. Commissioner Noll requested that a new flag be ordered.

EMERGENCY SERVICES:

POLICE REPORT - Commissioner Noll read the monthly Police Report and stated a copy would be posted on the bulletin board. Mr. Noll expressed his thanks and appreciation to the Police Department for their participation in the recent festivities especially with the children identification program.

FIRE REPORT - Commissioner Noll reported the Fire Committee will hold their next meeting on Thursday, October 18th. Mr. Noll extended his appreciation to the members of the Fire Company especially Fire Marshal Stanley Hildenbrand, Fire Chief Tom Mattingly and Scott Wagner for their efforts during Community Day. Mr. Layne reported the Township received a grant for the purchase of a lap top computer and a fax/printer to be used for emergency services.

PUBLIC WORKS REPORT - Commissioner Iatesta reported the Highway Department repaired the sink hole on Peachtree Lane; began pothole patching on Old Orchard Drive and Windsor Heights; repaired should drop off in the 1400 block of Farmington Avenue; assisted DEP in identifying the source of illicit discharge into Sprogels Run creek; prepared Heather Place Park for Community Day, walked the proposed trail at Summers Grove Development, continued inspections of Wolf Run water project; performed routine maintenance of Police vehicles and Public Works equipment; continued collecting sewage flow data and provide to LTL and BCE Engineering for analysis and continue monitoring of Farmington Avenue sewer meter to ensure proper flows are being recorded. Commissioner Iatesta reported the Highway Department will be budgeting for two additional employees and also a chipper.

PARK, RECREATION AND OPEN SPACE REPORT - Commissioner Dolan expressed his thanks and appreciation to everyone who helped with the Community Day celebration.

TOWNSHIP ENGINEER REPORT - John Theisen reported construction continues within the Summer Grove and Coddington View Developments.

ROBERT SLOSS - 2097 Needhammer Road - Questioned the status of the Highview II Subdivision. Mr. Theisen stated he is currently waiting for the revised Maintenance Agreement.

TOWNSHIP SOLICITOR'S REPORT - Attorney Garner reported his monthly activities include working with Chief Ross on the Parking Ticket Ordinance, the Crossroads project and the Farmington Avenue West easements.

MANAGER'S REPORT - Mr. Layne expressed his appreciation to everyone who volunteered their time with this year's Community Day especially Jill Ludy, Sue Thompson, the Park & Recreation Committee and the Commissioners. Mr. Layne reported there will be a "volunteer tree planting day" on Saturday October 20 between 9:00 AM and 4:00 PM in the Summer Grove Development and noted there will be free food available. Mr. Layne thanked the Commissioners for allowing him to attend the recent ICMA conference in Pittsburgh.

FINANCIAL REPORT - Commissioner Taylor stated the Board will meet on Monday, October 29th to begin preparation of the 2008 budget. Mr. Layne reported the Township's revenues are down from what was originally projected; however there are some key sources of revenue that are anticipated prior to year's end.

ROBERT SLOSS - 2097 Needhammer Road - Questioned if the Township is looking at a tax increase if the anticipated revenue does not come in prior to year's end. Mr. Layne stated he is not in a position to answer that however it is a possibility.

CODDINGTON VIEW PHASE II ESCROW RELEASE NO. 3 REQUEST IN THE AMOUNT OF \$262,863.56 - A motion by Iatesta, seconded by Dolan, to authorize the Coddington View Phase II escrow release in the amount of \$262,863.56 as recommended by the Township Engineer. All aye votes.

DISCUSSION ON PROPOSED FIREARMS DISCHARGE ORDINANCE - Commissioner Taylor provided a brief summary of the proposed Firearms Discharge Ordinance.

JOSEPH KAMINSKI - 1369 Chestnut Grove Road - Requested a clarification regarding the discharge of a firearm within four hundred and fifty feet of person's own residential dwelling.

ALBERT ALUTIUS - 2112 Detweiler Road - Expressed his concern regarding the proposed Firearms Discharge Ordinance on the section pertaining to "Fines."

LINDA BITLER - 2063 Yarnall Road - Asked where the Township's Police Officers qualify. Officer Werner stated the Police Officers use the facilities at Pottstown and the Montgomery County Fire Academy.

DISCUSSION ON PROPOSED FIREARMS DISCHARGE ORDINANCE CONT'D - After discussion, a motion by DeLena, seconded by Noll, to authorize the Solicitor to prepare the draft in final ordinance form and advertise with the changes discussed. All aye votes.

DISCUSSION REGARDING PROPOSED VILLAGE COMMERCIAL ORDINANCE - Commissioner Taylor summarized the intent of the proposed Village Commercial Ordinance and explained it establishes a building zone in the area north and south of the Halfway House along Farmington Avenue. Mr. Taylor stated the proposed ordinance has been reviewed by the Upper Pottsgrove Planning Commission as well as the Montgomery County Planning Commission. The Board agreed to further discuss the proposed ordinance at a future meeting.

SWEETWATER EXTENSION REQUEST - A motion by Dolan, seconded by DeLena, to deny the final plan of the Sweetwater Subdivision based on the conditions set forth in the letter from LTL Consultants dated March 2, 2006. All aye votes.

OTHER PUBLIC COMMENT: None

COMMISSIONER TAYLOR stated there is a vacancy on the Sewer Committee and noted if anyone is interested they should contact the Township Manager.

PAYMENT OF BILLS - A motion by Iatesta, seconded by DeLena, to approve the Bill List dated October 15, 2007, for General Fund in the amount of \$61,246.01; Fire Fund in the amount of \$4,512.31; Park and Recreation Fund in the amount of \$594.00; Sewer Fund in the amount of \$10,686.57; Capital Fund in the amount of \$23,493.08; State Fund in the amount of \$402.83 and Escrow Fund in the amount of \$11,162.61. Total Disbursements - \$123,864.91. All aye votes.

COMMISSIONER NOLL questioned the expenditure payable to the Upper Pottsgrove Township Firemen's Relief Association.

ROBERT SLOSS - 2097 Needhammer Road - Expressed his concern regarding the amount of money being paid to Dallas Data and requested clarification with regards to the open space funds.

LINDA BITLER - 2063 Yarnall Road - Requested a clarification as to the location of the Goose Run Trail.

EXECUTIVE SESSION - At 8:15 P.M. Commissioner Taylor reported the Board would meet in Executive Session to discuss possible litigation and real estate. The meeting reconvened at 9:15 P.M.

ADJOURNMENT - There being no further business, a motion by DeLena, seconded by Noll, to adjourn the meeting at 9:16 P.M.

Respectfully submitted,

Cynthia H. Saylor,
Township Secretary