

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

November 5, 2007

A meeting of the Board of Commissioners was held on Monday, November 5, 2007, at the Upper Pottsgrove Administrative Offices, 1409 Farmington Avenue, with Commissioners Dolan, Iatesta, Noll and Taylor present. Also present were Solicitor Charles D. Garner, Jr., Township Manager Jack P. Layne, Township Engineer John Theisen, Police Chief Bryan Ross and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:00 P.M. There were 20 people present in the audience. Commissioner DeLena was absent.

MOMENT OF SILENT PRAYER - Mr. Taylor requested a moment of silent prayer 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:

JAMES CAPINSKI - 1958 Yarnall Road - Stated he was in disagreement with Attorney Garner's opinion regarding Highview Lane not being a Township road. Mr. Capinski provided copies of a recorded subdivision plan, information regarding roads qualifying for Liquid Fuels funding, a copy of a tax map of Highview Lane, a copy of a 1968 escrow letter from a previous Township Solicitor and current photos of Highview Lane. Mr. Capinski stated that former Township Manager Michael Cotter applied for grant funding in order to have Highview Lane paved. Mr. Capinski expressed his concern regarding emergency access to Highview Lane due to the condition of the road.

GARY MOVELLAN - 1920 Yarnall Road - Stated the Township's Zoning Officer visited his property last week and said he was commissioned from the Township to go on a "fact finding" mission. Mr. Movellan questioned who was responsible for sending the Zoning Officer to his property and asked what his findings were. Mr. Layne stated he received a request from a realtor with regards to building a home and whether or not a road could be built that would connect with the Highview II subdivision. Mr. Movellan reiterated Mr. Capinski's opinion regarding Highview Lane and requested a resolution be made in a timely manner.

GILBERT DUNCAN - 72 Hanover Drive - Noted that Hanover Drive was not a dedicated road within the Windsor Heights Development when he moved into the Township and he reiterated the safety concerns with regards to emergency access.

LINDA DUNCAN - 72 Hanover Drive - Expressed concern with regards to a proposed sewer rate increase and suggested the Township establish the fee in accordance with the number of people residing within the household.

ROBERT SLOSS - 2097 Needhammer Road - Questioned if a developer goes "belly up" are the roads in the subdivisions that are currently under construction protected. Attorney Garner responded all the current developments have development agreements and financial security posted.

DIANA UPDEGROVE - 1404 Farmington Avenue - Suggested the Township request escrow money for development improvements “up front” similar to other townships.

CARL SPECHT - 152 Primrose Lane - Expressed his concern that the residents who will be affected by the increase in sewer rates are not receiving any more benefits than those residents not paying any sewer fees.

LINDA DUNCAN - 72 Hanover Drive - Reiterated the need for the Commissioners to address the Township’s sewer rates.

TOM WERT - 183 Primrose Lane - Questioned whether there would be a decrease in the sewer rates when the economy improves.

When **CARL SPECHT, 152 Primrose Lane**, questioned the status of the borrowed money Mr. Taylor stated some of the money has been spent on sewer capacity fees and engineering fees; the balance is in the Capital Account.

NEW BUSINESS:

#1-06 ALTHOUSE TRACT SUBDIVISION EXTENSION REQUEST - A motion by Dolan, seconded by Iatesta, to approve a 30 day extension request from November 7, 2007 for the Althouse Tract Subdivision. All aye votes.

#4-07 PASCAL ANNEXATION EXTENSION REQUEST - A motion by Iatesta, seconded by Dolan, to approve a 90 day extension request from November 11, 2007 for the Pascal Annexation. All aye votes.

OLD BUSINESS:

ORDINANCE #412 - ADOPTION OF PROPOSED FIREARM DISCHARGE ORDINANCE

An Ordinance prohibiting the discharge of firearms within restricted areas of Upper Pottsgrove Township. A motion by Dolan, seconded by Noll, to approve the Firearm Discharge Ordinance. All aye votes.

ROBERT SLOSS - 2097 Needhammer Road - Asked the cost to pass the Firearm Discharge Ordinance. Mr. Layne stated approximately \$500 - \$600.

ADOPTION OF PROPOSED PARKING TICKET ORDINANCE - Action regarding the proposed Parking Ticket Ordinance was tabled to the next Board meeting.

DISCUSSION REGARDING PROPOSED VILLAGE COMMERCIAL ORDINANCE -

Commissioner Taylor provided a summary of the proposed Village Commercial Ordinance. After a lengthy discussion with regards to Section 9 “Historic Properties”, it was agreed to take the proposed ordinance back to the Planning Commission for further review.

DISCUSSION REGARDING PROPOSED RETAIL OFFICE DISTRICT ORDINANCE -

Commissioner Taylor summarized the proposed Retail Office District Ordinance. Further action will take place at a future Board meeting.

APPROVAL OF FINAL PLANS FOR CROSSROADS SUBDIVISION - Action regarding the Crossroads Subdivision was tabled to a future meeting.

AUTHORIZATION TO PURCHASE STAUFFER PROPERTY - Attorney Garner explained that under the Agreements of Sale the Township is agreeing to pay \$750,000 for the Stauffer property. The Township is provided to pay \$5,000 to Ada Stauffer upon acceptance of the Agreement as a down payment. He further explained the prime contingency contained in the Agreement is the contingency to obtain financing from the Montgomery County Open Space Board, which approval is required on or before February 28, 2008. The Township is required to make application for financing within 90 days from the date of this Agreement. The Township, at its sole cost and expense, is required to prepare a subdivision to subdivide the existing home from the remaining, undeveloped property. After a brief discussion, a motion by Dolan, seconded by Iatesta, to approve and authorize execution of the Agreements of Sale of the Stauffer property. All aye votes.

When **ROBERT SLOSS, 2097 Needhammer Road**, questioned the number of acres for open space; Mr. Layne stated approximately 90 acres.

COMMISSIONERS COMMENTS:

Commissioner Taylor reported the Township received two free vehicles from District Attorney Bruce Castor’s office to be utilized by the Police Department.

COMMISSIONER NOLL - Expressed his thanks and appreciation to Chief Bryan Ross and Township Manager Jack Layne for their involvement in “spearheading” the project.

PAYMENT OF BILLS - November 5, 2007 - Commissioner Noll requested a clarification with regards to the Open Space funds and the trees planted in the Summer Grove Subdivision. A motion by Iatesta, seconded by Noll, to approve the Bill List dated November 5, 2007, for General Fund in the amount of \$53,496.74; Fire Fund in the amount of \$1,852.15; Park and Recreation Fund in the amount of \$228.51; Sewer Fund in the amount of \$113,848.21; Capital Fund in the amount of \$30,213.96; Open Space Fund in the amount of \$7,580.00 and Escrow Fund in the amount of \$340.05. Total Expenditures - \$207,559.62. All aye votes.

APPROVAL OF MINUTES - September 4, October 1, October 15 and October 29, 2007. A motion by Dolan, seconded by Noll, to approve the minutes of the September 4th, October 1st, October 15th and October 29th meetings as presented. Commissioner Iatesta explained he abstained from voting on the September 4th and October 29th minutes due to the fact that he was not present at those meetings. Motion carried.

EXECUTIVE SESSION - At 8:42 P.M. Commissioner Taylor stated the Board would meet in Executive Session to discuss legal matters with no decisions being made. The meeting reconvened at 9:18 P.M.

ADJOURNMENT - There being no further business, a motion by Dolan, seconded by Noll, to adjourn the meeting at 9:19 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor,
Township Secretary