

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

December 3, 2007

A meeting of the Board of Commissioners was held on Monday, December 3, 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 Manager Jack P. Layne, Township Engineer John Theisen and Township Secretary Cynthia Saylor. There were 30 people present in the audience. Mr. Taylor called the meeting to order at 7:00 P.M.

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.

PRESENTATION BY THE PRESIDENT OF THE EASTERN ASSOCIATION OF FIRST CLASS TOWNSHIP COMMISSIONERS - The President of the Eastern Association of First Class Township Commissioners was in attendance to honor Commissioner Iatesta and present him with a plaque in appreciation from the Pennsylvania State Association of Township Commissioners for his dedication and devotion during his years of service.

COMMISSIONER NOLL - Personally expressed his thanks and appreciation to Commissioner Iatesta for his time and effort and for getting him involved with local government.

PUBLIC COMMENT:

JIM CAPINSKI - 1958 Yarnall Road - Expressed concern regarding an upcoming letter from the Township stating that Highview Lane is a private road and pleaded with the members of the Board not to issue the letter. Mr. Capinski provided a lengthy discussion regarding the history of Highview Lane. Attorney Garner provided his legal opinion to Mr. Capinski with regards to the status of Highview Lane and stated it is not a public municipal road.

OFFICER KYLE LESHER - Addressed the members of the Board with regards to a possible lay-off from the Police Department due to financial reasons. Officer Leshner stated a reduction in the police department, even by one member, would not be in the best interest of the Township or its residents.

CHRISTINA CRAWFORD - 1282 Pine Street - Stated the Board would be doing an injustice to the Township by cutting a police officer from the force. She further stated the members of the Board did an injustice to the residents of the Township by not increasing taxes at small increments as well as increasing the sewer rates. Mrs. Crawford noted it isn't easy for an officer to find a new job; it's a long process. Mrs. Crawford pleaded with the members of the Board to reconsider the lay-off in the police department and to look elsewhere to find the money needed to balance the budget.

HENRY BEALER - 1382 Farmington Avenue - Expressed concern regarding his neighbor's driveway. Commissioner Iatesta stated he would look into the matter.

STEVEN NEUFER - Police Officer with Lower Moreland Township - Stated he was present on behalf of Officer Leshar and the entire Police Department. Mr. Neuffer stated he is the current elected FOP member of 1400 members of the Montgomery County FOP and asked the members of the Board to reconsider the possible lay-off in the police department. He further stated laying off an officer makes it very difficult for the staff to handle the assignments when the department is one or two men under. It puts a burden on the department as well as the Police Chief to handle the complaints and accidents as well as the cost of overtime.

GARY MOVELLAN - 1920 Yarnall Road - Requested a copy of the letter given to Mr. Capinski from Attorney Garner. Mr. Movellan addressed the Engineer and requested a status of the findings from LTL regarding his recent visit to his address. Mr. Layne explained he would look into the matter and noted it was not Mr. Theisen but the Building Inspector that visited his property.

DISCUSSION REGARDING PROPOSED 2008 BUDGET - There was a lengthy discussion with regards to the proposed 2008 budget. After discussion, a motion by Dolan, seconded by DeLena, to authorize the Solicitor to prepare an ordinance with a total mileage rate of 3.3 for general purposes. Aye votes: Dolan and DeLena. Opposed: Iatesta, Noll and Taylor. Motion failed. After further discussion, a motion by Noll, seconded by Dolan, to authorize the Solicitor to prepare and advertise an ordinance for a total milage rate of 3.6 for general purposes. Aye votes: DeLena, Dolan and Noll. Opposed: Iatesta and Taylor. Motion carried.

SETTING SEWER RATES - After discussion, a motion by Noll, seconded by DeLena, to advertise the tentative sewer rate ordinance at a quarterly rate of \$170 per customer. Aye votes: DeLena, Dolan, Noll and Taylor. Opposed: Iatesta. Motion carried.

TONY ALESSI - 1482 Heather Place - Suggested that the tapping fees should be increased because the cost to put in new infrastructure has increased. Mr. Alessi questioned the number of units for the Farmington Avenue West sewer extension and stated it should be 98 units.

CHRISTINA CRAWFORD - 1282 Pine Street - Questioned whether the Board ever considered monthly billings as opposed to quarterly billings. Commissioner Taylor stated it would cost more to collect on a monthly basis.

PROPOSED 2008 BUDGET - A motion by Dolan, seconded by DeLena, to authorize the Manager to advertise the tentative proposed 2008 budget with proposed total expenditures of \$2,388,742 and proposed total revenues of \$ 2,402,727. All aye votes.

ADOPTION OF THE LOCAL SERVICE TAX ORDINANCE - Ordinance #413 - An Ordinance amending Article II, Occupational Privilege Tax, of Chapter 318, Taxation, of the Upper Pottsgrove Township Code of Ordinances, for the purpose of repealing the Occupational Privilege Tax and enacting the Local Services Tax in the amount of \$52.00 per year. A motion by Dolan, seconded by DeLena, to adopt Ordinance #413. All aye votes.

AUTHORIZATION TO PREPARE AND ADVERTISE PENSION ORDINANCES AS RECOMMENDED BY PENSION CONSULTANT

- A motion by DeLena, seconded by Iatesta, to authorize the Solicitor to prepare the ordinances for both the uniform and non-uniform pension plans as recommended by the pension consultant. All aye votes.

ACCEPTANCE OF WOODBROOK ROAD DEDICATION FOR PHASE I

- A motion by DeLena, seconded by Iatesta, to authorize the Solicitor to prepare an ordinance for acceptance of the roads in Phase I of the Woodbrook Subdivision. All aye votes.

HERB MILLER - 184 Maugers Mill Road

- Reminded members of the Board that the Developer was supposed to plant shrubbery in between the white pines to the right side of Laura Lane as you enter off of Farmington Avenue and the commercial building across the street is to be demolished.

DISCUSSION ON UPLAND SQUARE - SAPPHIRE PROPOSAL

- Attorney Chuck Garner reviewed the proposal submitted by Sapphire Development (Upland Square) and outlined a list of concessions requested by the Township which include a one time payment of \$100,000.00 impact fee for the purchase of equipment for the police department, public works department and fire company; an annual contribution of \$47,000.00 to the Township to mitigate the impact on the Township's public services and for maintenance of the intersection and traffic signals; reimbursement for the reasonable review fees charges by McMahon Associates for review of the traffic impacts on the proposed development; improvement of the turning radius at the intersection of Chestnut Grove Road and State Street and the construction of a cul-de-sac to terminate State Street South with Chestnut Grove Road. Commissioner Noll requested clarification with regards to the \$47,000 annual contribution.

RESOLUTION # 521 - FINAL PLAN APPROVAL OF BACHMAN SUBDIVISION

- Commissioner Taylor stated the final plan depicts thirty-nine single family dwellings located on the south side of Maugers's Mill Road between Farmington Avenue and Hanover street on a parcel of approximately 21 acres. Township Engineer John Theisen provided a brief summary of his review letter dated November 30, 2007. Attorney Garner noted the Developers Agreement includes a provision for a voluntary contribution in the amount of \$1,000 per dwelling unit payable to the Township to be used to defray costs in providing public water due to the TCE contamination. He further noted the applicant agreed to a contribution of \$4,000.00 to fund a Regional Traffic Study prior to issuance of any building permits. After discussion, a motion by Dolan, seconded by Iatesta, to grant final plan approval of the Bachman Subdivision, subject to the conditions outlined in the resolution. All aye votes.

ADOPTION OF PROPOSED PARKING TICKET ORDINANCE - Ordinance #416

- An Ordinance amending Chapter 330, Vehicles and Traffic, to provide additional regulations for traffic and parking on Township streets, highways and alleys; to provide for the tagging of vehicles and the procedure thereon; to provide penalties for violations thereof; to provide the form of the traffic ticket provided for therein; and to establish fines for related violations. A motion by Noll, seconded by Dolan, to adopt Ordinance #416. All aye votes.

APPROVAL OF FINAL PLANS FOR CROSSROADS SUBDIVISION - Attorney Chuck Garner explained this project is the subject of a curative amendment settlement agreement and all conditions and requirements are set forth in the agreement as opposed to the Township's ordinances. Township Engineer John Theisen provided a brief summary of his review letter dated November 30, 2007.

HERB MILLER - 184 Maugers Mill Road - Expressed his concern that the Planning Commission did not have an opportunity to review the plan. Attorney Garner explained the Township approved curative amendment settlement agreement and the agreement was very detailed and set forth the procedure as to how the plan would proceed. He further explained the concept was to provide the plans to the Township Engineer for his review and the Engineer has indicated that the plans satisfy the terms and conditions of the settlement agreement.

DIANA UPDEGROVE - 1404 Farmington Avenue - Questioned whether the waivers were part of the curative amendment settlement agreement.

GARY NOVACK - 1433 North Hanover Street - Expressed his concern regarding narrow streets and fire truck accessibility.

ROBERT SLOSS - 2097 Needhammer Road - Questioned the number of private roads within the development and whether they would be included in a homeowner's association. Mr. Sloss suggested deed restriction rather than a homeowner's association.

JIM CAPINSKI - 1958 Yarnall Road - Questioned whether the Police Department patrols private roads.

After discussion, a motion by Dolan, seconded by Iatesta, to approve the final plans for the Crossroads Subdivision subject to the developer satisfying the following conditions; compliance with all comments contained in the LTL review letter dated November 30, 2007; the applicant obtaining all required outside agency, permits and approvals; the applicant complying with all the requirements set forth in the Curative Amendment Settlement Agreement of June 22, 2006, specifically including the requirement to pay to the Township the fee of \$102,960.00 as the sewer treatment capacity fee; the applicant executing and funding a Township approved Developer Agreement; and the submission of homeowners documents in a form acceptable to the Township, requiring the Township to approve the location of parking on the private streets. A motion by Dolan, seconded by Iatesta, to grant the following waivers from the requirements of various Township Ordinances, as stated and recommended in the LTL review letter of November 30, 2007 as follows: Section 302.1A - the required scale of the plan and drawing; Section 403.B.2(a) - radii of the horizontal curves on interior streets; Section 403.D.(1)(e)(ii)(bb) - northern most cul-de-sac right of way radius; Section 404.3(E) - placement of overflow parking spaces in relation to the property line; Section 307.B1(2)(b)(i) - depiction of profiles for interior roads showing center lines; Section 410.5.B(1) - minimum of slopes of basins; and Section 410.5.E - width of swale bottoms. All aye votes.

RESOLUTION AUTHORIZING THE TOWNSHIP TO SUBMIT AN APPLICATION TO THE MONTGOMERY COUNTY OPEN SPACE BOARD FOR THE STAUFFER PROPERTY - Resolution #520 - A Resolution of the Upper Pottsgrove Township Board of Commissioners authorizing the execution and submission of an application to the Montgomery County Open Space Board for Open Space Funding for a potential open space property acquisition located at 144 Snyder Road in Upper Pottsgrove Township. A motion by Dolan, seconded by DeLena, to approve Resolution #520. All aye votes.

AUTHORIZATION TO PREPARE RESOLUTION FOR APPOINTMENT OF WILLIAM HEWITT TO THE ZONING HEARING BOARD - A motion by DeLena, seconded by Iatesta, to authorize the Solicitor to prepare a resolution for the appointment of William Hewitt to the Zoning Hearing Board. All aye votes.

ACCEPTANCE OF RESIGNATION BY ROBERT SLOSS FROM THE SEWER AND WATER COMMITTEE - A motion by Iatesta, seconded by Noll, to accept the resignation of Robert Sloss from the Sewer and Water Committee. All aye votes.

#1-06 ALTHOUSE TRACT SUBDIVISION - REVIEW EXTENSION REQUEST - A motion by Noll, seconded by DeLena, to approve a 60 day review extension from December 7, 2007. All aye votes.

REJECTION OF GOOSE RUN PEDESTRIAN TRAIL BIDS - A motion by DeLena, seconded by Noll, to reject all bids received for the Goose Run Pedestrian Trail. All aye votes.

PAYMENT OF BILLS - A motion by Noll, seconded by DeLena, to approve the Bill List dated December 3, 2007, for General Fund in the amount of \$74,073.70; Fire Fund in the amount of \$2,591.01; Park and Recreation Fund in the amount of \$18.76; Sewer Fund in the amount of \$28,075.76; State Fund in the amount of \$10,690.64; Capital Fund in the amount of \$136,874.97 and Escrow Fund in the amount of \$3,163.40. Total Expenditures - \$255,488.24.

GARY NOVACK - 1433 N. Hanover Street - Questioned invoices submitted from Dallas Data, LTL Consultants and Garner and Bauer.

APPROVAL OF MINUTES - November 12, 2007 - A motion by DeLena, seconded by Noll, to approve the minutes of the November 12, 2007 meeting as presented. All aye votes.

EXECUTIVE SESSION - At 10:45 P.M. Mr. Taylor reported the Board would hold an Executive Session to discuss matters of litigation and real estate. The meeting reconvened at 11:09 P.M.

ADJOURNMENT - There being no further business, a motion by Noll, seconded by DeLena, to adjourn the meeting at 11:10 P.M. All aye votes.

Respectfully submitted,