

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

**May 5, 2008**

The meeting of the Board of Commissioners was held on Monday, May 5, 2008, at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Commissioners DeLena, Dolan, Noll, Spaide and Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., Township Manager Jack P. Layne and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:00 P.M. There were 6 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 COMMENTS:**

**REG LEISTER - 1653 Farmington Avenue** - Stated he was reporting for Herb Miller and noted that there are forty more houses that the Township will be ordering plaques for designating them as historical properties.

**NEW BUSINESS:**

**REQUEST BY ROUSE/CHAMBERLINE FOR AN EXTENSION OF THE TIME FRAME TO COMPLETE THE PUBLIC IMPROVEMENTS FOR THE SUMMER GROVE SUBDIVISION** - Commissioner Taylor reported that Rouse/Chamberlin has requested an extension of the time frame in order to complete the public improvements in the Summer Grove Subdivision. Mr. Taylor noted that due to the current housing market progress in completing the project has been slow. A motion by Dolan, seconded by DeLena, to approve a one (1) year extension of time to complete the public improvements for the Summer Grove Subdivision. All aye votes.

When **ROBERT SLOSS, 2097 Needhammer Road**, questioned how the bus stop would be affected by the extension of time granted to Rouse/Chamberlin in order to complete the public improvements; Commissioner Taylor stated until the roads are dedicated the buses cannot go into the development.

**APPROVAL OF THE PURCHASE OF THE HOFFMAN, BOYLES, SLADE AND WALSH PROPERTY UNDER THE OPEN SPACE PROGRAM** - Commissioner Dolan provided a brief description of the Hoffman, Boyles, Slade and Walsh parcel and explained the Township wishes to purchase the tract for open space purposes. Mr. Dolan stated the lot will be purchased for \$150,000 with the open space referendum monies. After a brief discussion, a motion by Dolan, seconded by DeLena, to approve and authorize the execution of the Agreement of Sale for the purchase of the Hoffman, Boyles, Slade and Walsh property. All aye votes.

**ROBERT SLOSS - 2097 Needhammer Road** - Requested clarification as to whether the Township was purchasing four separate parcels. Attorney Garner stated it is only one property listed in four names. Mr. Sloss also questioned the size and the purchase price of the property. Commissioner Taylor noted the property consists of approximately 4.1 acres and is located at the corner of Moyer and Gilbertsville Roads.

**DISCUSSION REGARDING ZHB #5-07 WILLIAM AND NANCY BAIRD APPLICATION** -

Commissioner Taylor reported the applicants have filed an appeal with the Zoning Hearing Board requesting a variance. The property is situated in the R-2 Zoning District and is located at 1710 Farmington Avenue. The applicant has requested a variance to allow the conversion of a cement block garage into a commercial kitchen use; such commercial uses are prohibited in the R-2 zone. A public hearing is scheduled for Thursday, May 22, 2008 at 7:30 P.M. After a brief discussion, the Board agreed not to take any formal action regarding the zoning application.

**REG LEISTER - 1693 Farmington Avenue** - Questioned why the Zoning Officer approved the commercial sign on the Baird property. Attorney Garner stated if the sign satisfies the requirements of the Township ordinance the Zoning Officer has to approve it. Mr. Leister expressed his concern regarding signs for home based occupations throughout the Township.

**REQUEST FOR AUTHORIZATION TO APPLY FOR ACT 147 GRANT FUNDING** - Mr.

Layne reported the Township received an application for grant funding through the County. Mr. Layne explained he would like to move the emergency operations center downstairs in the meeting room and is looking for funding in the amount of \$2,343.79. A motion by Noll, seconded by Spaide, to authorize the application for Act 147 Grant Funding in the amount of \$2,343.79. All aye votes.

**ROBERT SLOSS - 2097 Needhammer Road** - Expressed concern that the amount of funding requested would be sufficient to cover the needs of the Township.

**REG LEISTER - 1693 Farmington Avenue** - Explained the benefits of obtaining additional equipment through the County Act 147 grant funding.

**COMMISSIONER NOLL** - Expressed his concern regarding installing additional antennae on the firehouse roof.

**OLD BUSINESS:****DISCUSSION REGARDING PROPOSED REQUEST FOR FUNDING FOR THE ACQUISITION OF OPEN SPACE AND FOR INTRASTRUCTURE UPGRADES** -

The Board discussed the proposed request for funding in the amount of \$3,000,000 - \$2.5 million for the purchase of open space and \$0.5 million for Regal Oaks Sewage Treatment improvements.

**UPLAND SQUARE IMPACT IMPROVEMENT AGREEMENT** -

Attorney Garner provided the members of the Board with an update regarding the Impact Improvement Agreement he currently is working on with the developer of the Upland Square Shopping Center. Mr. Garner stated that he has consulted with the Public Works Department as well as the Police and Fire Departments with regards to the impact the increased traffic from the shopping center. He further stated he has proposed a one time payment in the amount of \$100,000 and an annual contribution of \$47,000 for maintenance of the traffic signal necessitated by the increased traffic. There was a brief discussion regarding the 3% "escalator" requested by the Township vs. the 2% "escalator" proposed by the developer.

**DOG ORDINANCE** - Mr. Layne reported he spoke with Janet Brandel as a follow-up to her request submitted at the previous Board meeting regarding her neighbor's dogs barking for extensive periods of time. Mr. Layne noted that Mrs. Brandel's husband is in ill health and is recommending the Board consider amending Ordinance #253 whereby barking is limited to fifteen (15) minutes regardless of the time of day. The current ordinance allows for a dog to bark for up to thirty (30) minutes except between the hours of 10:00 P.M. and 7:00 A.M. After discussion, a motion by DeLena, seconded by Spaide, to authorize the Solicitor to prepare an ordinance change to the fifteen minute rule. All aye votes.

**DIANA UPDEGROVE - 1404 Farmington Avenue** - Questioned whether there is a stipulation in the current ordinance regarding the number of animals allowed per household.

**ROBERT BEALER - 1406 Farmington Avenue** - Asked how the ordinance would be enforced by the Police Department. Attorney Garner stated the Police would issue a non-traffic citation against the dog owner and fines could be up to six hundred dollars plus costs for each violation.

**ROBERT SLOSS - 2097 Needhammer Road** - Questioned whether the Police Department has talked to the homeowner with regards to the barking dogs.

**PUBLIC COMMENT:**

**ROBERT SLOSS - 2097 Needhammer Road** - Questioned the feasibility of purchasing an emergency generator with the Act 147 grant funding. Mr. Leister stated the purchase of an emergency generator would not qualify for the Act 147 funding.

**COMMISSIONERS COMMENTS:**

**COMMISSIONER SPAIDE** - Noted that Reggie Leister was recently awarded his 50 Year Veteran's Certificate and Pin in recognition of his 54 years of service to scouting and extended her congratulations.

**COMMISSIONER DELENA** - Provided a brief update with regards to the Pottstown Regional Planning Commission and possible Regional Recreational Planning.

**APPROVAL OF MINUTES** - April 21, 2008 - A motion by Dolan, seconded by Noll, to approve the minutes of the April 21, 2008, meeting as presented. All aye votes.

**EXECUTIVE SESSION** - At 7:45 P.M. Commissioner Taylor announced there would be an Executive Session to discuss pending litigation and real estate matters. The meeting reconvened at 8:14 P.M.

**ADJOURNMENT** - There being no further business, a motion by DeLena, seconded by Spaide, to adjourn the meeting at 8:15 P.M. All aye votes.

Respectfully submitted,  
Cynthia H. Saylor, Township Secretary