

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

**February 1, 2010**

A meeting of the Board of Commissioners was held on Monday, February 1, 2010, at the Upper Pottsgrove Township Administrative Offices, 1409 Farmington Avenue, with Commissioners Dolan, Miller, Noll, Spaide and Taylor present. Also present were Solicitor Charles D. Garner, Jr., Police Chief William A. Moffett, 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 10 people and a Mercury Reporter present in the audience.

**MOMENT OF SILENCE** - Commissioner 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:**

**REG LEISTER - 1693 Farmington Avenue** - Commented on how “official looking” our public officials look tonight. Mr. Leister summarized the recent updates on the township’s web site with regards to emergency preparedness particularly residents with special needs i.e. vision impaired, hearing impaired and ambulatory and disability.

**BRIAN OTTO - 104 Greenview Drive** - Expressed concerns regarding the Homeowners Association for Coddington View. Mr. Otto stated the Coddington View residents have no idea as to who the Board of Directors is for the Homeowners Association. When Mr. Otto requested the Commissioners assistance regarding the issue; Mr. Layne stated he would look into the matter.

**NEW BUSINESS:**

**LAND DEVELOPMENT WAIVER REQUEST FOR THE CONSTRUCTION OF THE PROPOSED CELL TOWER** - Attorney Garner explained that TowerOne is requesting a waiver of the Land Development process with respect to the construction of a cell tower on the Hillside Aquatic Club property. Mr. Garner stated that TowerOne understands that construction plans will be required to be submitted to the Township for review when application for a building permit is made. He further stated that TowerOne is willing to comply with all ordinance requirements. After a brief discussion, a motion by Dolan, seconded by Spaide, to grant the waiver request from TowerOne and that all ordinance requirements will be a condition of the building permit. All aye votes.

**COMMISSIONER MILLER** - Reiterated his concern that the tower would be built in such a manner that it was in line with the driveway macadam and there was not security provided to prevent vehicles from running into the fence or the cell tower site. Attorney Garner stated that there have been discussions regarding this matter between TowerOne and Hillside Aquatic Club.

**OLD BUSINESS:**

**DISCUSSION AND POSSIBLE ACTION REGARDING ORDINANCE #440 AMENDING CHAPTER 275, SEWERS AND DISPOSAL OF THE CODE OF UPPER POTTS GROVE** - Commissioner Taylor outlined the proposed amendments to Chapter 275 of the Township Codification.

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**CONT'D** - Mr. Taylor reported a minor change to the definition of connection charges; changes that would allow the Township to legally impose the connection charges on properties after notice has been provided to connect and allowing multiple EDU users to pay potentially lower user fees based on actual usage rather than on a flat per EDU rate and the revision of the definition of EDU based upon the Agreement with the Borough of Pottstown. A motion by Spaide, seconded by Dolan, to approve Ordinance #440 amending Chapter 275, Sewers and Disposal of the Code of Upper Pottsgrove. All aye votes.

**OTHER PUBLIC COMMENT:** None.

**COMMISSIONER COMMENTS:**

**COMMISSIONER DOLAN** - Advised the members of the Board that a report will be available at the end of the month with regards to Police Regionalization. In another matter with regards to the Open Space referendum, Commissioner Dolan reported that he had a discussion with Representative Tom Quigley and noted that a Bill has passed the House and is now before the Senate that would allow open space funding to be used for park maintenance as well as for the acquisition of open space. In response to a question from Commissioner Noll, Commissioner Dolan stated he would provide him with a copy of the proposed Bill.

**COMMISSIONER MILLER** - Reported that the Open Space Committee met with the Park and Recreation Board and they are recommending that the two Committees merge. Commissioner Miller referenced a memo dated January 28, 2010 whereby he stated that as the Township moves steadily towards accomplishing open space land acquisition goals that the Township should consider merging the Open Space Committee with the Parks and Recreation Board. He emphasized that once the Township had acquired the remaining targeted open space properties that the Township should focus much more on open space land and park maintenance efforts, which is the responsibility of the Parks and Recreation Board. When Attorney Garner questioned whether any discussion took place with regards to the size of the new Committee; Commissioner Miller stated it was recommended that five (5) members would serve on the Committee. Attorney Garner suggested that a Resolution be prepared for the Commissioners review in order to effectuate this recommendation from the two Committees. Commissioner Taylor recommended that "Open Space" be included in the name for the new Committee i.e. Open Space and Recreation Board. Commissioner Dolan questioned whether the Open Space Board would have to be dissolved. Attorney Garner stated he wants to make sure that the new committee has open space powers because in the future the Board may want to amend the Township's Open Space Plan. In another matter, Commissioner Miller addressed Chief Moffett and referenced a recent accident that took place in the Turnberry Farms Subdivision. Commissioner Miller requested that in the future when something happens that impacts on open space property that he along with Sue Thompson, Chairwoman of the Open Space Committee, be advised of the situation.

**COMMISSIONER NOLL** - Reported that on January 27, 2010, he attended the Montgomery County Tax Collection meeting as the Township's alternate member. Mr. Noll explained this is the committee that will be handling the county wide tax collection.

**COMMISSIONER NOLL CONT'D** - Mr. Noll reported that the committee finalized their by-laws and set up a management committee which consists of five (5) municipalities in Montgomery County and four (4) school districts. He further reported that on Monday, February 8, 2010, he will be participating in "A Day on the Hill" in Harrisburg and will be meeting with Senator Rafferty and Representative Quigley.

**COMMISSIONER MILLER** - Referenced a function that he, along with Mr. Layne, attended with Senator John Rafferty. Commissioner Miller explained that at that time Senator Rafferty was considering passing a Bill which would allow local police to notify Immigration and Customs Enforcement when they suspect that the person involved in a routine car stop is an illegal immigrant. Commissioner Miller asked Commissioner Noll to look into the matter when he is in Harrisburg next week.

**TOWNSHIP MANAGER** - Requested authorization from the members of the Board to change the telephone service for both the Administrative Office and the Municipal building from ACC Business to Comcast. Mr. Layne explained that the cost is basically the same but the service is better.

**APPROVAL OF BILL LIST - February 1, 2010** - A motion by Noll, seconded by Miller, to approve the Bill List dated February 1, 2010, for General Fund in the amount of \$33,980.99; Fire Fund in the amount of \$39,533.40; Sewer Fund in the amount of \$4,488.48; Capital Fund in the amount of \$627.18 and State Fund in the amount of \$3,965.92. Total Disbursements - \$82,595.97. All aye votes.

**APPROVAL OF MINUTES - January 19, 2010** - A motion by Spaide, seconded by Dolan, to approve the minutes of the January 19, 2010 meeting as presented. Aye votes: Dolan, Miller, Spaide and Taylor. Abstain: Noll. Commissioner Noll abstained due to the fact that he was not present at the January 19, 2010, meeting.

**ADJOURNMENT** - There being no further business, a motion by Noll, seconded by Miller, to adjourn the meeting at 7:27 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor,  
Township Secretary