

A meeting of the Board of Commissioners was held on Monday, August 20, 2007, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners, DeLena, Iatesta, Noll and Taylor present. Also present were Solicitor Charles D. Garner, Jr., Township Engineer John Theisen, Township Manager Jack P. Layne and Township Secretary Cynthia Saylor. There were 18 people in the audience. Mr. Taylor called the meeting to order at 7:00 P.M. Commissioner Dolan was absent.

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:

BRUCE LEVENGOOD - Pastor, Hopewell Community Church, 1130 Commerce Drive, was present to address his concerns regarding the configuration of Commerce Drive due to the proposed Upland Square. Pastor Levengood pointed out the positive features with regards to the proposed configuration of the intersection. Pastor Levengood noted that vehicles traveling south on Route 100, from the Boyertown area, can make a left onto State Street; however they will not be able to make a left o Commerce and therefore will not have access to the church. He stated that this intersection is dangerous now and suggested that when the light is red for Route 100 the traffic on Commerce Drive should be able to make a left onto State Street or a right onto Route 100. Commissioner Taylor explained the configuration of Commerce Drive is due to a proposed development taking place in a neighboring township and is happening on roads that do not belong to Upper Pottsgrove. Mr. Taylor stated the major issue is the left turn out onto State Street; however the plans have not been finalized. Pastor Levengood questioned if there is anything the church can do to become more involved in the design process. Attorney Chuck Garner suggested Pastor Levengood write a letter to Mr. Layne as well as to Fran Haney, the district representative from PennDot, and address his concerns and comments with regards to the functionality of the intersection.

RICHARD BROWN - 1160 Commerce Drive - Stated he owns the business next to the Hopewell Community Church and reiterated Pastor Levengood's concerns regarding the intersection.

ROBERT ANTHONY - 1376 Chestnut Grove Road - Expressed a safety concern regarding residents shooting guns in their back yards and suggested the Commissioners adopt an ordinance regulating the limitation on the use of firearms. Mr. Anthony noted his intent is not to interfere with the hunters in the Township; however he is concerned of the safety of the residents. Attorney Garner stated he would research the matter.

GARY NOVACK - 1433 North Hanover Street - Asked that the members of the Board be respectful of the owners of large tracts of land that are used for sport shooting or hunting.

SAM VENEZIALE - 1636 Brynne Lane - Stated he has been working with Mr. Layne, Attorney Garner and Mr. Theisen with regards to a grading issue and requested an update. Mr. Garner stated a meeting is scheduled for Monday to discuss the issue; however there is a question as to whether the Township can help or if it is a private dispute between the property owner and the developer.

REPORTS:

EMERGENCY SERVICES - Commissioner Noll reported the Police Department will conduct child fingerprinting on Saturday, September 8th at Fulton Bank. Mr. Noll expressed his thanks to all those who participated in helping to make the Limerick Drill a success. He further reported the Fire Committee met and they are looking for support from the Board to paint the yellow fire truck red. Copies of the monthly reports will be posted on the bulletin board.

ROBERT SLOSS - 2097 Needhammer Road - Expressed his concern that the Township never received reports from Superior Water with regards to hydrant pressure testing.

PUBLIC WORKS REPORT - Commissioner Iatesta reported the Highway Department backfilled new rolled curbing along the 1000 block of Farmington Avenue with 14 cubic yards of topsoil, seed and straw, installed 25 mph speed limit signs on Master Street, assisted with closing and evacuation of homes in the vicinity of the PECO gas main struck by PennDot workers along Gilbertsville Road, patched potholes along Kummerer Road, trimmed brush and trees in areas of roadway where sight distance has become a problem, continued with highway mowing, had PennDot replace a loop detector at North State Street and Route 100 after their work crews struck it with their milling machine, had Traffic Solutions replace struck signal, at Moyer Road & Route 100. Mr. Iatesta stated the Highway Department removed all existing playground equipment in Heather Place Park and installed of geo textile fabric prior to the installation of wood carpet for fall protection.

HENRY BEALER - 1382 Farmington Avenue - Questioned whether the paving is finished on Farmington Avenue. Mr. Bealer explained that the macadam is too high at the edge of the road along his property. Mr. Layne stated he would have the Public Works Director look into the matter.

PARKS, RECREATION & OPEN SPACE REPORTS - Mr. Layne reported the Highway Department has installed the new playground equipment at Heather Place Park and encouraged residents to visit the new facility. He further reported the Park and Recreation Committee meeting has been rescheduled for Wednesday, August 29, 2007.

ROBERT SLOSS - 2097 Needhammer Road - Expressed his concern regarding the missing sign at Kulp fields. Mr. Layne stated he is aware of the situation and is handling the matter.

ADMINISTRATION - Commissioner DeLena expressed her appreciation to Linda Coleman for her efforts with regards to the latest edition of the Newsletter as well as the Township web site.

ROBERT SLOSS - 2097 Needhammer Road - Complimented the township's web site and noted it is very professional and user friendly.

ENGINEER'S REPORT - A copy of the monthly report will be placed on the bulletin board. Mr. Theisen noted that construction is alive and well in the Township.

SOLICITOR'S REPORT - Mr. Garner reported he has reviewed the recent proposals from cell tower organizations regarding purchasing the cell tower rights from the Township. Attorney Garner stated he attended a meeting with DEP officials with regards to the Regal Oaks sewer facility.

When **RENEE SPAIDE, 1979 Yarnall Road,** questioned why all the interest in the cell tower; Attorney Garner responded it is a relatively new industry and the companies see it as a long term investment.

When **ROBERT SLOSS, 2097 Needhammer Road,** questioned when the Township signed the 20 year lease with American Tower; Mr. Garner stated in 2001 or 2002.

COMMISSIONER NOLL requested a copy of the current lease agreement between the Township and American Tower.

When **GARY NOVACK - 1433 North Hanover Street,** questioned the number of carriers on the cell tower; Commissioner Taylor stated currently there are three carriers.

MANAGER'S REPORT - Mr. Layne stated that thanks to the support of our Commissioners, volunteers and staff we had a successful Limerick Generating Exercise on August 7th. Mr. Layne reported he met with PADEP officials and Pottstown Borough staff to discuss the status of the Wolf Run Waterline project. Mr. Layne expressed his appreciation to the Public Works Department for all their hard work regarding the installation of the new playground equipment at Heather Place Park. He further expressed his appreciation to Chief Ross, Fire Marshall Hildenbrand and the Public Works Department for handling the recent gas line leak. Mr. Layne thanked the Commissioners and Administrative Assistant, Linda Coleman for their coordinating efforts regarding the latest edition of the newsletter and especially Linda for her efforts in upgrading the Township website. Mr. Layne reported the 2008 budget process will begin next month.

COMMISSIONER TAYLOR - Expressed his appreciation to the volunteers and staff with regards to the Limerick Drill on August 7th and also with the recent gas line leak on Gilbertsville Road.

ROBERT SLOSS - 2097 Needhammer Road - Requested an update on the TCE and questioned if DEP is still looking for the source of the contamination. Commissioner Taylor stated the focus of the Township has been the remediation process and noted funding is limited.

COMMISSIONER NOLL - Requested a comprehensive update for the members of the Board as to what DEP has done regarding the TCE issue in the Township.

of the data from the wells that were tested for TCE contamination if they were available to the public.

FINANCIAL REPORT - Mr. Layne provided copies of the combined cash accounts to the members of the Board for their review.

APPOINTMENT OF NEW PLANNING COMMISSION MEMBER - A motion by Noll, seconded by DeLena, to appoint Donald Nyce to fill the unexpired term of Planning Commissioner member David Daniels. All aye votes.

DISCUSSION ON PROPOSED TREE REMOVAL ORDINANCE - The members of the Board briefly discussed the proposed ordinance requiring the removal of dead trees located within 100 feet of a property line. Commissioner DeLena questioned how the township can restrict the ordinance and noted the expense involved in taking down trees. After discussion, it was agreed that the Solicitor would revise the language in the proposed ordinance.

GARY NOVACK - 1433 North Hanover Street - Questioned how the ordinance defines a dead tree and noted trees fall down all the time - it's a natural occurrence.

ROBERT BEALER - 1406 Farmington Avenue - Expressed his concern regarding the dead elm trees along State Street.

APPROVAL OF RESOLUTION #515 - Accepting the terms of payment established by the Pennsylvania Department of Transportation's Highway Transfer Program. A motion by Noll, seconded by Iatesta, to approve Resolution #515. All aye votes.

AUTHORIZATION TO SIGN PROPOSED AGREEMENT FOR SPROGELS RUN TRAIL AND GREENWAY ALIGNMENT - A motion by DeLena, seconded by Noll, to authorize the Township Manager to sign the proposed agreement for the Sprogels Run Trail and Greenway Alignment. All aye votes.

APPROVAL OF RESOLUTION #516 - Adopting the Montgomery County Natural Hazard Mitigation Plan. A motion by Iatesta, seconded by DeLena, to adopt Resolution #516. All aye votes.

APPROVAL OF RESOLUTION #517 - Amending the Civil Service Rules/Promotions - Commissioner Iatesta requested a clarification regarding the language pertaining to veterans. After a brief discussion, a motion by Iatesta, seconded by Noll, to approve Resolution #517. All aye votes.

APPROVAL OF ORDINANCE #408 - Amending Section 330-10, Maximum Speed Limits on Certain Streets, of Article II, Traffic Regulations, and Section 330-31, Parking Prohibited at all times in certain locations of Article IV, General Parking Regulations, both of Chapter 330, Vehicles and Traffic, of the Code of Ordinances of Upper Pottsgrove, as amended, to establish maximum speed
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APPROVAL OF ORDINANCE #408 CONT'D - limits on portions of Master Street and Stone

Hill Drive and prohibit parking on a portion of Farmington Avenue. A motion by DeLena, seconded by Noll, to approve Ordinance #408. All aye votes.

APPROVAL OF ORDINANCE #409 - Adopting the Swamp Creek Watershed Stormwater Management Plan. A motion by Noll, seconded by DeLena, to adopt Ordinance #409. All aye votes.

APPROVAL OF ORDINANCE #410 - Creating Section 310-19.H, Traffic Calming, of Chapter 310, Subdivision and Land Development, of the Upper Pottsgrove Township Code of Ordinances to create requirements for Traffic Calming Devices in new and existing residential areas. A motion by Iatesta, seconded by Noll, to approve Ordinance #410. All aye votes.

RESOLUTION #518 - A Resolution establishing a policy for Traffic Calming Devices on Existing Township Streets and Roads. A motion by Iatesta, seconded by DeLena, to approve Resolution #518. All aye votes.

DISCUSSION ON PROPOSED NOISE ORDINANCE - Attorney Garner provided two separate Noise Ordinances for the Board's review. The first type is a qualitative ordinance that includes broad noise prohibitions based upon standards such as "unnecessary" and/or "unreasonable" noise. Mr. Garner explained the benefit of this type of ordinance is that it can be enforced without the purchase of equipment such as a sound level meter and training of Township employees and agents on the equipment. However, a qualitative ordinance is very subjective and it can lead to disputes over interpretation. The second ordinance is a quantitative ordinance that regulates noise by applying scientific standards of sound intensity and frequency. The benefit of a quantitative ordinance is that it provides non-discretionary, objective and predictable standard to the regulation of noise. However, the use of a quantitative ordinance such as this, the Township would need to obtain an instrument known as a sound level meter in order to measure noise and insure there are adequate employees trained on the use of the equipment. Further discussion on the proposed noise ordinance will take place at a future meeting.

GARY NOVACK - 1433 North Hanover Street - Requested a clarification in the language pertaining to agricultural noise in the proposed ordinance.

ROBERT BEALER - 1382 Farmington Avenue - Expressed a concern regarding jake brakes in the proposed noise ordinance.

FINAL APPROVAL OF HIGHVIEW II PLAN - Commissioner Taylor provided a brief history of the Highview II Subdivision plan. Township Engineer John Theisen reported the plan conforms to the Township's stormwater requirements. Mr. Theisen explained the changes to the approved final plans which include changes to the stormwater detention basin and explained the size of the basin was reduced; the berm was raised to add more volume to the basin; the outlet was lowered so water will exit the basin sooner; and the size of the emergency spillway was widened so that it can pass more water.

When **ROBERT SLOSS, 2097 Needhammer Road**, questioned the Engineer if he was satisfied

with the changes made to the plan pertaining to the detention basin; Mr. Theisen stated that he was. Mr. Sloss further questioned whether there were any adjustments made other than to the detention basin; Mr. Theisen responded “no.” Mr. Sloss questioned the maintenance of the private drive off Needhammer Road.

Commissioner Taylor noted the Planning Commission reviewed the changes to the approved final plans and they recommend their approval. A motion by DeLena, seconded by Noll, to grant final plan approval for the Highview II subdivision as revised and approved by the Township Engineer.

ROBERT SLOSS - 2097 Needhammer Road - Questioned if all the documents regarding the Highview II Subdivision would be available to the public. Commissioner Taylor stated “yes.”

DIANA UPDEGROVE - 1404 Farmington Avenue - Expressed concern regarding the maintenance and ownership of the private drive located off Needhammer Road that will be utilized to access three of the lots in the Highview II subdivision. Mrs. Updegrove suggested that an agreement for maintenance of the private drive be provided and the agreement should be made a part of the recorded plan either through a homeowner’s association or a deed restriction.

After discussion the motion was withdrawn.

PUBLIC COMMENT:

ANTHONY BARONE - 133 Rose Valley Road - Expressed his concern regarding the automotive repair facility located at the corner of Farmington Avenue and Gilberstville Road. Mr. Barone noted the property looks like a storage unit for junk cars. Mr. Layne stated he would have the Code Enforcement Officer look into the matter.

GARY MOVELLAN - 1920 Yarnall Road - Stated he is on the agenda for the Open Space Committee meeting scheduled for September 11, 2007 and noted he has vacant property that is for sale.

APPROVAL OF BILL LIST - August 20, 2007 - Commissioner Noll questioned the invoice payable to the Hillside Aquatic Club. After a brief discussion, a motion by Noll, seconded by DeLena, to approve the Bill List dated August 20, 2007, with total disbursements of \$195,084.42. All aye votes.

APPROVAL OF MINUTES - July 16, 2007 - A motion by DeLena, seconded by Iatesta, to approve the minutes of the July 16, 2007 meeting as presented. All aye votes.

EXECUTIVE SESSION - At 9:10 P.M. Mr. Taylor announced the Board would meet in Executive Session to discuss two personnel matters with no decisions being made. The meeting reconvened at 9:30 P.M.

ADJOURNMENT - There being no further business, a motion by Iatesta, seconded by Noll, to adjourn the meeting at 9:35 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor
Township Secretary