

A meeting of the Board of Commissioners was held on Monday, October 1, 2007, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners, DeLena, Dolan, 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 35 people in the audience. Mr. Taylor called the meeting to order at 7:00 P.M.

**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.

**PROPOSED FIREARM DISCHARGE ORDINANCE** - Commissioner Taylor provided a brief summary of the proposed Firearm Discharge Ordinance and read the following statement: I support the right of someone to shoot in self-defense. I do not expect the Board to regulate or limit it in any way. I have no interest in second guessing the established rights of hunters to practice their time-honored traditions. I also support the right of anyone who finds exercise and pleasure in target or other forms of recreational shooting to practice their sport in a responsible manner. But - that being said, I also feel obligated to address the rightful concerns of the vast majority of residents living in close proximity to their neighbors whose safety and peace of mind may be jeopardized when the sound of nearby and unregulated shooting fills the air. In order to strike a balance between those who expect the liberty to fire their guns, and their neighbors who want to be secure in the quiet enjoyment of their property, we are considering an ordinance that parallels the safety standards already established statewide for recreational hunters through the Pennsylvania Game Commission. The Game Laws prohibit any hunting within a safety zone encompassed by a 450 foot radius surrounding any dwelling, playground, or place of business. It also prohibits hunting in public park lands. The draft ordinance before us tonight simply gives us the same safety zone that hunters must now observe and it extends its application to the discharge of guns for any other reason. The State views the use of a safety zone as a reasonable compromise between hunters and their neighbors. I hope our neighbors can accept a similar agreement with shooters that aren't hunting. Commissioner Taylor stated this is his statement; however, it categorizes the proposed ordinance the Commissioners have been considering over the last few weeks. Attorney Garner explained the purpose of the ordinance is not intended to restrict any game or hunting activities; it was a health and safety issues that brought the matter to the Board's attention.

**GARY NOVACK - 1433 North Hanover Street** - Expressed his concern that the proposed ordinance does not provide any language for private citizens to carry a firearm.

When **TOM MERGEN, 4021 County Line Road, East Greenville**, questioned what specifically made this ordinance necessary; Commissioner Taylor stated the ordinance is being considered due to incidents whereby weapons have been discharged in densely populated neighborhoods.

**PROPOSED FIREARM DISCHARGE ORDINANCE CONT'D** - When Mr. Mergen further questioned whether any hunting clubs would be effected Commissioner Taylor said “no.”

**ROBERT SLOSS - 2097 Needhammer Road** - Questioned whether he would be held liable if he shot an intruder as a means of self defense.

**JOE SPIEVAK - Yarnall Road** - Questioned the number of shooting accidents within the Township during the last five years that would justify the need for an ordinance. Commissioner Taylor stated he is unaware of any accidents in the Township.

**PETER KNAPP - 336 Summer Grove Lane** - Asked if the Township wants to wait for someone to get hurt or shot.

**LINDA BITLER - 2063 Yarnall Road** - Stated she has been a resident for thirty years and noted she is a certified National Rifle Association Women’s Personal Protection Instructor. Mrs. Bitler stated the Township should be able to address Robert Anthony’s concerns without discriminating against hunters and sports enthusiasts and without enacting another gun law. Mrs. Bitler suggested a restricted area such as an open space parcel be designated strictly for target shooting. Commissioner Taylor stated the largest open space parcel is only 15-20 acres and it is surrounded by neighboring homes.

**GILBERT DUNCAN - 72 Hanover Drive** - Stated firearms have their place; however he expressed concern that the ordinance is taking away the rights of the hunters and the rights of our forefathers dating back to Daniel Boone.

**DENNIS ELLIOTT - 576 Evans Road** - Expressed concern regarding protecting your property from squirrels, groundhogs and raccoons.

**ROBERT SPEILMAN - Gross Road** - Stated he owns thirteen acres of land on Gross Road and has permission from his neighbors to shoot on his property. Mr. Speilman expressed concern that the proposed ordinance may prevent him from enjoying his property. Mr. Speilman suggested residents obtain a permit from the Police Department.

**ROBERT SLOSS - 2097 Needhammer Road** - Noted that most of the responses coming from the Board are referencing the Game Commission Law and they have an excellent program. Mr. Sloss questioned the need for the proposed ordinance.

**TED NOGA**, a representative of the Pennsylvania Firearms Association, stated existing state laws like reckless endangerment should be adequate enough without a new Township ordinance and noted the \$600 fine is a “joke” given the seriousness of the matter.

**POLICE CHIEF BRYAN ROSS** - Stated that law is not applicable to the situation with which the law is intended to contend because what we're dealing with here is appropriate, not reckless. Chief Ross further stated this is a quality of life and a safety issue.

**GARY NOVACK - 1433 North Hanover Street** - Questioned the number of accidents along Route 100 compared to the number of people getting shot. Mr. Novack stated the proposed ordinance is infringing on resident's property rights. Commissioner Taylor stated the proposed ordinance is not as severe as the ordinances in our surrounding communities.

**COMMISSIONER DOLAN** - Expressed his concern that the portion regarding self-defense in the proposed ordinance does not take into consideration the scenario if someone breaks into your home. Mr. Dolan stated the intent of the proposed ordinance is not to infringe on anyone's rights.

**PUBLIC HEARING REGARDING PROPOSED ZONING ORDINANCE AMENDMENT TO INSURE COMPLIANCE WITH THE POTTS TOWN METROPOLITAN REGIONAL PLAN**

Attorney Garner provided a brief summary of the proposed ordinance amendment and asked for any public comment.

**ROBERT SLOSS - 2097 Needhammer Road** - Requested a clarification as to what uses were being eliminated from the Limited Industrial District. Attorney Garner stated landfills, quarries, junkyards and adult uses are being eliminated as permitted uses in the LI District.

**ORDINANCE #411** - An Ordinance of the Board of Commissioners of Upper Pottsgrove Township, amending certain provisions of Article XIV, LI/Limited Industrial District, of Chapter 350, Zoning of the Code, as amended, to come into compliance with the Pottstown Metropolitan Regional Plan - A motion by DeLena, seconded by Noll, to adopt Ordinance #411. All aye votes.

**PUBLIC COMMENT:**

**TOM WERT - 183 Primrose Lane** - Expressed concern that the American flag on the cell tower seems to be tangled in the rope. Mr. Layne stated he would take care of the matter. Commissioner Noll requested that the problem be rectified in time for Community Day.

**MINIMUM MUNICIPAL OBLIGATION FOR UNIFORM AND NON-UNIFORM PENSION PLAN**

- Mr. Layne provided the members of the Board with information with regards to the Minimum Municipal Obligation for the Uniform Pension plan in the amount of \$67,418 and the Non-Uniform Pension plan in the amount of \$19,435. A motion by Noll, seconded by Iatesta, to authorize the Township Manager to execute the pension plans. All aye votes.

**AUTHORIZATION TO APPROVE BID SPECIFICATIONS FOR THE CONSTRUCTION OF THE GOOSE RUN TRAIL**

- A motion by Dolan, seconded by DeLena, to authorize and approve the bid specifications for the construction of the Goose Run Trail. All aye votes.

**COMMISSIONER NOLL** - Requested a clarification with regards to the funding of the Goose Run

Trail.

**ROBERT SLOSS - 2097 Needhammer Road** - Requested a clarification with regards to the open space funds and the open space expenses.

**ACCEPTANCE OF WILLIAM E. LOUX'S RESIGNATION FROM THE SEWER & WATER COMMITTEE** - A motion by Iatesta, seconded by DeLena, to accept with regret the resignation of William E. Loux from the Sewer & Water Committee. All aye votes.

**#1-06 ALTHOUSE TRACT SUDIVISION EXTENSION REQUEST** - A motion by Dolan, seconded by Iatesta, to approve a 30 day review extension from October 9, 2007, for the Althouse Tract Subdivision. All aye votes.

When **ROBERT SLOSS, 2097 Needhammer Road**, asked what would happen if the Township did not grant the extension; Mr. Garner stated the Board would have to approve or deny the plan.

**DISCUSSION ON PROPOSED NOISE ORDINANCE** - There was a lengthy discussion with the members of the Board, the Police Chief and the residents with regards to the proposed noise ordinance.

**GARY NOVACK - 1433 North Hanover Street** - Questioned the types of complaints the Township received that preempted the proposed noise ordinance. Commissioner Taylor stated garbage trucks, barking dogs, construction, horns, loud music, etc. Mr. Novack stated there are times when he is out mowing his lawn until 9:00 P.M. and expressed his concern that the Township is giving in to all the "grippers" in the world.

**DIANA UPDEGROVE - 1404 Farmington Avenue** - Expressed her concern with Section 2 of the proposed ordinance pertaining to "Unnecessary Noise Prohibited" and Section 6 regarding "Disturbance to Neighbors."

After discussion, it was agreed that the Solicitor would redraft the proposed noise ordinance for action at a future meeting.

**PAYMENT OF BILLS** - A motion by Iatesta, seconded by Noll, to approve the Bill List dated October 1, 2007, for General Fund in the amount of \$55,367.61; Fire Fund in the amount of \$1,807.54; Park and Recreation Fund in the amount of \$395.00; Sewer Fund in the amount of \$21,382.00; Capital Fund in the amount of \$506,791.79; Open Space Fund in the amount of \$1,900.00 and Escrow Fund in the amount of \$3,144.32. Total Disbursements - \$590,788.26. All aye votes.

**APPROVAL OF MINUTES - September 17, 2007** - A motion by Dolan, seconded by DeLena, to approve the September 17, 2007, minutes as amended with the correct date. All aye votes.

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**EXECUTIVE SESSION** - At 9:25 P.M. Commissioner Taylor announced the Board would meet in Executive Session to discuss potential litigation with no decisions being made. The meeting

reconvened at 9:50 P.M.

**ADJOURNMENT** - There being no further business, a motion by Noll, seconded by DeLena, to adjourn the meeting at 9:52 P.M.

Respectfully submitted,

Cynthia H. Saylor,  
Township Secretary