

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

**March 3, 2008**

A meeting of the Board of Commissioners was held on Monday, March 3, 2008, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners DeLena, Dolan, Noll, Spaide and Taylor present. Also present were 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 15 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 COMMENT:** None

**NEW BUSINESS:**

**DISCUSSION REGARDING PROPOSED REQUEST FOR FUNDING FOR THE ACQUISITION OF OPEN SPACE AND FOR INFRASTRUCTURE UPGRADES** - Michael

Wolf, Boenning & Scattergood, stated he will be assisting the Township and serving as their financial advisor regarding funding for the acquisition of open space and infrastructure upgrades. Mr. Wolf reported the open space acquisition will total approximately \$1,500,000 and the sewer upgrades will total approximately \$500,000. He further reported he has reserved \$2,000,000 for Upper Pottsgrove Township and noted the money would be borrowed from the Delaware Valley Regional Financing Authority. Mr. Wolf explained the 0.25 earned income tax which was enacted by the Township for open space purchases, generates approximately \$275,000 yearly in revenues and would be used to pay back the loan. The \$500,000 borrowed for the sewer upgrades would be repaid from fees paid by the sewer customers.

Commissioner Dolan arrived at 7:20 P.M.

**DENNIS ELLIOTT - 576 Evans Road** – Referenced the current housing market and questioned the number of units projected for future housing within the Township. Commissioner Taylor stated there are about 500 units that are at some level of planning; however approximately half of them are held up due to the housing market.

When **ROBERT SLOSS, 2097 Needhammer Road**, questioned where the \$275,000 figure came from; Mr. Layne stated the Berkheimer Group.

After discussion, a motion by DeLena, seconded by Spaide, to authorize the preparation of the necessary documents to start the borrowing process through Boenning and Scattergood. All aye votes.

**MICHELLE REDDICK - 1413 Kummerer Road** - Requested a clarification as to whether the borrowing for the sewer upgrades would generate an increase in sewer rates. Commissioner Taylor stated the Township raised the sewer rates in anticipation of this borrowing.

**DISCUSSION ON PROPOSED AGREEMENT REGARDING UPLAND SQUARE** - Attorney Chuck Garner discussed the proposed Agreement between the developers of the Upland Square Shopping Center and the Township. Mr. Garner referenced Exhibit "A" of the proposed Agreement and stated it was based on requests made by the township staff. Commissioner Noll expressed concern with regards to the payment of the initial \$100,000 impact fee and the possible zoning text amendment outlined in Section 7 of the document. Mr. Garner noted the proposed Agreement would be discussed further at future meetings.

**DISCUSSION REGARDING CROSSROADS SUBDIVISION CEASE AND DESIST ORDER**  
Attorney Garner reported that the Township had received an Appeal from the Developer of the Crossroads Subdivision. Under our Ordinance, we are required to schedule a hearing on the Appeal. Mr. Garner stated the process would entail obtaining independent counsel for the Board of Commissioners and that he would present the case to the Board with the assistance of the Code Enforcement Officer. Mr. Garner further learned today from LTL Consultants the Developer had applied for and was issued a grading permit. Because the Board will ultimately serve as a judicial body in this proceeding, Mr. Garner advised the Board to limit their inquiries on the situation. Mr. Garner further advised that the Developer of Crossroads has filed a similar Appeal of the Cease and Desist Order to the Township Zoning Hearing Board. After discussion, a motion by Noll, seconded by DeLena, to authorize the Solicitor to represent the Township at the Zoning Hearing scheduled for March 13, 2008. All aye votes.

**GARY NOVAK - 1433 North Hanover Street** - Suggested the Township contact the Developer of the Crossroads Subdivision and question him as to whether he plans to follow through with the appeal since he has obtained a grading permit.

A motion by Spaide, seconded by DeLena, to set a hearing date of April 21, 2008, for the Crossroads Subdivision appeal. All aye votes.

**DISCUSSION REGARDING BOERNER TRACT SUBDIVISION REQUEST FOR EXTENSION OF TIME** - A motion by Spaide, seconded by Noll, to grant an extension of time to December 31, 2009, for the Boerner Tract Subdivision. All aye votes.

**AUTHORIZATION TO ATTEND GRANT SEMINAR** - A motion by DeLena, seconded by Spaide, to grant authorization to Reggie Leister and Jack Layne to attend a grant writing seminar in April. All aye votes.

**OLD BUSINESS:**

**DISCUSSION REGARDING VILLAGE COMMERCIAL ORDINANCE** - Mike Narcowich, Montgomery County Planning Commission, was present to discuss the proposed Village Commercial Zoning District Ordinance. There was discussion with regards to the demolition of historic structures as outlined in Section 9 of the proposed ordinance. Attorney Garner discussed the additional conditions or criteria outlined in his letter dated February 6, 2008.

**HERB MILLER - 184 Maugers Mill Road** - Referenced the one room school house/church located on Snyder Road and suggested the possibility of using it as a museum to house the historical memorabilia from the Township. Mr. Miller stated the Township should address a letter to Reverend Bill Rhoads or the owner of the property regarding the matter.

**COMMISSIONER NOLL** - Suggested incorporating the language from the Solicitor's letter dated February 6, into the proposed ordinance.

**COMMISSIONER DOLAN** - Stated he was in favor of incorporating the Solicitor's language with the exception of #3 - demonstrate that no other viable alternatives for reuse of the building exists.

There was discussion regarding Section 15 – Bonus Provisions as outlined in the proposed Village Commercial Ordinance. After discussion it was agreed to incorporate the four bullet points as outlined in the Solicitor's letter dated February 6, 2008, into the proposed Village Commercial Ordinance.

**HERB MILLER - 184 Maugers Mill Road** - Referenced the five or six homes along Farmington Avenue, from the Halfway House down towards the Fire Company, and noted all of those homes were constructed prior to 1940 and it would be impossible to replace them.

**DISCUSSION REGARDING PROPOSED RETAIL OFFICE DISTRICT ORDINANCE** - The members of the Board along with Mike Narcowich, from the Montgomery County Planning Commission, continued their discussions with regards to the proposed Retail Office District Ordinance. Mr. Narcowich recommended prohibiting auto body repairs and painting within the Retail Office District and adding them as permitted uses in the Limited Industrial District. The Board discussed placing a time limit on drive-throughs. It was agreed that Mr. Narcowich would provide language restricting the hours of use for drive-throughs.

**ROBERT SLOSS - 2097 Needhammer Road** - Expressed concern as to how the proposed ordinance would affect the businesses currently doing body work within the Township.

**DISCUSSION ON THE SALE OF THE STAUFFER HOUSE** - Mr. Garner reported the Township received a proposal from Traiman Real Estate Auction Company. Mr. Garner stated the proposal includes a 5% buyer's premium added on to the price and an out of pocket cost of \$3500. There was a lengthy discussion regarding the access to and from Lot #1 from Snyder Road.

**COMMISSIONER NOLL** – Expressed concern with regards to an emergency easement with

regards to the Stauffer house.

**GARY NOVAK - 1433 North Hanover Street** - Questioned if the Township was going to contact other auction companies and obtain a bid with regards to the sale of the Stauffer house. When Commissioner Taylor asked if Mr. Novak had anyone in mind; he suggested Ken Geyer or Horning Appraisal Services.

**REG LEISTER - 1693 Farmington Avenue** - Stated he received numerous calls with regards to the article that appeared in today's newspaper regarding the historical properties within the Township. Mr. Leister stated he received calls from representatives of three other historical societies from Phoenixville, Limerick and Trappe and noted the positive and supportive response from them.

When **ROBERT SLOSS, 2097 Needhammer Road**, questioned the number of new commercial businesses that had moved into the Township within the last year Mr. Layne stated 2 or 3. Commissioner Taylor noted there is the potential for significant commercial businesses with the proposed Upland Square Shopping Center.

**HELEN BRANDEL - 420 Snyder Road** - Expressed her concern regarding the Sprogel's Run Trail and stated she wanted to go on record that she is not in favor of it. Mrs. Brandel stated that she recently learned that the Malfaro property is among those being considered as part of the trail system and her property abuts that parcel. Mrs. Brandel questioned whether the property owners were notified with regards to the Sprogel's Run Trail system. Commissioner Taylor stated there will be notification through the Newsletter and on the Township's web page.

**REG LEISTER - 1693 Farmington Avenue** - Questioned whether the trails could be used by ATV's or equestrian use.

When, **GARY NOVAK, 1433 North Hanover Street**, questioned the number of new homes built in 2007 Mr. Layne stated approximately 100.

**ROBERT SLOSS - 2097 Needhammer Road** - Questioned the number of homes within the Township that are vacant or in foreclosure.

**RAYMOND FRIZZ - 1730 Farmington Avenue** - Questioned the status of the Farmington Avenue West sewer construction. Chris Hannum, LTL Consultants, stated the pre-construction meeting will be held on Thursday, March 7th at 10:00 A.M.

**COMMISSIONER COMMENTS:**

**COMMISSIONER DOLAN** - Expressed his thanks and appreciation to Herb Miller for all his work with regards to the historical committee. In another matter, Mr. Dolan expressed his concern regarding the recyclables being commingled with the trash and suggested a letter be sent to the trash haulers registered with the Township.

**APPROVAL OF MINUTES - February 19, 2008** - A motion by Noll, seconded by DeLena, to approve the minutes of the February 19, 2008, meeting as presented. All aye votes.

**EXECUTIVE SESSION** - At 9:20 P.M. Commissioner Taylor reported the Board would meet in Executive Session to discuss potential litigation and real estate; however no decisions would be made. The meeting reconvened at 10:14 P.M.

**ADJOURNMENT** - There being no further business, a motion by DeLena, seconded by Spaide, to adjourn the meeting at 10:15 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor,  
Township Secretary