

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

**June 16, 2008**

A meeting of the Board of Commissioners was held on Monday, June 16, 2008, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners Dolan, Noll, Spaide and Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., Township Engineer John Theisen, Township Manager Jack P. Layne and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:00 P.M. There were 22 people present in the audience. Commissioner DeLena was unable to attend the meeting.

**MOMENT OF SILENCE** - Mr. Taylor requested a moment of silence in honor of the men and women who are currently serving and those who have served our country in the armed forces.

**PLEDGE OF ALLEGIANCE** - Those assembled pledged allegiance to the flag.

**PUBLIC COMMENTS:**

**REGGIE LEISTER - 1693 Farmington Avenue** - Reported the Township collected 175 flags which were “respectfully buried” during a ceremony held at Memorial Park on June 1<sup>st</sup>. Mr. Leister noted a 32% increase in the number of flags collected this year as compared to last year.

**KATY POTPINKO - 1286 North Hanover Street** - Referenced the recent fatal accident and requested support from the Board in order to have flashing lights installed at the dangerous curve in front of her house. Mrs. Potpinko also expressed her concern regarding the school buses that are speeding along North Hanover Street especially between 8:00 AM – 8:30 AM and 3:00 PM – 3:30 PM during the school year. Commissioner Taylor stated there are some enforcement issues that could easily be addressed by our Police Department. Attorney Garner suggested the Police Department conduct a traffic study along North Hanover Street. Township Engineer, John Theisen, stated even though Hanover Street is a township road we would have to apply for a permit from PennDot in order to install flashing lights. When Commissioner Taylor asked how many cars Mrs. Potpinko has had in her front yard; she stated this is the first fatal accident in the three years she has lived in the Township. Commissioner Dolan stated it sounds like the people traveling along North Hanover Street are not abiding by the rules and regulations of the road and he along with Commissioner Noll suggested the Police Department study the traffic pattern of the road. After further discussion, it was agreed that the Township Manager would discuss the matter with the Police Department.

When **JANET BRANDEL, 1757 Yarnall Road**, questioned the status of the noise ordinance, Mr. Layne noted this topic would be discussed later on the agenda.

**REPORTS:**

**EMERGENCY SERVICES** - Commissioner Noll provided a brief summary of the monthly police report and stated a copy would be posted on the bulletin board. Mr. Noll reported the Board is in the process of hiring a Police Chief.

**FIRE REPORT** - Commissioner Noll reported the Fire Committee will meet on Thursday, June 19, 2008 and noted a copy of the monthly reported would be posted on the bulletin board.

**PUBLIC WORKS REPORT** - Commissioner Spaide reported the highway department patched and compacted potholes along Hanover Drive, Snyder Road, Schwenk Road and a portion of Juniper Street. The Highway Department cleaned up tree branches and debris washed onto the roadways following heavy rains; installed street identification markers at Snyder Road and Detweiler Road; cut brush at the intersection of Schwenk Road and Mangers Mill Road that was causing a sight distance problem; provided inspection for lining project of the sewer main lines in the Regal Oaks Subdivision; continued mowing and trimming of Heather Place Park, Cherrytree Farms Park, Kulp Fields and Hollenbach Open Space. The first round of highway mowing along right of ways has been completed. The first application of Vegetation Control along curb lines and guide rails will be completed by June 16, 2008.

**PARK AND RECREATION REPORT** - None

**ENGINEER'S REPORT** - Township Engineer John Theisen reported construction is continuing in the Summer Grove Development. A copy of the monthly report will be posted on the bulletin board.

**ROBERT SLOSS - 2097 Needhammer Road** - Questioned the status of the Highview II Subdivision. Mr. Theisen reported the improvements have been finished. Mr. Sloss addressed the Solicitor and questioned whether Stern Drive, where it ties into Needhammer Road, would be designated as a private road. Mr. Garner explained that he is not representing the Township on this matter and he (Mr. Sloss) would have to direct his question to Attorney Bruce Baldwin. Township Engineer John Theisen stated that Stern Drive was designed and approved as a private road. Mr. Sloss stated he wanted it on public record that Stern Drive will remain a private road.

**SOLICITOR'S REPORT** - Reported he along with Mr. Layne, Mr. Bealer, Chris Hannum and Commissioner Taylor met this afternoon with representative of the Pottstown Borough Authority to discuss a number of issues of joint concern involving sanitary sewer matters. Mr. Garner explained some of the items include the Borough Authority's involvement in the Regal Oaks sewer situation and what they would be willing to do now that the flow study results have been released. He further explained the necessity of amending the Act 537 Plan due to the Regal Oaks situation. A motion by Dolan, seconded by Spaide, to authorize LTL Consultants to proceed with the amendments to the Act 537 Plan as it relates to Regal Oaks. All aye votes. After a brief discussion, a motion by Dolan, seconded by Spaide, to authorize the Township Engineer to work with BCM Engineers with respect to the timing of the conditions of the Regal Oaks improvements. All aye votes.

**MANAGER'S REPORT** - Mr. Layne provided a brief summary of his monthly report.

**FINANCIAL REPORT** - Copies of the monthly Financial Reports were provided to the members of the Board for their review.

**APPROVAL OF LEVENGOOD SUBDIVISION SEWER MODULE** - A motion by Dolan, seconded by Spaide, to complete and forward the Levengood Subdivision Sewer Module to DEP. All aye votes.

**APPROVAL OF THE PURCHASE OF THE MALMBERG PROPERTY UNDER THE OPEN SPACE PROGRAM**

- Attorney Garner stated the Township has received an executed copy of the Sales Agreement from Valerie Malmberg and noted the property is located partially in Upper Pottsgrove Township and partially in Douglass Township. He further stated the property totals approximately eighteen (18) acres; however the tract the Township desires to purchase totals approximately seven (7) acres of unimproved land and is located on the east side of Farmington Avenue. The total price is \$217,000.00 and will be acquired with the monies the Township is borrowing for open space purchases. Mr. Garner stated there is an issue with regards to the type of open space restrictions that would be placed on the property. He also stated the property owner has indicated that they would prefer to have restrictions so that it is passive recreation as opposed to active. Commissioner Dolan noted that this area of the Township has been identified by Natural Lands Trust as an area we should concentrate on preserving because of the water resources and environmental assets that are there. After discussion, a motion by Dolan, seconded by Noll, to authorize execution of the Agreement of Sale between Valerie Malmberg and Upper Pottsgrove Township. All aye votes.

**ROBERT SLOSS - 2097 Needhammer Road** - Questioned whether the Township could get financial support for the purchase of the Malmberg property from the Natural Lands Trust. Commissioner Dolan stated the Natural Lands Trust is working closely with the Township in purchasing property.

**PUBLIC HEARING****PROPOSED ORDINANCE AMENDING THE ZONING ORDINANCE AND SUBDIVISION LAND DEVELOPMENT ORDINANCE TO REPLACE THE EXISTING COMMERCIAL OFFICE ZONING DISTRICT WITH A NEW RETAIL OFFICE ZONING DISTRICT**

- Attorney Garner provided a brief summary of the proposed ordinance change from Commercial Office to Retail Office. Mr. Garner noted that the Upper Pottsgrove Planning Commission reviewed the proposed changes. There was no public comment. The public hearing was closed at 7:35 P.M. The Board took no formal action.

**POSSIBLE APPROVAL OF UPLAND SQUARE MUNICIPAL IMPACT IMPROVEMENTS AGREEMENT**

- Attorney Garner summarized the following contributions requested by the Township: an initial one time contribution of \$100,000.00 impact fee for the purchase of equipment and maintenance equipment; a 3% escalator if the impact fee is paid after August 31, 2008; an annual

contribution of \$47,000.00 for the maintenance of the traffic signal; reimbursement of consultant fees; improvements to the intersection of Chestnut Grove Road and State Street and the construction of a cul-de-sac to terminate State Street. Michael Murray, Esquire, requested a letter from the Township with regards to PennDot's review of the Highway Occupancy Permit application. A motion by Spaide, seconded by Noll, to authorize the execution of the Municipal Impact Improvements Agreement. All aye votes.

**COMMISSIONER NOLL** - Requested clarification with regards to Section 6(c) Development of the Upper Pottsgrove Parcel as outlined in the Municipal Impact Improvements Agreement.



**ROBERT SLOSS - 2097 Needhammer Road** - Referenced the contribution of \$100,000 for the purchase of equipment and stated the Fire Company is in need of equipment in order to provide fire protection to the proposed shopping center. Commissioner Taylor noted the Fire Marshal was consulted and he provided a list of items needed by the Fire Company.

When **JENNIFER GROVES, 1425 Chestnut Grove Road**, questioned the size of the proposed shopping center it encompasses approximately 100 acres in West Pottsgrove Township. Ms. Groves expressed concern regarding the increase in traffic in her neighborhood.

**DISCUSSION REGARDING PROPOSED KUMMERER DEVELOPMENT** - Commissioner Taylor explained the proposed Kummerer Development is located between Route 100 and Pineford Road and Farmington Avenue. Steve Gallo, Rouse/Chamberlin, was present to discuss a sketch plan for the Kummerer Tract under the Age Qualified Overlay District. Mr. Gallo stated Rouse/Chamberlin has been working with the Planning Commission and the Township Fire Marshal and Emergency Services personnel regarding the proposed plan which consists of approximately 188 homes. He further stated he wanted to review the plan with the members of the Board to discuss any questions or concerns prior to investing the significant amount of time and money necessary to engineer the proposed development.

**REGGIE LEISTER - 1693 Farmington Avenue** - Stated that there will be public water available for the proposed Kummerer tract however; he has been waiting for twelve (12) years and still is unable to have potable water.

**ROBERT SLOSS - 2097 Needhammer Road** - Expressed his concern regarding fire truck accessibility. Mr. Layne noted the proposed development was reviewed by the Fire Chief and the Fire Marshal.

**JENNIFER GROVES - 1425 Chestnut Grove Road** - Questioned the size of the lots within the proposed Kummerer Development.

**COMMISSIONER DOLAN** - Expressed concern regarding the road layout within the development.

**ROBERT SLOSS - 2097 Needhammer Road** - Expressed concern regarding the current housing market in regards to the proposed Kummerer Development.

**ORDINANCE #427 AMENDING CHAPTER 100 TO REDUCE THE AMOUNT OF TIME A DOG IS PERMITTED TO BARK, WHINE OR HOWL CONTINUOUSLY** - Commissioner Taylor explained Ordinance #427 reduces the amount of time a dog is permitted to bark, whine or howl continuously from thirty (30) minutes to fifteen (15) minutes. A motion by Dolan, seconded by Spaide, to approve Ordinance # 427. All aye votes.

**JANET BRANDEL - 1757 Yarnall Road** - Expressed her concern that the Ordinance does not address dogs being made to bark as a means of harassment between neighbors. Attorney Garner addressed Mrs. Brandel and stated that would be a private matter between her and her neighbor.

**ROBERT SLOSS - 2097 Needhammer Road** - Suggested the Township place an article in the next Newsletter advising residents of the new ordinance.

**APPROVAL TO RELEASE REMAINING FUNDS IN ESCROW ACCOUNT FOR HIGHVIEW II** - A motion by Spaide, seconded by Dolan, to authorize release of the remaining escrow funds for the Highview II Subdivision in the amount of \$70,836.54. All aye votes.

**APPROVAL OF PROPOSED ROAD IMPROVEMENT BIDS** - A motion by Spaide, seconded by Dolan, to accept the low bid of \$115,865.50 submitted by Bracalente Construction for the proposed road improvements. All aye votes.

**APPROVAL OF #5-07 STAUFFER SUBDIVISION PLAN** - A motion by Noll, seconded by Spaide, to grant preliminary/final plan approval subject to satisfactory completion of all outstanding issues in the Engineer's letter dated April 8, 2008. All aye votes. **WAIVERS** - A motion by Noll, seconded by Dolan, to grant the waivers as outlined in the Engineer's letter. All aye votes.

**MOTION TO AUTHORIZE THE APPROPRIATE TOWNSHIP OFFICIALS TO SIGN ALL CLOSING DOCUMENTS FOR THE ACQUISITION OF THE STAUFFER PROPERTY** - A motion by Spaide, seconded by Noll, to authorize the President of the Board and Township Secretary to sign the closing documents for the acquisition of the Stauffer property. All aye votes.

**APPROVAL OF #6-07 BEALER & RICHARD SUBDIVISION PLAN** - A motion by Spaide, seconded by Noll, to grant preliminary/final plan approval for the Bealer & Richard Subdivision plan subject to compliance of the review letter from LTL Consultants dated May 8, 2008. All aye votes. **WAIVERS** - A motion by Dolan, seconded by Noll, to grant the six waivers as recommended in the Engineer's letter dated May 8, 2008. All aye votes.

**ESTABLISHMENT OF A PUBLIC HEARING DATE OF AUGUST 18, 2008 FOR THE VILLAGE COMMERCIAL ZONING DISTRICT** - A motion by Dolan, seconded by Spaide, to establish August 18, 2008 as the public hearing date for the Village Commercial Zoning District. All aye votes.

**PUBLIC COMMENT:**

**REGGIE LEISTER - 1693 Farmington Avenue** - Questioned the status of the renovations to the Halfway House. Mr. Layne stated a cease and desist order was issued because it was not being constructed in accordance with the building permit. In another matter, Mr. Leister reported that Phase II of the installation of the historical plaques is currently underway.

**MARK FAIR - 1859 Farmington Avenue** - Expressed concern regarding the need for public sewer in his area of the Township.