

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

**January 18, 2011**

A meeting of the Board of Commissioners was held on Tuesday, January 18, 2011, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners Dolan, Miller, Noll, Spaide and Taylor present. Also present were township Solicitor Charles D. Garner, Jr., Township Manager Jack P. Layne and Police Chief William A. Moffett. Mr. Taylor called the meeting to order at 7:00 P.M. There were 4 people 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.

**REPORTS:**

**EMERGENCY SERVICES** - Commissioner Noll reported that copies of the monthly Police Reports would be posted on the bulletin board. He further reported the Fire Committee will hold a meeting on Thursday, January 20<sup>th</sup> at 7:00 P.M. Mr. Noll commended the Police Officers and the Fire Department for the work they have done over the last month and noted there have been numerous weather related accidents. Commissioner Noll expressed his condolences to the Leshner family. Commissioner Miller addressed Chief Moffett and questioned the location of recent burglaries that took place in December. Mr. Layne stated he will attend an Emergency Management training session tomorrow morning in Eagleville.

**PLANNING & ZONING REPORT** - Commissioner Taylor reported the Planning Commission met and discussed the Zoning Appeal filed by Liberty Towers for a variance as well as the proposed Sign Ordinance.

**PUBLIC WORKS REPORT** - Commissioner Spaide reported the Highway Department painted snowplows, repaired manhole frames and covers that sit too high, and cleaned and repaired equipment after the recent snow and ice storms.

**PARKS, RECREATION AND OPEN SPACE REPORT** - Commissioner Miller provided a brief update with regards to the Sprogels Run Trail and that the target date for completion is 2012.

**ENGINEER'S REPORT** - It was noted that a copy of the Engineer's Report for the months of November and December would be posted on the bulletin board.

**SOLICITOR'S REPORT** - Nothing to report.

**TOWNSHIP MANAGER'S REPORT** - Mr. Layne reported he assisted in the coordination of the submission and approval of the 2011 Annual Budget and assisted in coordinating efforts to submit and approve a Police Contract. Mr. Layne advised that the Township recently lost Officer Kyle Leshner to a tragic car accident.

**TOWNSHIP MANAGER'S REPORT CONT'D** - He explained that Officer Leshner was a part-time Officer with the Township. Commissioner Taylor noted that Mr. Layne attended Officer Leshner's services on behalf of the Township and expressed his appreciation to him. Mr. Layne reported that the Township received a \$6,000 grant from the Pottstown Area Health and Wellness Foundation to be used towards the construction of the Sprogels Run Pedestrian Trail.

**MONTHLY FINANCIAL REPORT** - Copies of the Financial Reports for the months of November and December 2010 were provided to the members of the Board in their meeting packets.

In response to a question from **COMMISSIONER MILLER** regarding the School Resource Officer; Mr. Layne reported that some of the 2009 payments were not received until 2010; therefore the receipts are higher than what was originally budgeted. When Commissioner Miller questioned the Police overtime reimbursement; Chief Moffett explained that the Township is reimbursed by the State when Officers participate in a DUI or traffic detail. Commissioner Miller requested a clarification pertaining to the line item entitled "Dues" under the Executive section of the budget. Mr. Miller also questioned the amount in the Firemen's Relief Association as well as the Traffic Signal Maintenance as depicted in the December Compared to Budget Report.

**NEW BUSINESS:** None

**OLD BUSINESS:**

**DISCUSSION AND POSSIBLE ACTION REGARDING A ZONING APPEAL FILED BY LIBERTY TOWERS FOR A VARIANCE TO PERMIT THE PROPOSED ACCESS ROAD TO REMAIN AS A GRAVEL ROAD** - Attorney Crystal Fisher was present to discuss the Zoning Appeal filed by Liberty Towers for a Variance to permit the proposed access drive to remain in a gravel state rather than to pave the access drive. Commissioner Taylor noted that the Planning Commission did review the application and recommended approval. Attorney Fisher noted that the applicant (Liberty Towers) has provided the following justification for the requested relief: the proposed access easement will be infrequently utilized only approximately once a month with a standard sport utility vehicle to provide routine service to the communications equipment; providing a gravel driveway will reduce the required impervious cover, and allow for groundwater infiltration and recharge and a paved driveway is inconsistent with the rural and agricultural style of the property including the existing farmhouse and barn, and proposed windmill designed communications tower. After discussion, a motion by Miller, seconded by Spaide, to support the Applicant's request for a Variance to allow a gravel access driveway with the requirement to pave the first fifty (50) feet of the access from the edge of right of way and the requirement that Liberty Towers be responsible for the proper maintenance and repair of the gravel access driveway. All aye votes.

When **COMMISSIONER NOLL** requested clarification regarding the gravel access road; Attorney Fisher stated she would look into the matter.

**DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED ROADWAY RESPONSIBILITY TRANSFER OF UPLAND SQUARE DRIVE AND SELL-LEVENGOOD ROAD**

Attorney Garner reported that previously the Developer of Upland Square requested a meeting with Penn DOT and asked that both West Pottsgrove and Upper Pottsgrove Townships attend. Mr. Garner stated the reason for the meeting was due to a lack of ownership between Upland Square Drive and some other road issues. He further stated that both Townships (Upper and West Pottsgrove) discussed who should maintain Levengood Road, Sell Road and Upland Square Drive. It was suggested that since Penn DOT already maintains Route 100 for snowplowing it would make sense if PennDOT would maintain Upland Square Drive. Upper Pottsgrove Township would maintain Levengood Road and Penn DOT would provide funding to upgrade that road. West Pottsgrove Township would maintain Sell Road. Mr. Garner explained that since Levengood Road is split between West Pottsgrove and Upper Pottsgrove an inter-municipal agreement will be necessary. After further discussion, a motion by Spaide, seconded by Miller, to approve and authorize staff to move forward with Penn DOT and West Pottsgrove in preparing and reviewing the necessary documents relating to the road swap. Commissioner Taylor noted the significance that the Township is in agreement with Penn DOT and West Pottsgrove Township with regards to access from our commercial lots onto Upland Square.

**COMMISSIONER NOLL** requested clarification as to whether Upland Square Drive, beyond the Target, will ever be open to the public.

**OTHER PUBLIC COMMENT:** None

**COMMISSIONER COMMENTS:**

In response to a question from **COMMISSIONER MILLER** pertaining to the maintenance of open space trails; Commissioner Noll noted he is waiting for additional information regarding the matter.

**BOARD OF COMMISSIONERS MEETING - February 7, 2011** - A motion by Miller, seconded by Spaide, to cancel the Board of Commissioners meeting scheduled for February 7, 2011. All aye votes. The next scheduled Board of Commissioners meeting will be held on February 22, 2011 due to the President's Day holiday.

**PAYMENT OF BILLS** - Mr. Layne reported the \$75.00 payment to the Montgomery County Association for annual dues will be removed from the Bill List. A motion by Noll, seconded by Dolan, to approve the amended Bill List dated January 18, 2011, for General Fund in the amount of \$27,352.56; Fire fund in the amount of \$1,663.74; Sewer Fund in the amount of \$39,227.74; Capital Fund in the amount of \$11,621.32; Open Space Fund in the amount of \$1,568.46; Escrow Fund in the amount of \$48.00 and State Fund in the amount of \$242.52. Total Amended Disbursements - \$81,724.34. All aye votes.

**APPROVAL OF MINUTES - January 3, 2011** - A motion by Noll, seconded by Spaide, to approve the minutes of the January 3, 2011, meeting as presented. All aye votes.

**EXECUTIVE SESSION** - At 7:46 P.M. Commissioner Taylor advised the Board would be meeting in Executive Session to discuss matters of potential litigation and real estate with no action being taken. The meeting reconvened at 8:08 P.M.

**ADJOURNMENT** - There being no further business, a motion by Spaide, seconded by Dolan, to adjourn the meeting at 8:10 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor  
Township Secretary