

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

**October 16, 2006**

A meeting of the Board of Commissioners was held on Monday, October 16, 2006, at the Upper Pottsgrove Township Administrative Offices, 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, Jr. and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:00 P.M. There were 5 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:**

**TOM WERT - 183 Primrose Lane** – Expressed his concern regarding the Township’s web site and the lack of current information posted. Mr. Wert noted the previous Township Manager is still listed on the web site.

**REG LEISTER - 1693 Farmington Avenue** - Expressed a concern with regards to the recycling activities on Commerce Drive and questioned whether a permit was issued and if anyone is monitoring what is being recycled at the site. Commissioner Iatesta stated years ago there was a problem; however they were permitted and DEP had visited the site at that time. Township Engineer John Theisen reported that both he and the Public Works Director were on site approximately six months ago and witnessed the operation of the concrete crusher. After further discussion Mr. Layne stated he would discuss the matter with the Zoning Officer.

**EMERGENCY SERVICES:**

**POLICE REPORT** - Commissioner Noll read the monthly Police Report and stated a copy would be posted on the bulletin board. Mr. Noll encouraged the residents to read the upcoming police activities in the Township’s Newsletter.

**FIRE REPORT** - Commissioner Noll reported the Fire Committee will hold their next meeting on Thursday, October 19, 2006. He further reported the Fire Company members have been cleaning the upstairs.

**ROBERT SLOSS - 2097 Needhammer Road** - Requested an update on the flag pole at the municipal building. Commissioner Noll stated he had no additional information with regards to the flag pole. When Mr. Sloss questioned why the Fire Company’s by-laws were removed from tonight’s agenda Attorney Garner stated he completed his review of the by-laws today; however there not enough time to forward his comments to the Commissioners for the meeting.

**DIANA UPDEGROVE - 1404 Farmington Avenue** - Requested clarification with regards to the names and number of carriers on the cell tower.

**PLANNING AND ZONING REPORT** - Commissioner Taylor provided a brief outline of the Planning Commission meeting.

**REGIONAL PLANNING COMMITTEE REPORT** - Commissioner DeLena reported she attended the Pottstown Metropolitan Regional Planning Committee on September 27, 2006 and the Committee listened to a presentation by representatives of the Clean Water Fund, the Delaware Riverkeeper and the Green Valley Association. There was discussion regarding the development of the parcel located at the intersection of Route 100 and State Street in West Pottsgrove Township. Some of the concerns discussed were increased traffic on both sides of Route 100. The Committee also discussed the possibility of organizing a regional recreation board.

**PUBLIC WORKS REPORT** - Commissioner Iatesta reported the full depth reclamation process on Heather Place, Lotus Drive and Primrose Lane was completed in late September, a 100 foot section of new concrete curbing has also been installed, paving has begun on Lotus Drive with the rest of the development to follow within the next few days, weather permitting. Danella Construction, Superior Water Company's sub contractor has begun water main installation on Farmington Avenue. To date approximately 2200 lineal feet of water main has been installed, backfilled and compacted. Phase II of the Farmington Avenue sanitary sewer upgrades is near completion with permanent restoration underway. The Public Works Department has been cleaning, patching and compacting potholes throughout the Township and highway mowing operations should be completed within the next few days.

**PARK & RECREATION REPORT** - Commissioner Dolan reported the Park & Recreation Committee met and discussed the revamping of Heather Place Park and setting their goals for the year 2007.

**ROBERT SLOSS - 2097 Needhammer Road** - Asked when the new park signs would be installed. Mr. Layne reported the signs are scheduled for installation on Wednesday.

**ADMINISTRATIVE REPORT** - Commissioner DeLena reported the Township's Newsletter will be mailed to all residents on Friday. She further reported the Township staff will be updating the web site in the very near future.

**ROBERT SLOSS - 2097 Needhammer Road** - Requested a time frame for updating the web site. Commissioner DeLena stated within thirty (30) days.

**ENGINEER'S REPORT** - John Theisen reported the Township received approval from DEP to award plumbing contracts for the southern end of Farmington Avenue and Greengate.

**ROBERT SLOSS - 2097 Needhammer Road** - Questioned the status of the Maugers Mill Estates drainage improvement project. Attorney Chuck Garner stated we are waiting to receive the releases from all the effected property owners.

**SOLICITOR'S REPORT** - Mr. Garner reported he has completed his review of the Fire Company By-Laws and his comments will be available for the next meeting. He further reported he has been working on the Agreement with Verizon and a draft of the proposed Traffic Calming Policy. Mr. Garner explained there will be two components with regards to the Traffic Calming Policy; a policy for existing development and a change to the Subdivision Ordinance to provide for traffic calming measures in new developments.

**SOLICITOR'S REPORT CONT'D** - After a brief discussion, a motion by DeLena, seconded by Iatesta, to authorize the Solicitor to prepare and advertise a public hearing on a proposed change to the Subdivision Ordinance to allow for traffic calming measures. All aye votes.

**MANAGER'S REPORT** - Mr. Layne reported he met with Berks Montgomery Municipal Authority and New Hanover Township to discuss use of available sewer capacity, he attended a meeting at Lower Pottsgrove Township requesting our participation in a yard waste recycling center grant program; attended meetings to review and discuss current and proposed retirement programs, attended sewer, planning, open space, park & recreation and fire company meetings and he along with the Public Works Director are currently working on developing a proposed solution to the storm water problem in the Willow/Poplar Street area. Mr. Layne advised the next issue of the Township Herald will be distributed later in the week.

**MINIMUM MUNICIPAL OBLIGATION** - 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 \$97,959 and the non-uniform pension plan in the amount of \$27, 974

**ROBERT SLOSS - 2097 Needhammer Road** - Expressed his concern regarding the condition of the parking lot and noted that Election Day is only three weeks away. Mr. Layne stated he has been in contact with Rouse/Chamberlin and Danella Construction and they have assured him that the equipment will be off site for Election Day. Mr. Sloss stated he would ask the Fire Police to provide lighting during the hours of 5:00 - 8:00 P.M. Commissioner Noll reiterated Mr. Sloss's concerns with regards to the condition of the parking lot.

**FINANCIAL REPORT** - Mr. Layne provided a brief summary of the September Financial Reports and noted that the revenues are coming in at a "slow rate."

**ZONING HEARING BOARD APPEAL - JOSEPH DE JOHNETTE** - Attorney Chuck Garner provided a brief history with regards to the appeal filed by John DeJohnette who resides at 1234 North State Street. The applicant has filed a request for zoning relief to allow a second driveway on his lot. He is also seeking a variance with regards to accessory uses. This matter arises as a result of a previously issued notice of violation which directed the applicant to remove a second driveway; remove or relocate a shed which did not receive a zoning permit; remove all but one commercial vehicle from the property; remove vehicles parked in the front yard, eliminate off-street parking spaces in excess of the six maximum allowable spaces and cease having employees associated with a home occupation. A public hearing is scheduled for Thursday October 26, 2006 at 7:30 P. M. After further discussion, a motion by Iatesta, seconded by Noll, to authorize the Township Solicitor to appear at the John DeJohnette zoning hearing in the event that the property owner refuses to withdraw claims involving the interpretation of the Zoning Officer's decision. All aye votes.

**YARD WASTE RECYCLE CENTER GRANT** - Mr. Layne reported that Lower Pottsgrove Township is submitting a proposal to the Pennsylvania Department of Environmental Protection for \$500,000 for a Yard Waste Recycle Center Grant. Other proposed municipal participants are Limerick, New Hanover, North Coventry Township and Upper Pottsgrove Township. This grant requires a 10% match or \$50,000. Lower Pottsgrove believes that there will be no cash match require from any municipality because they propose to use the land that will be specified as the area for the

**YARD WASTE RECYCLE CENTER GRANT CONT'D** - Yard Waste Recycle Center as the match. The grant will be utilized for the purchase of a truck that could be used by each municipality for picking up yard waste, a chipper and a loader. The truck could be driven by our Public Works employees to pick up yard waste within our Township and then return it to the site. After a brief discussion, a motion by Iatesta, seconded by DeLena, to with Lower Pottsgrove Township and the grant application. All aye votes.

**ROBERT SLOSS - 2097 Needhammer Road** - Requested clarification with regards to the 10% matching funds and financial responsibility of the Township.

**RELEASE OF ESCROW FOR PHASE I OF FARMINGTON AVENUE SEWER PROJECT** - A motion by DeLena, seconded by Noll, to authorize the escrow release for the Farmington Avenue Sewer Replacement Project Phase I in the amount of \$238,000. All aye votes.

**AUTHORIZATION TO PURCHASE PRINCE PROPERTY** - A motion by Dolan, seconded by DeLena, to conditionally approve the execution of an Agreement of Sale executed by Paul Prince and Christopher and Joan Austerberry subject to the preparation and execution of an Addendum, the form of which would be acceptable to the Township. All aye votes.

When **COMMISSIONER NOLL** questioned the amount of money the Township has available for the purchase of open space Mr. Taylor stated the Township borrowed \$360,000 for the purchase of open space.

**ROBERT SLOSS - 2097 Needhammer Road** - Questioned whether it is the intention of the Township to deed the property as "forever open space."

**AUTHORIZE SOLICITOR TO PREPARE ORDINANCE REVISING CHESTNUT GROVE SPEED LIMIT** - A motion by Noll, seconded by DeLena, to authorize the Solicitor to prepare and advertise an ordinance reducing the speed limit on Chestnut Grove Road. All aye votes.

**ACCEPTANCE OF THE DEDICATION OF OPEN SPACE FROM TURNBERRY FARMS** - A motion by DeLena, seconded by Noll, to accept the Deed of Dedication of open space from Turnberry Farms subject to receipt of the executed Owner's Affidavit and Financial Agreement. All aye votes.

**AUTHORIZATION TO REBID PLUMBING CONTRACT FOR CENTRAL FARMINGTON AVENUE** - A motion by Iatesta, seconded by DeLena, to reject all bids and authorize LTL Consultants to rebid the plumbing contract for central Farmington Avenue. All aye votes.

**SWEETWATER SUBDIVISION REVIEW REQUEST** - A motion by DeLena, seconded by Iatesta, to approve a 120 day extension for review of the Sweetwater Subdivision. All aye votes.

**REG LEISTER - 1693 Farmington Avenue** - Suggested each department or committee be responsible for inputting their own information on the Township's web site.

**COMMISSIONER DELENA** - Expressed her concern regarding the traffic light along the construction route on Farmington Avenue.

**COMMISSIONER DOLAN** - Reported he spoke with Scott Miller with regards to the Halfway House being designated as a historic property.

**PAYMENT OF BILLS** - A motion by Iatesta, seconded by Noll, to approve the Bill List dated October 16, 2006, for General Fund in the amount of \$18,012.33; Fire Fund in the amount of \$608.38; Park and Recreation Fund in the amount of \$89.96 and Sewer Fund in the amount of \$1,620.67. Total Disbursements - \$20,331.34. All aye votes.

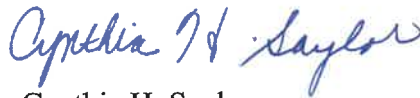
**ROBERT SLOSS - 2097 Needhammer Road** - Questioned an invoice from Pufnock Power & Lighting.

**REG LEISTER - 1693 Farmington Avenue** - Requested clarification with regards to an invoice from the Borough of Pottstown for cell charges.

**APPROVAL OF MINUTES - September 18, 2006** - A motion by DeLena, seconded by Iatesta, to approve the minutes of the September 18, 2006, meeting as amended. All aye votes.

**ADJOURNMENT** - There being no further business, a motion by DeLena, seconded by Dolan, to adjourn the meeting at 8:40 P.M. All aye votes.

Respectfully submitted,



Cynthia H. Saylor,  
Township Secretary