

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

March 1, 2010

A meeting of the Board of Commissioners was held on Monday, March 1, 2010, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners Dolan, Miller, Noll, Spaide and Taylor present. Also present were Solicitor Charles D. Garner, Jr., Township Manager Jack P. Layne, Police Chief William Moffett and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:00 P.M. There were 9 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:

JOHN WEST - 1611 Applegate Lane - Stated that the Public Works Department did a “great job” with regards to the snow removal during the recent storms. Mr. West referenced the potential forty plus inches of snow that is “predicted” for later this week and questioned what the Township has planned to do with all the snow. Mr. Layne stated it becomes a cost issue to try and dispose of it.

NEW BUSINESS:

DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED MISCELLANEOUS AMENDMENTS TO THE SUBDIVISION LAND ORDINANCE (SALDO) - Attorney Garner reported that he along with Township Engineer John Theisen have determined that some sections of the Township’s Subdivision Ordinance should be updated. Mr. Garner noted that most of the changes are technical in nature and do not necessarily effect substantive provisions within the Ordinance. He further noted that approximately five years ago we had attempted to remove some of the technical items out of the Ordinance and place them in a construction manual document; however some minor items of SALDO were inadvertently removed. This Amendment would re-institute those items within the SALDO and make the housekeeping and technical changes that the Engineer is recommending. Mr. Garner stated that a public hearing would be scheduled for mid-April. After a brief discussion, a motion by Dolan, seconded by Miller, to authorize the Solicitor to schedule a public hearing for the proposed amendments to the Subdivision Land Ordinance in mid-April. All aye votes.

OLD BUSINESS:

DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED PASCAL ANNEXATION LAND SUBDIVISION - Resolution # 574 - Nicholas Feola, Bursich Associates, was present in the audience to discuss the proposed Pascal Annexation Land Subdivision. Attorney Garner explained that the applicant has requested the following waivers: a waiver from Section 310-38.D waiving the requirement for dedication of open space; a waiver from Section 310.37.D waiving the installation of street trees along Gilbertsville Road and a waiver from Section 310-37.E.1 reducing the required tract buffer requirement.

DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED PASCAL ANNEXATION LAND SUBDIVISION CONT'D

- Attorney Garner stated the conditions for plan approval are as follows: satisfactory compliance with all conditions and comments set forth in the LTL Consultants letter dated January 29, 2010; satisfactory compliance with all applicable conditions and comments set forth in the Montgomery County Planning Commissioner letter dated February 8, 2010; approval of any required outside agency permits; the execution of a Developers Agreement in a form acceptable to the Township Solicitor at or prior to the recording of the Final Plan; the Applicant's preparation of Deeds for Parcels A and B, which shall include the area to be annexed under this subdivision, the form of which Deed shall be acceptable to the Township Solicitor and Engineer; the Applicant's preparation of a Use and Maintenance Agreement for the shared driveway to be recorded with the Montgomery County Recorder of Deeds Office, the form of which shall be acceptable to the Township Solicitor; the Applicant's payment as a fee in lieu of open space to the Township prior to the release and recording of the Final Plan; compliance with the conditions of the Decision of the Zoning Hearing Board dated February 7, 2008 and execution by the Applicant of the Resolution noting acceptance of the conditions as stated herein with ten (10) days of the date of approval of this Resolution. After further discussion, a motion by Dolan, seconded by Noll, to enact the Resolution eliminating the requirement of the payment of a fee in lieu of open space. All aye votes.

KEITH KEHL - 1941 Gilbertsville Road - Requested clarification with regards to the location of the driveway.

DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED LUDY

SUBDIVISION - Resolution #575 - Attorney Garner reported the applicant intends to subdivide the subject property into two lots with 2.19 acres of unimproved ground to be consolidated in the Commerce Corner Commercial Development (Lot 2) and Lot 1 to be retained by William F. Ludy, consisting of 5.38 acres and a single family dwelling. The Board of Commissioners grants preliminary/final approval of "The Plan" subject to the following conditions: satisfactory compliance with all conditions and comments set forth in the LTL Consultants letter dated February 15, 2010; and execution by the applicant noting acceptance of the conditions as stated herein within ten (10) days of the date of approval of this Resolution. Attorney Garner noted the Applicant has made requests for waivers from the provisions of the Township Subdivision and Land Development Ordinance as follows: a waiver from Section 310-37 waiving the requirement to landscape Lot 1 and a waiver from Section 310-39.1 waiving the requirement of landscaping riparian corridors. A motion by Miller, seconded by Spaide, to approve the Resolution regarding the proposed Ludy Subdivision. All aye votes.

DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED OPEN SPACE AND RECREATION BOARD

- A motion by Dolan, seconded by Noll, to appoint Susan Thompson, Jill Ludy, David Crock, Ralph Freed and Dennis Elliott as members of the Open Space and Recreation Board.

DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED OPEN SPACE AND RECREATION BOARD CONT'D

- In order to designate the term of office for each member Commissioner Dolan amended his motion to read: a motion by Dolan, seconded by Noll, to appoint Susan Thompson to a one (1) year term; Jill Ludy to a two (2) year term; David Crock to a three (3) year term and Ralph Freed and Dennis Elliott to a four (4) year term. All aye votes.

OTHER PUBLIC COMMENT: None.

COMMISSIONERS COMMENTS:

COMMISSIONER NOLL - Provided a brief update regarding the topics recently discussed prior to his day in Harrisburg. Commissioner Noll reported there is still money available with regards to H20 grant funding. Commissioner Noll provided Commissioner Miller with a copy of Senate Bill #723 pertaining to police stops and illegal immigrants. Commissioner Noll stated Bill #951 regarding open space is still pending.

COMMISSIONER SPAIDE - Referenced Mr. Kehl's comments pertaining fire hydrants at the last meeting and stated the Township does not have an ordinance that requires homeowners to clean the snow from the fire hydrants; however the surrounding municipalities do it that way. Commissioner Spaide addressed Commissioner Miller and stated she spoke with guidance counselor at the high school regarding having students clear pathways as part of their senior project.

APPROVAL OF BILL LIST - March 1, 2010 - Commissioner Dolan questioned the invoice from Municibid and Commissioner Noll questioned the invoices from New Holland Truck and E.M. Kutz. A motion by Miller, seconded by Spaide, to approve the Bill List dated March 1, 2010, for General Fund in the amount of \$85,870.64; Fire Fund in the amount of \$296.30; Sewer Fund in the amount of \$3,618.45; Capital Fund in the amount of \$1,500.00; Open Space Fund in the amount of \$369.43; State Fund in the amount of \$3,509.95 and Escrow Fund in the amount of \$293.94. Total Disbursements - \$95,458.71. All aye votes.

APPROVAL OF MINUTES - February 16, 2010 - A motion by Spaide, seconded by Noll, to approve the minutes of the February 16, 2010, meeting as presented. All aye votes.

When **JOHN WEST, 1611 Applegate Lane**, questioned whether the Township has an ordinance requiring snow to be removed from the sidewalks; Commissioner Taylor stated "no."

EXECUTIVE SESSION - At 7:32 P.M. Commissioner Taylor reported the Board would meet in Executive Session; however no decisions would be made. The meeting reconvened at 7:53 P.M.

ADJOURNMENT - There being no further business, a motion by Dolan, seconded by Miller, to adjourn the meeting at 7:54 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor
Township Secretary