

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

December 17, 2007

A meeting of the Board of Commissioners was held on Monday, December 17, 2007, 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, 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 32 people and a Mercury Reporter present in the audience.

MOMENT OF SILENT PRAYER - Mr. Taylor requested a moment of silent prayer 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.

PRESENTATION TO COMMISSIONER IATESTA - Commissioner Taylor presented a proclamation from Senator John Rafferty's office honoring Commissioner Kenneth Iatesta on his retirement after twenty (20) years of dedicated and distinguished service to Upper Pottsgrove Township. Commissioner Taylor presented Mr. Iatesta with a Certificate of Appreciation which read On behalf of the Board of Commissioners of Upper Pottsgrove Township in recognition for over thirty years of outstanding leadership and commitment as a faithful and productive public servant; your many and noteworthy civic accomplishments include member and President of the Upper Pottsgrove Township Board of Commissioners, Township Civil Service Coordinator, Township Emergency Management Coordinator, member of the Township Planning Commission, member of the Township Fire Committee, member of the Pottstown Council of Governments, since its inception, member of the Pottstown Regional Planning Committee, since its inception, President, Treasurer and Secretary of the Eastern Association of First Class Township serving on as President Committee for six years, member of the Montgomery County Association of Township Commissioners and member of the Pennsylvania State Association of Township Commissioners we the undersigned Commissioners have set our hands and seal this 17th day of December, 2007.

PERSONAL STATEMENT FROM COMMISSIONER TAYLOR - A famous elected official upon leaving office once said "Well you won't have me to kick around anymore" I think Ken might be applying that same sentiment to himself. But I'm not going to let him get off that easily because if it hadn't been for Ken; I myself would have never thought to stand for elected office. So any kicking around that goes on here now we can all still blame on Ken. But seriously, there is no need for me to repeat what has already been said in various and many awards and commendations that Ken is receiving now in recognition of his long and faithful service to our community. We're all very lucky to have him serve as our representative in these official capacities but as one individual to another I want to honor and thank him as a friend that is something that doesn't appear on any of the plaques or certificates but for me represents the most important aspect of his character. I always looked forward to his e-mail, that would usually follow most of our meetings, when he would say that he thought things went "pretty well."

PERSONAL STATEMENT FROM COMMISSIONER TAYLOR CONT'D - He has always been ready and willing to advise me on difficult or controversial issues and to back me up when the pressure of trying to please everyone all the time became emotionally crushing and also like a true friend he was not afraid to disagree and chastise knowing that coming from him it wouldn't hurt as much because I knew that he had been there and done that and he wasn't arguing or defending his own personal agenda but rather supporting me in our mutual goal of serving the public good. So Ken, I wish you well in your future endeavors and projects. Would you consider filling any of the township's committee vacancies?

COMMISSIONER IATESTA - I would like to take a second and thank everybody. It's been a privilege to work for you, I haven't agreed with everybody on everything, I've done the hardest and I think most people were happy with what has happened. Thank you very much. I appreciate it.

PUBLIC COMMENT:

ROBERT SLOSS - 2097 Needhammer Road - Expressed concern that Farmington Avenue was "torn up." Mr. Layne explained the recent construction was due to the expansion of Coolidge Avenue; however it has been permanently repaired.

COMMITTEE REPORTS - Commissioner Taylor stated copies of the monthly reports will be posted on the bulletin board.

AUTHORIZATION TO EXECUTE THE AGREEMENT WITH APPLIED WATER MANAGEMENT FOR THE OPERATION AND MAINTENANCE OF THE REGAL OAKS WASTEWATER TREATMENT FACILITY - A motion by Iatesta, seconded by Noll, to execute the Agreement with Applied Water Management for the operation and maintenance of the Regal Oaks Wastewater Treatment Facility with the stipulation that paragraph 11 (Limitation of Liability) is removed from the Agreement. All aye votes.

ZONING HEARING BOARD #2-07 REQUEST FROM MANDY AND SCOTT LOBAUGH - Applicants Mandy and Scott Lobaugh have requested a Special Exception under Zoning Code Sections 1202.e and 350-100.E of the Upper Pottsgrove Zoning Code to allow the use of a 20,000 square foot building located on Commerce Drive near State Street as a state licensed day care center and preschool. A public hearing is scheduled on Thursday, January 10, 2008 at 7:30 P.M. The Board agreed to take no official action.

AUTHORIZATION TO APPOINT GENNARO DELENA TO THE SEWER AND WATER COMMITTEE - A motion by Noll, seconded by Iatesta, to appoint Gennaro DeLena to the Sewer and Water Committee effective January 1, 2008. Aye votes: Dolan, Iatesta, Noll and Taylor. Abstain: DeLena

ACCEPTANCE OF RESIGNATION BY SCOTT MILLER FROM THE OPEN SPACE COMMITTEE - A motion by DeLena, seconded by Iatesta, to accept the resignation of Scott Miller from the Open Space Committee. All aye votes.

ACTION ON RESOLUTION #523 AUTHORIZING A TAX ANTICIPATION NOTE –

Attorney Chuck Garner explained the Tax Anticipation Note will be structured in such a way that money can be “drawn down” as needed as opposed to taking the full \$600,000.00. A motion by Dolan, seconded by DeLena, to authorize a Tax Anticipation Note in an amount not to exceed \$600,000.00. All aye votes.

ROBERT SLOSS - 2097 Needhammer Road - Questioned why the increase in the amount of the Tax Anticipation Note. Commissioner Taylor stated we don’t have the cash carry over for next year like we had for going in to 2007.

ACTION ON RESOLUTION #524 FIXING THE EMPLOYEE PENSION PLAN - A motion by Noll, seconded by Iatesta, to adopt Resolution #524 providing for a contribution of 5% per centum of compensation and payments into the Police and Non-Uniform pension plans by the employees shall be eliminated and not required during the year 2008. All aye votes.

ROBERT SLOSS - 2097 Needhammer Road - Requested clarification with regards to employee contributions to the pension plan.

COMMISSION/COMMITTEE BOARD APPOINTMENTS - Appointments for the various Boards/Committee will be made at the Re-organizational Meeting on January 7, 2008.

BOARD OF COMMISSIONERS MEETING SCHEDULE FOR 2008 - There was discussion regarding the Board holding monthly meetings as opposed to meeting twice a month. A motion by Dolan, seconded by DeLena, to adopt the 2008 meeting schedule whereby the Board meets twice a month. Aye votes: Dolan, DeLena, Noll and Taylor. Abstain: Iatesta. Motion carried.

ADOPTION OF THE PROPOSED 2008 BUDGET - There was a lengthy discussion regarding the proposed 2008 budget and the reduction of the Police Department by one Officer which would depict a 2.8% mill increase. Commissioner Dolan stated he was in favor of keeping the Police Officer and expressed his concern that cutting an officer would hurt the morale of the department. Commissioner DeLena stated she was in agreement with regards to keeping the Police Officer and noted there will be overtime expenses incurred if we reduce the number of officers in the department. Commissioner Iatesta stated even though he has struggled with his decision he is in favor of a reduction in the police force. Commissioner Noll noted his agreement with Commissioner Iatesta with regards to the reduction of the police department. After discussion, a motion by Noll, seconded by Iatesta, to adopt the proposed 2008 budget with projected revenues of \$2,306,248 and projected expenditures of \$2,303,189.

GILBERT DUNCAN - 72 Hanover Drive - Expressed his concern that the residents that have public sewer are getting penalized. He further expressed his concern regarding the amount of money that has been transferred from the Sewer Fund to the General Fund and advised that he would be contacting the Attorney General regarding the matter.

TONY ALESSI - 1482 Heather Place - Advised he would like to speak on behalf of Kyle Leshar and stated that our Police Department is the best it has been in years and our Officers provide an excellent service to the Township. Mr. Alessi stated the Township has a lot invested in Officer Leshar and Officer Leshar has a lot invested in the Township. He further stated as the Township grows it will be necessary to hire an additional officer.

CARL SPECHT - 150 Primrose Lane - Expressed concern that the increase in sewer rates effects those residents on public sewer however; the general population of the Township will benefit from it. He also expressed concern regarding the retired residents being able to afford the increase in rates. Mr. Specht also expressed his concern with regards to the borrowing over the years from the Sewer fund to the General fund.

Commissioner Taylor clarified that no money has been taken from the Sewer Fund that is not owed to the General Fund. Mr. Taylor stated that approximately \$500,000 of General fund money went to help out the Sewer Fund. He further stated it costs approximately \$400,000 per year to pay the principal and interest on sewer obligations.

RENEE SPAIDE - 1979 Yarnall Road - Requested a clarification as to how the sewer rates are set.

JENNIFER GROWS - 1425 Chestnut Grove Road - Requested clarification with regards to the 500 new homes proposed for next year. Commissioner Taylor clarified that there are approximately 500 homes that are in the final planning stages; however not all will be constructed next year. Mrs. Grows expressed concern regarding the increase in new homes and the decrease in the police force.

JIM CAPINSKI - 1958 Yarnall Road - Expressed his concern with regards to an increase in the crime rate within the last several years.

MICHELLE REDDICK - 1416 Kummerer Road - Complimented the police force for their professionalism in handling several personal matters that she has experienced over the last year. Mrs. Reddick stated that Officer Leshar handled a personal matter involving her daughter and took it upon himself to personally contact and follow up with her and her daughter after the incident occurred.

RUSSELL SHALLCROSS - 1586 Yarnall Road - Stated that he has been a resident for thirty five years. He further stated he was representing a lot of residents within the Township and noted that for thirty years he has been very satisfied with the job our elected officials have done. Mr. Shallcross stated he is not happy with an anticipated 108% tax increase or even a 62% tax increase.

ROBERT SLOSS - 2097 Neehammer Road - Requested a clarification with regards to the anticipated tax increase. Commissioner Taylor stated the motion currently on the table is recommending a 2.8 millage rate or a 62% increase in the General Fund and a 72% increase in the Sewer Fund.

ROBERT SLOSS CONT'D - Mr. Sloss stated there has been a lot of discussion with regards to police protection and safety in the Township; however we have a volunteer fire company - there is no fire protection in the township between the hours of 7:00 AM and 5:00 PM. Mr. Sloss suggested eliminating the contribution to the library, the bonuses given to the Police Chief and Manager and the Commissioner's salaries.

LINDA DUNCAN - 72 Hanover Drive - Stated she was in agreement with Mr. Sloss and noted there are other ways to reduce expenditures within the Township.

GILBERT DUNCAN - 72 Hanover Drive - Stated he has documentation with regards to the transferring of money from the Sewer Fund to the General Fund.

DIANA UPDEGROVE - 1404 Farmington Avenue - Stated she was in agreement with Commissioners DeLena and Dolan and Mr. Alessi and noted it would be a big mistake to mess with the morale of the police department.

FORINE MUNGIN - 1484 Lotus Drive - Stated he has been a resident for thirty years and in his opinion the Commissioners are wasting money.

BILL PARKER - 1295 Vale Circle - Questioned the annual \$25,000 contribution to the Pottstown Public Library and the \$117,000 budgeted for secretaries salaries. Commissioner Taylor stated the \$117,000 represents salaries for the three secretaries in the administrative offices.

TOM WERT - 183 Primrose Lane - Reported that he observed one of Upper Pottsgrove's police officer's talking to an Officer from the Borough of Pottstown for over an hour and stated he is wasting taxpayers money. Mr. Wert stated he previously spoke to the Police Chief regarding this matter.

CARL SPECHT - 150 Primrose Lane - Expressed his concern and questioned why the Township is financially responsible for the employees' hospitalization expenses.

GILBERT DUNCAN - 72 Hanover Drive - Questioned the cost to operate the public sewer system. Financial consultant, Matt Dallas stated operating expenses are estimated at \$409,000 and debt service is estimated at \$481,000. Mr. Duncan stated he could save the Township approximately \$400,000 in sewer operating expenses. Commissioner Taylor explained the Township's debt service to Mr. Duncan.

REG LEISTER - 1693 Farmington Avenue - Stated the most difficult thing for someone on the Civil Service Committee is to make the recommendation that the Police Department should be "cut" in an effort to save money in the budget. He further stated it becomes a very emotional issue when you talk about personnel cuts especially in the public safety areas specifically the Police Department. Mr. Leister stated keeping Officer Leshner in anticipation of more homes being built makes no sense because the real estate market has "bottomed out."

LINDA DUNCAN - 72 Hanover Drive - Questioned what will happen to residents who can't afford to pay their sewer bills. Attorney Garner stated the Township would institute collection activities probably in the form of a municipal lien against the property.

ROBERT SLOSS - 2097 Needhammer Road - Expressed his concern regarding the annual contribution to the Pottstown Public Library and noted all of the schools have libraries with computers in them.

ADOPTION OF PROPOSED 2008 BUDGET - A motion by Noll, seconded by Iatesta, to adopt the proposed 2008 budget with projected revenues of \$2,306,284 and projected expenditures of \$2,303,189. Commissioner Taylor stated these figures depict a transfer of \$102,000 from the Sewer Fund to the General Fund and decreasing the General Fund expenses by approximately \$75,000 from the police budget. Commissioner Dolan stated that after listening to the public comments the overwhelming majority of the residents are in favor of keeping the Police Officer. He further stated it would cost residents an additional \$40.00/per household to keep Officer Leshner. Commissioner Dolan asked the members of the Board to reconsider their motion based on the public comments. Roll call vote: Noll - aye; Dolan - opposed; DeLena - opposed; Iatesta - aye; Taylor - aye. Motion carried 3-2 vote.

ADOPTION OF THE TAXING ORDINANCE # 417 FOR 2008 - A motion by Noll, seconded by Iatesta, to pass the Tax Ordinance setting the millage rate for General Purposes at 2.80 and the Special Purpose Fire Protection millage rate would remain the same at .375 for a total millage rate of 3.175. Roll call vote: Noll - aye; Dolan - opposed; DeLena - opposed; Iatesta - aye; and Taylor - aye. Motion carried 3-2 vote.

ADOPTION OF THE SEWER ORDINANCE #418 FOR 2008 - An Ordinance amending Chapter 275, Sewers and Sewage Disposal, of the Code of the Township of Upper Pottsgrove, as amended, for the purpose of amending the sanitary sewer rental charges. A motion by Noll, seconded by DeLena, to adopt Ordinance #418 increasing the quarterly sewer rental rate to \$180.00 per quarter. Aye votes: DeLena, Dolan, Noll and Taylor. Opposed: Iatesta. Motion carried.

RECESS - At 9:05 Commissioner Taylor announced there would be a short recess. The meeting reconvened at 9:19 P.M.

ACCEPTANCE OF ORDINANCE # 419 ON WOODBROOK ROAD DEDICATION FOR PHASE I - Township Engineer John Theisen referenced his letter of December 11, 2007 and recommended that the Board not accept the roads in Phase I until all the outstanding issues outlined in his letter are addressed. After discussion, it was the consensus of the Board to take the recommendation of the Township Engineer and not accept the roads for dedication in Woodbrook Phase I.

ADOPTION OF ORDINANCE # 420 - AGE RESTRICTED OVERLAY DISTRICT - An Ordinance amending Article 2, Section 350-8, Definitions, and further creating a new Article SSIII, AQ - Age Qualified Overlay District, both of Chapter 350, Zoning, of the Code of the Township of Upper Pottsgrove, as amended. A motion by DeLena, seconded by Dolan, to adopt Ordinance #420. All aye votes.

REQUEST FOR ESCROW RELEASE FOR CODDINGTON VIEW PHASE I - A motion by Noll, seconded by Iatesta, to approve the escrow release for Coddington View Phase I in the amount of \$26,550.56 as recommended by the Engineer. All aye votes.

REQUEST FOR ESCROW RELEASE FOR CODDINGTON VIEW PHASE II - A motion by DeLena, seconded by Noll, to approve the escrow release for Coddington View Phase II in the amount of \$291,402.51 as recommended by the Engineer. All aye votes.

ACTION ON RESOLUTION #522 FINAL PLAN APPROVAL OF ALTHOUSE SUBDIVISION - Township Engineer John Theisen outlined his review letter dated December 13, 2007. Attorney Garner summarized the conditions set forth in the resolution. After a brief discussion, a motion by DeLena, seconded by Dolan, to approve Resolution #522. All aye votes. Jason Smeland, Engineer for the applicant, was present in the audience and noted his agreement with the conditions as outlined in the Resolution.

AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FARMINGTON WEST PROJECT - A motion by DeLena, seconded by Noll, to authorize the Engineer to advertise for bids for the Farmington West project. All aye votes.

COMMISSIONER COMMENTS:

COMMISSIONER IATESTA - Expressed his thanks and appreciation to the members of the Board during his tenure as Commissioner.

PAYMENT OF BILLS - Commissioner Noll questioned the amendment to the Bill List. Mr. Layne explained the amended Bill List includes the payment to DCFS USA LLC for the purchase of the 2008 Freightliner which will be paid with Liquid Fuels funding. A motion by DeLena, seconded by Iatesta, to approve the Bill List dated December 17, 2007, for General Fund in the amount of \$175,547.87; Fire Fund in the amount of \$2,494.25; Park & Rec Fund in the amount of \$27.31; Sewer Fund in the amount of \$3,955.19; State Fund in the amount of \$24,386.68; Capital Fund in the amount of \$69,691.94 and Escrow Fund in the amount of \$6,182.78. Total Disbursements - \$282,286.02. All aye votes.

ROBERT SLOSS - 2097 Needhammer Road - Requested a clarification with regards to the invoices submitted by Bartman's Plumbing.

APPROVAL OF MINUTES - November 5, 2007 - A motion by Dolan, seconded by Noll, to approve the minutes of the November 5, 2007, meeting as presented. Aye votes: Dolan, Iatesta, Noll and Taylor. Abstain: DeLena. Motion carried.

APPROVAL OF MINUTES - November 12, 2007 - A motion by DeLena, seconded by Dolan, to approve the minutes of the November 12, 2007, meeting as presented. Aye votes: DeLena, Dolan, Noll and Taylor. Abstain: Iatesta. Motion carried.

APPROVAL OF MINUTES - November 26, 2007 - A motion by DeLena, seconded by Dolan, to approve the minutes of the November 26, 2007, meeting as presented. Aye votes: DeLena, Dolan and Taylor. Abstain: Iatesta and Noll. Motion carried.

ADJOURNMENT - There being no further business, a motion by Iatesta, seconded by Noll, to adjourn the meeting at 9:55 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor
Township Secretary