

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

**December 1, 2008**

A meeting of the Board of Commissioners was held on Monday, December 1, 2008, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners DeLena, Dolan, Noll, Spaide and Taylor present. Also present were Solicitor Charles D. Garner, Jr., Township Manager Jack P. Layne, Jr. and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:03 P.M. There were 28 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:**

**REGGIE LEISTER - 1693 Farmington Avenue** - Stated he compared the proposed 2009 budget to last year's budget specifically the Police budget. Mr. Leister reported there are six items (police salaries, overtime wages, shift differential, holiday pay, sick leave incentive reimbursement and fitness reimbursement) that equate to an 8% increase from last year and stated "that's unconscionable." Mr. Leister suggested cutting the salary increases in half and that alone will save the township \$36,000. He also suggested renegotiating the police contract. Mr. Layne stated he would be willing to meet with Mr. Leister and discuss the matter.

**GILBERT DUNCAN - 72 Hanover Drive** - Referenced the increase in sewer fees and expressed concern that one third of the residents are supporting the whole Township. Commissioner Taylor stated the only thing the sewer customers pay for is for sewer service. Mr. Duncan stated the \$150,000 transfer from the Sewer Fund is not justifiable. Commissioner Taylor advised that over the last two years there has been no transfer of funds.

**CARL SPECHT - 150 Primrose Lane** - Questioned why the township employees do not contribute towards their health insurance benefits. Mr. Specht stated that if the employees would pay 20% of the hospitalization costs the Township would save approximately \$50,000 a year. Mr. Specht questioned why the residents have to pay for the employee's health benefits when they have to pay for their own. Mr. Layne stated the health benefits were negotiated as part of the police contract. Commissioner Noll referenced his involvement with the State Association and noted it is a trend that the first class townships will be looking at in the near future.

**JENNIFER GROVES - 1425 Chestnut Grove Road** - Questioned why the Township can't be a leader instead of a follower with regards to the health benefits. Commissioner Taylor stated we have a police contract and the non-uniform staff mirrors that contract. Mr. Taylor explained the Board has not treated the non-uniform employees any differently than the uniform employees with regards to health benefits.

**KEITH KEHL - 1941 Gilbertsville Road** - Questioned who owns the open space throughout the Township. Commissioner Taylor stated if the Township purchased the open space than the Township owns it. Mr. Kehl stated there are surveying flags behind the Cherrytree Farms Development. Mr. Layne stated he would contact Mr. Kehl regarding the matter.

**DEIDRE SLIFER - 1443 Farmington Avenue** - Questioned why the non-uniform employees can't start paying for their health insurance benefits. Commissioner Taylor stated the members of the Board want to treat all employees in the same way.

**ROBERT SLOSS - 2097 Needhammer Road** - Expressed his concern that the Township is raising taxes to make up for the money lost in the stock market with regards to the employee's pension. Commissioner Taylor stated the employee's pensions are funded by the State.

**GILBERT DUNCAN - 72 Hanover Drive** - Stated he was speaking as a citizen and suggested the Township combine our police force with the Borough of Pottstown's Police Department. Commissioners Taylor and Dolan both stated the Township looked into regionalization of the police force.

**DEIDRE SLIFER - 1443 Farmington Avenue** - Questioned why the Township needs so many police officers with the crime rate the way it is. Commissioner Taylor stated maybe the crime rate is what it is because of the number of police officers in Upper Pottsgrove.

When **CARL SPECHT, 150 Primrose Lane**, asked if he could read two articles that appeared in the "Sound Off" section of the newspaper; Commissioner Taylor suggested he give copies of the articles to the Township Manager in order for them to be included in the Commissioners meeting packets.

#### **NEW BUSINESS:**

**POTTSTOWN PUBLIC LIBRARY** - Carolyn Wiker, Interim Director of the Pottstown Public Library, was present to discuss the Township's continued support of the Library. Ms. Wiker reported 26% of Upper Pottsgrove residents are registered cardholders and have borrowed 7,041 items this year as of November 11, 2008. She further reported the Library's State aid package is determined on local support. When **ROBERT SLOSS** questioned how many townships contribute to the library; Ms. Wiker stated Upper Pottsgrove, West Pottsgrove, Lower Pottsgrove and the Borough of Pottstown. Mr. Sloss stated with regards to the use of the library by children; all schools are equipped with libraries. Ms. Wiker stated the schools close at 3:30 in the afternoon and not every child has access to an internet connection.

**REGGIE LEISTER - 1693 Farmington Avenue** - Questioned whether the Library has ever considered charging residents for a library card in an effort to raise revenues. Ms. Wiker stated the State forbids libraries to charge anyone for cards that is in the service area.

**GILBERT DUNCAN - 72 Hanover Drive** - Expressed concern regarding the elderly residents in the Township that are on fixed incomes and stated they can't afford the \$25,000 contribution made to the Library. He suggested reducing the contribution by half similar to Lower Pottsgrove Township.

**DEIDRE SLIFER - 1443 Farmington Avenue** - Referenced all the new construction and the new residents throughout the Township and questioned whether or not that generates additional tax revenue and if so – why the increase.

**JIM CAPINSKI - 1958 Yarnall Road** - Suggested the Township provide a mailing list of the residents to the Library in order for them to solicit donations.

**NEW BUSINESS:**

**DISCUSSION REGARDING PROPOSED FEE SCHEDULE** - There was a brief discussion regarding the revision to the current fee schedule as recommended by LTL Consultants. It was noted that the fees have remained unchanged for three years. Attorney Garner suggested the new fee schedule be reviewed by all department heads for their input. Commissioner Dolan requested a comparison from neighboring townships with regards to their current fees. Commissioner Dolan questioned the \$85.00 permit fee for a storable pool. Commissioner Noll questioned the \$34.00 house numbering fee listed under Miscellaneous Construction Fees. It was agreed that Mr. Layne would obtain clarification with regards to the Commissioners' questions.

**DISCUSSION REGARDING OPEN RECORDS ACCESS POLICY** - Attorney Chuck Garner provided a draft policy for open records access. Mr. Garner explained that earlier this year there were significant changes to the Open Records Law which attempts to place the burden on municipalities to show that the records are not open to the public. The new Act has a list of thirty (30) exceptions and if a record does not fall under these exceptions, it is deemed to be a public record. Mr. Garner stated the Act requires a municipality to designate an Open Records Officer and recommended the Commissioners designate the Township Manager. Commissioner Noll stated he would like to see a copy of the written request form and suggested the form be posted on the Township website.

**ROBERT SLOSS - 2097 Needhammer Road** - Referenced the Open Records Access Policy and questioned who would handle the requests in the Manager's absence. Mr. Garner stated the draft policy allows the Open Records Officer to designate certain employees to process public record requests.

**OLD BUSINESS:**

**RESOLUTION # 541 - GRANTING PRELIMINARY/FINAL PLAN APPROVAL FOR #7-08 LEVENGOOD SUBDIVISION** - Commissioner Taylor reported the Applicant has requested waivers from certain provisions of the Township Subdivision and Land Development Ordinance and/or the Township Stormwater Management Ordinance as noted on the plan.

**RESOLUTION #541 - GRANTING PRELIMINARY/FINAL PLAN APPROVAL FOR #7-08 LEVENGOOD SUBDIVISION CONT'D** - He further reported the Planning Commission recommended preliminary/final plan approval of the plans dated October 2, 2008 subject to satisfactory completion of all the outstanding issues outlined in the Township Engineer's letter dated October 10, 2008, with the exception of the waivers, and the Montgomery County Planning Commission's letter dated November 7, 2008. A motion by Spaide, seconded by DeLena, to grant preliminary/final plan approval for the Levengood Subdivision as set forth in the Plan Resolution. All aye votes.

**RESOLUTION # 542 - GRANTING PRELIMINARY/FINAL PLAN APPROVAL FOR #8-08 BARNETTE/KEER/ORZOLEK SUBDIVISION** - Commissioner Taylor reported the Planning Commission recommended approval of the waiver requests as outlined in the letter dated September 23, 2008 from the applicants. He further reported the Planning Commissioner recommended preliminary/final plan approval of the plans dated November 10, 2008 subject to satisfactory completion of all the outstanding issues outlined in the Township Engineer's letter dated October 8, 2008, with the exception of the waivers and the Montgomery County Planning Commission's letter dated November 7, 2008 and subject to adding a note to the plan to prohibit further subdivision. A motion by Noll, seconded by Spaide, to grant preliminary/final plan approval for the Barnette/Keer/Orzolek Subdivision as set forth in the Plan Resolution. All aye votes.

**ROBERT SLOSS - 2097 Needhammer Road** - Questioned the size of the property with regards to the Barnette/Keer/Orzolek Subdivision. Commissioner Taylor stated 3.1 acres.

**ORDINANCE #430** - Attorney Garner reported at the last Commissioners meeting there were minor language changes made to the terms of the ordinance with regards to un-appealable final planning module approval that was not included in the body of the ordinance. He further reported the ordinance has been re-advertised to include those changes. After a brief discussion, a motion by DeLena, seconded by Spaide, reaffirming the adoption of Ordinance #430 as advertised. All aye votes. **RESOLUTION #540** - A Resolution amending the Comprehensive Fee Resolution to Establish a Sewer Reservation Fee. A motion by DeLena, seconded by Spaide, to adopt Resolution #540 as advertised. All aye votes.

**CHIEF OF POLICE CONTRACT - APPROVAL** - A motion by Noll, seconded by Spaide, to approve and authorize the execution of the Police Chief's contract. All aye votes.

**ROBERT SLOSS - 2097 Needhammer Road** - Questioned the length of the Chief's contract and the cost of the total benefit package. Mr. Taylor stated it's a three year contract and his salary for the first year will be \$80,000 plus benefits. He further stated the Chief will have use of a car for which he will be responsible for the cost of fuel from his home to the Township and a requirement to move within fifteen (15) miles of the community within a year. When Mr. Sloss asked if the Chief is an "at will" employee; Attorney Garner stated "yes."

**GILBERT DUNCAN - 72 Hanover Drive** - Advised the Commissioners that he knew for a fact that William Schlichter, Acting Chief of Limerick Township, would have done the Chief's job for less than \$80,000.

**DEIDRE SLIFER - 1443 Farmington Avenue** - Questioned why the Township couldn't hire a Police Chief from within the Department.

Commissioner Taylor introduced William Moffett as the new Chief of Police.

**PUBLIC COMMENT:**

**TOM WERT - 183 Primrose Lane** - Requested clarification with regards to the proposed municipal trash collection. Mr. Wert stated he owns his own business and disposes of his trash at work and questioned whether he would be required to participate in the municipal trash collection. Mr. Taylor noted the Township is in the process of gathering additional information regarding the proposed municipal trash collection.

**ROBERT SLOSS - 2097 Needhammer Road** - Stated there are trash haulers that will pay you to pick up your recycling.

**JIM CAPINSKI - 1958 Yarnall Road** - Questioned whether any talked to Lower Pottsgrove Township and New Hanover Township with regards to the proposed municipal trash collection.

**STEPHANIE GRIER - 1369 Chestnut Grove Road** - Stated she spoke with a representative associated with the PAL ball fields and noted they are planning to open the fields in August of 2009 and expressed her concern regarding the increased traffic volume along Chestnut Grove Road. Ms. Grier expressed concern as to whether the Township can control how cars will enter/exit the ball fields. She further expressed her concern regarding the speeding along Chestnut Grove Road and advised that no one the 25 mph speed limit.

**COMMISSIONER NOLL** - Stated the Township should request an annual activity schedule from the PAL representatives.

**PAYMENT OF BILLS - December 1, 2008** - A motion by Noll, seconded by Spaide, to approve the Bill List dated December 1, 2008, for General Fund in the amount of \$11,874.45; Fire Fund in the amount of \$8,024.90 and Sewer Fund in the amount of \$2,779.39. Total Expenditures - \$22,678.74. All aye votes.

**APPROVAL OF MINUTES - November 17, 2008** - A motion by Spaide, seconded by DeLena, to approve the minutes of the November 17, 2008, meeting as presented. All aye votes.

**EXECUTIVE SESSION** - At 8:52 P.M. Commissioner Taylor announced there would be an Executive Session to discuss two items of pending litigation. The meeting reconvened at 9:33 P.M.

ADJOURNMENT - There being no further business, a motion by DeLena, seconded by Spaide, to adjourn the meeting at 9:35 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor  
Township Secretary