

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

May 21, 2007

A meeting of the Board of Commissioners was held on Monday, May 21, 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, Jr., Township Manager Jack P. Layne and Township Secretary Cynthia Saylor. There were 15 people present in the audience. Mr. Taylor called the meeting to order at 7:00 P.M. Mr. Sloss stated he was recording the meeting.

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.

PUBLIC COMMENT - There was no public comment.

REPORTS:

EMERGENCY SERVICES - POLICE REPORT - Commissioner Noll stated a copy of the monthly Police Report would be posted on the bulletin board.

FIRE REPORT - Commissioner Noll stated a copy of the monthly Fire Report would be posted on the bulletin board. Mr. Noll reported the volunteers participated in a CPR refresher course, tanker task force training, radiological training and helicopter landing training. He further reported the Fire Committee met and discussed the proposed false alarm ordinance.

PLANNING & ZONING REPORT - Commissioner Taylor reported the Planning Commission met and reviewed the Bealer subdivision plans and continued their on-going discussions regarding the Retail Office Zoning and Village Commercial Zoning.

PUBLIC WORKS REPORT - Commissioner Iatesta reported the recycling portion of Farmington Avenue has been completed. Machine laid rolled asphalt curbing will also be installed on the west side shoulder to prevent water run-off from entering neighboring properties. He further reported the Public Works Department will be installing sewer manhole riser rings and water valve shut-off risers during the paving operation. Annual street sweeping was completed and pothole patching is continuing. The first round of highway mowing is underway. Public Works provided the excavation for the electric which is being installed at Heather Place Park pavilion and will also provide restoration. Preventive maintenance to police vehicles continues as needed. All Types of Construction has completed all water connections and has begun lawn restoration in the Greengate Subdivision; they have also completed 22 of 23 connections on Willow Street. Bartman's Plumbing continues making residential water connections along Farmington Avenue and are working well within their contract. Mr. Iatesta referenced a comment which was made at the last meeting regarding the road grader not being used and stated it is used anytime dirt roads such as Cross Road and Levengood Road needs to be regarded, normally twice a year. He further stated the grader was last used in December 2006 when gutter cleaning was performed on Chestnut Grove Road.

PUBLIC WORKS REPORT CONT'D - The grader will be used at the completion of the Farmington Avenue paving project in order to restore the gutters. In extreme cases the grader is also used for snow plowing as it is equipped with a "V" plow and has also been adapted by the Public Works Department to allow the use of snowplow from any of the trucks. Commissioner Dolan expressed his concern with regards to a telephone pole which is in the roadway and is creating a safety hazard. Mr. Dolan suggested a letter be addressed to Lower Pottsgrove Township notifying them of the situation. Mr. Layne stated he would contact the Township Manager.

PARKS, RECREATION & OPEN SPACE - Commissioner Dolan reported at their last Open Space Meeting the Committee members agreed to meet only as necessary during the months of June, July and August. He further reported the Prince property is scheduled for settlement at the end of the month. Mr. Dolan questioned the status of the proposed playground equipment for Heather Place Park. Mr. Layne reported there is a bid opening scheduled for May 29th.

ENGINEER'S REPORT - Commissioner Taylor reported the Township Engineer was unable to attend the meeting; however a copy of the monthly report will be posted on the bulletin board.

ROBERT SLOSS - 2097 Needhammer Road - Requested a status with regards to the Highview II Subdivision and noted there is work being done at the site. Mr. Layne stated he would look into the matter and provide an update.

COMMISSIONER NOLL - Requested an update with regards to the status of the monument at the Pottsgrove Middle School. Mr. Garner stated he has been in contact with Mr. Nester at the school.

SOLICITOR'S REPORT - Mr. Garner reported he along with the Township Manager have been working together with regards to the Prince/Austerberry open space acquisition and settlement is tentatively scheduled in June. He further reported that he attended a staff meeting with the developer for the proposed Upland Square Development and discussed the concerns with the Township. Mr. Garner provided a brief update regarding the Wolf Run water project.

ROBERT SLOSS - 2097 Needhammer Road - Addressed Mr. Garner and requested an update with regards to the cell tower. Mr. Garner stated he has been in constant communication with the Attorney for the owner of the tower and they have assured him they are working with the carrier in an effort to resolve the matter.

MANAGER'S REPORT - Mr. Layne reported he met with officials from DEP and the Staff at the Borough of Pottstown to discuss the status of the Wolf Run Waterline Project. He further reported there will be an Emergency Management Training Session on Wednesday, May 30th at 1:00 P.M. in preparation for the Biennial Graded Exercise for the Limerick Generating Station. Mr. Layne invited anyone interested in participating in the exercise to attend the training session. Mr. Layne reported he will be attending Emergency Management Coordinator quarterly training at Lower Providence Township.

2006 AUDIT - Copies of the 2006 Audit Reports were enclosed in the Commissioners meeting packets. Mr. Layne reported the Audit Report will be available to the public and advertised in the newspaper. Mr. Layne provided Financial Statements for the General Fund, Park & Recreation Fund and Fire Fund for the first quarter of 2007 and noted reports for the remaining funds will be available within the next several days. Mr. Layne stated one of the “deficiencies” noted in the 2006 Audit Report was that the Township did not have an accounting system that provides a complete set of Financial Statements; however, the Township has met that control deficiency. He further stated that there is not one deficiency that has not been or is not currently being addressed. Mr. Layne expressed his thanks and appreciation to Matt Dallas, Dallas Data Services, and stated he is confident that the Administrative Staff has the support mechanism needed to address our budgetary issues. Mr. Dallas, who was present in the audience, reported he and his firm began working with the Township in October of 2006 during the budget process. He further reported that a new financial software program has recently been installed and the Staff is currently receiving the necessary training.

COMMISSIONER TAYLOR - Reiterated Mr. Layne’s and Mr. Dallas’s comments with regards to the deficiencies listed in the 2006 Audit Report and stated they have been addressed with the installation of the new financial software program.

COMMISSIONER NOLL - Expressed his thanks and appreciation to Matt Dallas, Dallas Data, for his hard work regarding the implementation of the new financial software and monthly reports. Mr. Noll questioned whether Dallas Data had any policy templates available that would help the Township establish job policies.

ROBERT SLOSS - 2097 Needhammer Road - Questioned the cost of the 2006 audit. Mr. Layne stated \$8,000 was budgeted; however not all the invoices have been received. Mr. Sloss also questioned the cost of the financial consulting performed by Dallas Data. Mr. Layne stated approximately \$3,000 per month. When Mr. Sloss questioned when the Open Space Fund would be part of the Bill List; Mr. Layne noted the Open Space Fund has already been established. When Mr. Sloss asked what was wrong with the accounting system the previous Manager had in place; Mr. Layne stated the software package was “antiquated.” Commissioner Taylor stated the Township was a growing community with many projects, struggling with an “antique software system.” Mr. Taylor further stated with the help of Dallas Data Systems coming on board in October of last year we were able to have a “clean audit” and now the Township will be moving forward with the new financial software. When Mr. Sloss questioned for a time frame with regards to the implementation of the new software; Mr. Layne stated “it would be an on-going effort.”

FINANCIAL REPORT – Mr. Layne noted the members of the Board were provided preliminary April 2007 Financial Statements for the General Fund, Park and Recreation Fund and the Fire Fund and noted the Financial Statements for the remaining funds would be available within the next several days. Mr. Layne advised that the format of the new reports provides a clearer picture as to the financial status of the Township.

RESOLUTION #512 - APPROVAL OF PROPOSED HENRY BEALER SUBDIVISION –

Commissioner Taylor stated the proposed Henry Bealer Subdivision was reviewed and discussed at the last Planning Commission meeting. Commissioner Taylor explained the proposed Bealer subdivision is a minor subdivision plan involving a land annexation/lot line adjustment affecting two lots. He stated the subdivision plan was reviewed by the Upper Pottsgrove Township Planning Commission as well as the Montgomery County Planning Commission and both recommended approval. A motion by Dolan, seconded by Noll, to approve the Resolution regarding the proposed Henry Bealer Subdivision. All aye votes.

OLD BUSINESS:

PROPOSED ORDINANCE - An Ordinance of the Upper Pottsgrove Township prohibiting false alarms and establishing a false alarm procedure along with service fees and penalties for violating such procedures. Attorney Chuck Garner explained the intent of the proposed Ordinance is for fire false alarms only. Commissioner Noll stated the Fire Committee reviewed the proposed ordinance and recommended that the service fees are deposited into the Fire Fund. Commissioner Iatesta stated he was concerned with Section 3 of the proposed ordinance which states the status of an alarm is to be determined by the Chief of the Upper Pottsgrove Township Fire Company or other affected emergency response agency, and the decision shall be final. Mr. Iatesta stated in his opinion there should be an appeal process for the residents. Commissioner DeLena questioned the number of multiple false alarms. Mr. Noll stated there was an incident this year where there were multiple false alarms at a resident's home. Commissioner Dolan suggested the service fees be set by resolution and not be a part of the ordinance. After discussion, it was agreed that the Solicitor would redraft the proposed ordinance and the Board would review it at a future meeting.

PUBLIC COMMENT:

TOM WERT - 183 Primrose Lane - Referenced the Wolf Run Water Project and questioned whether it is possible to revert back to using your well once you are hooked up to public water. Solicitor Garner stated legally a person could not revert back to using their well; once you connect you are not permitted to disconnect. Mr. Garner thanked Mr. Wert for bringing this matter to his attention and stated the Township will handle the matter either through enforcement action or by requiring the property owner to pay back the money that was expended.

When Mr. Wert questioned why the newly installed lights are on day and night at the Heather Place Park pavilion; Mr. Layne stated he would look into the matter.

ROBERT SLOSS - 2097 Needhammer Road - Requested an update with regards to the Winpenny property not being connected to public sewer. Mr. Layne stated he contacted the Montgomery County Health Department and they inspected the property; however based on the information that was provided to them no raw sewage was found. The Health Department will continue to follow up on the matter.

PAYMENT FOR UNUSED VACATION - Mr. Layne requested authorization to pay four (4) Township employees for their unused accrued vacation. Mr. Layne explained that each of these employees have over four (4) years of service and have accrued over 200 hours (five weeks) of vacation leave. He further explained that employees may annually carry over up to 80 hours (two weeks) of accrued vacation leave and up to five weeks of earned vacation. Mr. Layne stated the Township is short-staffed and cannot afford for any of these employees to be off from work for more than five weeks during a calendar year. Mr. Layne noted that this request is not something that will be encouraged to occur in the future; however the employees have accrued this vacation time but could not take the time off from work without causing a hardship to the Township. Commissioner DeLena suggested the hiring of summer help in an effort to alleviate employees from not being able to use their vacation. Commissioner Taylor stated the Township should implement a policy with regards to unused vacation. Commissioner Dolan suggested looking at surrounding townships to see what policies they have in place which would address this matter.

DIANA UPDEGROVE - 1404 Farmington Avenue - Stated the Township definitely needs to initiate a policy regarding unused vacation time.

After discussion, a motion by Iatesta, seconded by DeLena, to authorize payment for unused vacation to the four employees at the 2006 salary rates. Aye votes: DeLena, Iatesta, Noll and Taylor. Opposed: Dolan. Motion carried.

PAYMENT OF THE BILLS - Amended Bill List May 21, 2007 - Commissioner Noll questioned the invoice from Heitzman Equipment for the purchase of a mower and Superior Water Company for hydrant rentals. Mr. Noll expressed concern that Superior Water has not provided the Township any reports stating that the fire hydrants are functional.

TOM WERT - 183 Primrose Lane - Questioned whether Bartman's Plumbing & Heating provides wage certification to the Township. Mr. Layne responded they are not prevailing wage. Mr. Layne explained that they do not have employees are than family. Mr. Wert questioned if Bartman's is incorporated. Mr. Layne stated he would check into the matter.

ROBERT SLOSS - 2097 Needhammer Road - Questioned an invoice from Human Management Services in the amount of \$2,000. Mr. Layne explained they provide an employee assistance service to the employees.

GARY NOVAK - 1433 North Hanover Street - Suggested a portion of the salaries for the Highway employees be paid from the Park and Recreation since they provide the mowing of the parks and open space parcels within the Township.

ROBERT SLOSS - 2097 Needhammer Road - Questioned whether there are separate funds for the Sewer Fund and Open Space Fund.

BILL LIST CONT'D - After discussion, a motion by Noll, seconded by Iatesta, to approve the amended Bill List of May 21, 2007, for General Fund in the amount of \$39,399.52; Fire Fund in the amount of \$5,893.52; Park and Recreation Fund in the amount of \$2,468.69; Sewer Fund in the amount of \$25,260.55; Capital Fund in the amount of \$23,090.08 and State Fund in the amount of \$691.91. Total Disbursements - \$96,804.17. All aye votes.

APPROVAL OF MINUTES - May 7, 2007 - A motion by Dolan, seconded by Iatesta, to approve the minutes of the May 7, 2007, meeting as presented. Aye votes: DeLena, Dolan, Iatesta and Taylor. Abstain: Noll. Mr. Noll explained his reason for abstaining from voting was due to the fact he was not present at the May 7, 2007 meeting.

ADJOURNMENT - A motion by DeLena, seconded by Dolan, to adjourn the meeting at 8:20 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor
Township Secretary