

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

May 11, 2005

The meeting of the Board of Commissioners was held on Wednesday, May 11, 2005, at the Upper Pottsgrove Administrative Offices, 1409 Farmington Avenue, with Commissioners Gallisdorfer, Noll, Schaeffer and Taylor present. Also present were Township Solicitor Charles G. Garner, Jr., Township Engineer John Theisen, Township Manager Michael Cotter and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:00 P.M. There were 28 people and a Mercury Reporter present in the audience. Mrs. Reeves was unable to attend the meeting.

AGENDA - Mr. Taylor announced two items have been added to the agenda under New Business. A motion by Gallisdorfer, seconded by Schaeffer, to amend the agenda to include the changes as stated.

REG LEISTER - 1693 Farmington Avenue - Announced there will be a flag retirement ceremony held at Memorial Park on Sunday, June 5, 2005, at 1:00 P.M. Mr. Leister stated that anyone who wishes to properly dispose of old and tattered flags should drop them off at the Administrative Office.

MONTHLY FINANCIAL REPORT - Township Manager Michael Cotter stated copies of the monthly Financial Report is available for anyone interested. Mr. Cotter provided an overview of the revenues and expenditures for the month and noted April is the largest month for real estate tax collection.

MARTIN SHRIVER - 138 Rose Valley - Expressed his concern regarding the fire tax revenues and questioned how the money is being spent since the Fire Company is inactive. Mr. Cotter explained there are expenses for truck payments, insurance (workers' compensation, vehicle, and liability) and debt service.

WOLF RUN STATEMENT OF DECISION REVIEW - Mr. Cotter provided a brief history with regards to the site location and noted there are 111 private wells that have been impacted by the groundwater contamination. Mr. Cotter explained the following three potential alternatives considered by the Pennsylvania Department of Environmental Protection: #1 - No Action; #2 - Installation and Maintenance of Whole House Filtration Systems; and #3 - Installation of Water Mains and Lateral Connections to the Public Water Supply. He further explained that the DEP has selected Alternative #3 and stated under this alternative public water will be provided to the affected properties. The Department will install all necessary water mains and lateral connections to the affected homes, connect the laterals to the in-house plumbing, repair all road surfaces or properties disturbed by the lateral construction and decommission the private water supply wells. Commissioner Taylor stated that it is important to note that this is contingent upon funding of the Growing Greener II \$625 million bond referendum. Mr. Cotter clarified that the Township would not receive funding if the bond referendum fails in the May primary. The Commissioners as well as the Township Manager encouraged everyone to get out and vote on Tuesday, May 17, 2005. Mr. Cotter reported he would be attending a meeting with the DEP on Thursday, May 12, 2005, to discuss actual implementation issues regarding the public water solution for Wolf Run.

ROBERT SLOSS - 2097 Needhammer Road - Questioned whether DEP will be 100% financially responsible for the installation of public water if the referendum goes through. When Mr. Sloss further questioned whether DEP will continue to look into the source of the contamination; Mr. Cotter responded "absolutely."

HENRY BEALER - 1382 Farmington Avenue - Suggested the Township look into the "dump" along Commerce Drive. Mr. Taylor advised Mr. Bealer that the Township has done everything it can and stated the government officials are visiting the "site" on a regular basis in order to resolve the matter.

DIANA UPDEGROVE -1404 Farmington Avenue - Questioned whether only residents with contaminated wells or anyone in the designated area that will be able to have public water installed. Commissioner Gallisdorfer stated she was told that anyone affected in the designated area would be able to hook into the public water supply. Mr. Cotter stated he would confirm the information with the DEP.

REVIEW OF 2004 AUDIT - Larry Shaub and John Groller representing the auditing firm of Reinsel Kuntz Leshner were present to provide a brief summary of the 2004 audit findings. Mr. Cotter provided copies of the Audit Summary for those in attendance. Mr. Shaub explained the format of the reporting is very different than what has been done in previous years and noted this is due to major changes in the County reporting requirements for local governments. He reviewed some of the highlights of the 2004 audit and explained a "reportable condition" due to the lack of segregation of duties and the limited size of the office staff. When Commissioner Gallisdorfer questioned if he was recommending that the Township either hire or have a separate bookkeeper; Mr. Shaub stated that was not his recommendation; however they are required to bring the matter to the Board's attention. He further stated this is a very common situation in small municipalities and suggested possibly diversifying some of the financial responsibilities within the office. Mr. Cotter expressed his thanks to Cindy and noted out of all the general ledger entries made during the year only four (4) audit adjustments were necessary.

ROBERT SLOSS - 2097 Needhammer Road - Questioned when the audit was complete. Mr. Shaub stated the audit was completed on March 3, 2005 and the reports were submitted on April 1, 2005. He further stated the official copies of the audit were delivered at tonight's meeting.

Mr. Cotter advised the 2004 Financial Reports and DCED reports will be posted on the Township's website at upperpottsgrovetownship.org.

BOERNER PRELIMINARY LAND DEVELOPMENT PLAN - Resolution - Jason Smeland, Richard C. Mast Associates and Neil Shaw, Rosen Organization, were present to discuss the Preliminary Land Development Plan for the Boerner Tract. Mr. Cotter noted the plan is ready for action by the Board of Commissioners. Mr. Smeland stated the Boerner tract proposes 33 single-family detached units on 35 lots and is located in the Township's R-2 Zoning District, next to Rouse/Chamberlin's Chestnut Grove Road development and the Greengate Subdivision. It was noted that the Planning Commission reviewed the Preliminary Plan and recommended approval subject to certain conditions.

BOERNER PLAN CONT'D - Some of the conditions discussed were the voluntary contribution to the open space, the construction of the second access to Chestnut Grove Road and a voluntary contribution to the Township in the amount of \$1,000 per dwelling unit to be used to defray the Township costs in providing public water due to the TCE contamination and a voluntary contribution for the construction of Chestnut Grove Road. Commissioner Gallisdorfer expressed her concern regarding the installation of detention basins within the proposed open space area. Commissioner Schaeffer stated he appreciated the contributions the developer is willing to make and questioned the possibility of an additional contribution for connection to the Montgomery County Trail. Commissioner Noll reiterated Commissioner Schaeffer's comments with regards to the developers contributions. There was a brief discussion regarding payment of a fee in lieu of open space, deed restrictions for lot #1 and waiver requests regarding stormwater, curbing and sidewalk installation. Attorney Chuck Garner stated details regarding the open space contribution could be deferred until final planning stages. After further discussion, a motion by Noll, seconded by Gallisdorfer, to approve the Resolution for the Boerner Tract Subdivision with modifications. Commissioner Gallisdorfer expressed concern regarding the developer's contribution to the TCE remediation in the event the Wolf Run project falls through. Commissioner Taylor as well as Township Manager Michael Cotter stated if the DEP funding falls through the only money available would be through the developers contributions. All aye votes.

ROBERT SLOSS - 2097 Needhammer Road - Expressed concern regarding the \$1,000/per unit contribution for the TCE remediation and questioned whether the water project would be totally funded by the DEP. Mr. Cotter stated the DEP has been counting on the voluntary contributions from the developers.

FIRE SERVICE OPTIONS AND RECOMMENDATIONS - Mr. Cotter provided a presentation pertaining to the Fire Committee's recommendation for fire protection services for Upper Pottsgrove Township and noted there are hand outs available for the audience. Mr. Cotter reported the Fire Committee has spent the last 5 ½ months meeting with neighboring fire companies, meeting with local and regional experts in fire protection provision, searching the internet for best practices in fire protection services and putting together a series of documents in order to form the Core and Concepts of moving fire protection services forward in Upper Pottsgrove Township. Mr. Cotter stated the Fire Committee is not recommending one company over another and explained the following Core Concepts for providing fire protection: 1 - Master plan; 2 - Business Plan; 3 - Deployment Plan and 4 - the Township Fire Committee. Mr. Cotter explained the plan works on the theory that the best way to attract and keep dedicated volunteer firefighters is to take as many of the management burdens off them to allow them to focus on doing what they volunteered to do - fight fires. He further explained according to the proposed plan the Fire Company would be overseen by a Chief selected by the Township and he will report directly to the Township Manager and the Board of Commissioners.

COMMISSIONER NOLL - Stated the Board's ultimate goal is to have the best firefighters, the most qualified, the most dedicated and the best trained firefighters.

COMMISSIONER SCHAEFFER - Reiterated Commissioner Noll's ultimate goal to have the best firefighters.

COMMISSIONER SCHAEFFER CONT'D - Mr. Schaeffer stated when he served as the liaison between the Board and the Fire Company he was dismayed that there wasn't a master plan, a business plan and they had no semblance of a budget, no mission statement and no vision statement.

COMMISSIONER GALLISDORFER - Stated for years it has always been me, them, you rationale and now we're looking a more of a team focus. She further stated the Fire Company will be more of an extension of an arm of the Township rather than being a separate portion of the Township. Mrs. Gallisdorfer said she is "open to new things"; they tried a lot of things in the past and it didn't work - so she is willing to try something different.

COMMISSIONER TAYLOR - Stated over the years the firefighters have been working hard; the different leaderships within the Fire Company have been working hard to remedy problems that everyone has inherited. Mr. Taylor further stated the Township has inherited a situation of "long standing" and noted the Board is ready to move forward and not dredge up all of the problems from the past.

ROBERT SLOSS - 2097 Needhammer Road - Complimented the Fire Company Committee's "Core Concept Plan"; however he expressed concern regarding the minimum amount of volunteer firefighters needed in order to provide 24/7 fire protection within the Township. Mr. Cotter stated the Fire Committee is recommending the following criteria: - six (6) firefighting personnel on a truck, that are trained in interior firefighting, hazardous materials response, the ability to extinguish a fire and save lives and property, the ability to extricate someone from a motor vehicle efficiently and the ability to arrive on the scene within fourteen (14) minutes - 80% of the time. When Mr. Sloss questioned the amount of money needed to provide this level of protection; Mr. Cotter stated approximately \$125,000 a year. Mr. Sloss also questioned whether the Board is planning on giving a donation to the surrounding Fire Companies currently providing coverage to the Township. Mr. Cotter stated the Fire Committee has recommended giving donations in the amount of \$5,000 to North End, Ringing Hill and West End Fire Companies. Mr. Cotter further stated New Hanover will receive a larger contribution since they are acting as our primary fire protection provider.

HENRY BEALER - 1382 Farmington Avenue - Asked why New Hanover Township was designated as the Township's primary Fire company and questioned why not Ringing Hill when their Fire Company is closer than New Hanover.

STANLEY HILDENBRAND - President Upper Pottsgrove Fire Company #1 - Stated the Fire Committee is a "good thing"; however, he questioned why no one from Fire Company #1 was invited to be a part of the Fire Committee and stated they didn't know anything about it. Mr. Cotter stated he extended an invitation to Mr. Hildenbrand as well as members of Fire Company #1 through their lawyer. Mr. Hildenbrand questioned whether there is a signed contract with New Hanover Township that states their position as primary fire protection provider to Upper Pottsgrove. Mr. Cotter stated the contract has not been executed as of yet; however, he expects their (New Hanover's) Board to act on it at their next meeting.

MARTIN SHRIVER - 138 Rose Valley Road - Questioned why the Fire Chief doesn't provide a monthly report similar to that of the Police Chief. Commissioner Schaeffer responded the monthly reports had been posted on the bulletin board. Mr. Shriver also expressed his concerns regarding

MARTIN SHRIVER CONT'D - the new Fire Chief and the importance of him residing in Upper Pottsgrove Township, a comfort level between the Fire Chief and the firefighters, the lack of proper fire equipment as well as a lack of communication. Mr. Taylor reiterated that the Board is ready to make a decision to move forward and whatever problems there were in the past; hopefully we have learned from them. Mr. Taylor stated the Board feels that the Fire Committee has come up with a good plan for the future. He further stated if we can come up with a consensus tonight as to how we want to proceed, we want to hear from those people who are going to take the responsibility to move us forward. Mr. Taylor added we don't need a special meeting to do that; Mr. Cotter has been in touch with the Fire Company Officers and encourages and wishes that they would discuss the plan presented. Mr. Cotter stated if Fire Company #1 wants to discuss the plan all they have to do is to contact him by phone.

TOM MATTINGLY - Vice President and Deputy Chief - Stated he along with other Fire Company members tried to contact the Township Manager regarding participation within the Fire Committee and were turned away. Mr. Cotter responded that he presented information regarding the Fire Committee to the President and the Fire Company's lawyer. When Mr. Mattingly questioned what qualifications were needed to sit on the Fire Committee; Mr. Taylor responded "interest."

After further discussion it was agreed that the Fire Committee would meet with members of Upper Pottsgrove Fire Company #1 within the week.

HENRY BEALER - 1382 Farmington Avenue - Questioned why when Commissioner Schaeffer was the Fire Company liaison there weren't any financial reports available to the public. Commissioner Schaeffer explained when he first became the Fire Company's liaison; the Fire Company would not release any financial information; however after working together with Jon Downey they created a transparency where the Fire Company gave their financial reports and they were posted on the bulletin board.

REGINALD LEISTER - 1693 Farmington Avenue - Expressed his concern as to where the volunteers will come from when most of our residents don't work in the Township.

SWEETWATER PRELIMINARY LAND DEVELOPMENT PLAN - Jonathan Penders and Steve Gallo were present to discuss the Sweetwater Preliminary Land Development Plan and stated they are proposing to build 57 single-family dwelling units on 64 lots. Mr. Penders stated the proposed subdivision is located in the Township's R-1 Residential District. It was noted that the original Prout home will be preserved. Mr. Penders stated he along with Mr. Gallo are present tonight to answer any questions the Board may have regarding their preliminary plan. Commissioner Schaeffer questioned whether the developers would consider expansion of the sanitary sewer area to include the connection of failing existing on-lot systems at Gilbertsville Road, Moyer Road and Ming Drive. Mr. Schaeffer expressed his concern regarding how the development will impact the water supply and sewer system. Attorney Garner questioned Mr. Penders if he would a contribution to the traffic light recently installed at Route 100 and Moyer Road. There was a brief discussion regarding Mr. Theisen's recommendation on the replacement of the existing corrugated metal pipe under Cross Road at Moyer Road. The Board discussed the seven (7) waivers as outlined in a letter dated April 15, 2005, from Gilmore and Associates, Inc.

SWEETWATER PRELIMINARY LAND DEVELOPMENT PLAN CONT'D - After further discussion it was agreed that the Solicitor would draft the necessary Resolution for the Sweetwater Preliminary Land Development Plan.

RESOLUTION #450 - A Resolution of the Board of Commissioners of Upper Pottsgrove Township establishing a Building Code Appeals Board as required by the provisions of the Uniform Construction Code and associated regulatory provisions; establishing requirements for the composition of the Board of Appeals; and establishing and approving Rules and Procedures for operation of the Board. A motion by Gallisdorfer, seconded by Noll, to adopt Resolution #450. All aye votes.

REVIEW OF QUINTER (1903 Orlando Road) Zoning Hearing Board Appeal - The Applicant has requested a variance to Section 407 of the Zoning Ordinance, in order to allow the placement of a 16 foot by 28 foot accessory building on his lot for the purpose of storage of equipment and tools. Section 407 requires a 75 foot setback from property lines for an interior lot. Applicant proposed to have setbacks of 12 feet. A public hearing shall be held by the Zoning Hearing Board on Thursday, May 26, 2005, at 7:30 P.M. Commissioner Gallisdorfer expressed her concerns regarding the applicant's request for a variance and stated the Board should carefully review the decision of the Zoning Hearing Board. The Board briefly discussed the variance request and noted it is the responsibility of the applicant to show a hardship. After a brief discussion, the Board agreed to forward their concerns regarding lot width, a non-conforming lot and a possible home occupation to the Zoning Hearing Board.

DIANA UPDEGROVE - 1404 Farmington Avenue - Stated that the applicant should be made aware of the ordinances he is not meeting.

ACCEPTANCE OF POLICE VEHICLE DISPOSITION BIDS - Mr. Cotter reported the Township received two (2) bids for the 1997 Crown Victoria and one (1) bid for the 1991 Caprice. Mr. Cotter recommended that the Township award the 1991 Caprice to Grace Used Cars of Morrisville, New Jersey, in the amount of \$621.00 and the 1997 Crown Victoria to the high bidder Bay Ridge Motors of Staten Island, New York, in the amount of \$943.00. A motion by Noll, seconded by Schaeffer, to award the bids for the police vehicles as presented. All aye votes.

POTTSGROVE SOCCER REQUEST TO UTILIZE HOLLENBACH PARK - Mr. Cotter reported representatives from the Pottsgrove Soccer Association were present at the Park and Recreation Committee meeting and requested use of the fields at Hollenbach Park. Mr. Cotter noted the fields would be used for games and practice sessions. Commissioner Schaeffer expressed concern regarding the condition of the fields once the soccer season is over. Mr. Cotter stated he would look into the matter.

409 EVANS ROAD - Extension Request - A motion by Schaeffer, seconded by Gallisdorfer, to authorize a 90-day extension request from May 19, 2005, for the review of the 409 Evans Road Subdivision plan. All aye votes.

APPROVAL OF BILL LIST - May 12, 2005 - Commissioner Noll questioned the following invoices: Dell Computers, Pottsgrove Joint Recreation contribution and mileage reimbursement for Commissioner Gallisdorfer. Commissioner Schaeffer questioned the invoices from Rocket Car Wash and suggested the Police Department utilize the All Star Car Wash located in North Coventry. Mr. Schaeffer explained some of the advantages in using the All Star Car Wash as opposed to Rocket Car Wash. Commissioner Gallisdorfer questioned invoices from Fulton Financial Advisors, Nextel Communications and the PSATC Convention. A motion by Gallisdorfer, seconded by Schaeffer, to approve the Bill List dated May 11, 2005, for General Fund in the amount of \$ 39,765.09; Fire Fund in the amount of \$513.00; Park and Recreation Fund in the amount of \$173.03; Sewer Fund in the amount of \$63,894.16 and State Fund in the amount of \$29.50. Total expenditures - \$104,374.78. All aye votes.

ROBERT SLOSS - 2097 Needhammer Road - Questioned the following invoices as depicted on the Bill List: Fred Pryor Seminars, Teachers Protective Mutual Insurance, Rocket Car Wash, Variable Annuity Life Insurance, Willow Valley Resort and Wisler, Pearlstine, Talone, Craig, Garrity & Potash, LLP. Mr. Cotter provided a brief explanation for the above listed invoices.

Mr. Cotter advised there will be a \$200,000 - \$250,000 expenditure for partial pay back of the tax anticipation note on the next Bill List.

COMMISSIONERS' COMMENTS

COMMISSIONER GALLISDORFER - Expressed concern regarding the North Hanover Street/Mervine Street intersection and suggested the possibility of installing a three-way stop sign at this location.

APPROVAL OF MINUTES - April 20, 2005 and April 25, 2005 - A motion by Noll, seconded by Schaeffer, to approve the April 20, 2005 and April 25, 2005, minutes as presented. All aye votes.

JUNE MEETING - Mr. Cotter briefly discussed the possibility of changing the date of the June meeting with the members of the Board. The Commissioners agreed to e-mail Mr. Cotter regarding their availability.

ADJOURNMENT - There being no further business, a motion by Schaeffer, seconded by Gallisdorfer, to adjourn the meeting at 10:45 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor
Township Secretary