

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

July 27, 2005

A meeting of the Board of Commissioners was held on Wednesday, July 27, 2005, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners Noll, Reeves, Schaeffer and Taylor present. Also present were Solicitor Charles D. Garner, Jr., Township Engineer John Theisen and Township Manager Michael Cotter. There were 23 people in the audience. Mr. Taylor called the meeting to order at 7:00 P.M. Commissioner Gallisdorfer was absent.

PLEDGE OF ALLEGIANCE - Those assembled pledged allegiance to the flag.

MOMENT OF SILENCE - Mrs. Reeves 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.

PUBLIC COMMENT:

REGINALD LEISTER - 1693 Farmington Avenue - Read an excerpt from a card he received from former Administrative Assistant Rosemarie Kidon, thanking the residents for all their support and appreciation regarding her employment with the Township.

ROBERT SLOSS - 2097 Needhammer Road - Advised the members of the Board that effective tonight he will be recording all township meetings.

GILBERT DUNCAN - 72 Hanover Drive - Stated he is appalled at the Manager and the members of the Board with regards to the termination of Rosemarie Kidon. Mr. Duncan expressed his concern regarding the absence of Commissioners Gallisdorfer and Reeves at the Township meetings and suggested they resign. Commissioner Taylor explained that Commissioner Gallisdorfer had a family emergency in New York and Commissioner Reeves is on her way; however she has been delayed in traffic.

OVIDEO BENAVIDEZ - 230 Rose Valley Road - Expressed concern regarding water supply issues within the Regal Oaks Development and questioned whether the installation of public water is being considered. Commissioner Taylor stated previous studies were done and estimates were obtained and noted the installation of public water would be very expensive. Mr. Taylor further stated that not all of the residents in Regal Oaks are in need of public water. Commissioner Schaeffer stated the Board needs to look into the water supply issues within the Regal Oaks Subdivision and suggested sending a water conservation letter to the residents. Commissioner Taylor provided a brief history regarding the Regal Oaks Development and stated that community was built against the Township's wishes.

ROBERT SLOSS - 2097 Needhammer Road - Stated that Superior Water is a private enterprise and has an exclusive franchise to certain areas in the Township and noted their job is to supply water to the residents who want it.

POLICE REPORT - Mr. Cotter provided copies of the Police Reports for the months of May and June and explained the May report was delayed due to the installation of new computer hardware and software in the Police Department. Commissioner Noll questioned the cost of the computer upgrades to the Police Department. Mr. Cotter explained the hardware expenditures were included in the 2005 budget.

PUBLIC WORKS REPORT - Mr. Cotter stated that the Public Works reports for the months of July and August will be available at the next meeting.

BUILDING INSPECTION & CODE ENFORCEMENT - Copies of the reports were posted on the bulletin board.

OPEN SPACE COMMITTEE - Mr. Cotter reported the Open Space Committee met and reviewed four chapters of the Township's draft of the Open Space Plan. Mr. Cotter reported the Open Space Committee met in Executive Session to discuss matters regarding land acquisition and mapping issues.

SEWER COMMITTEE - Mr. Cotter reported that the Sewer Committee did not meet this month.

PARK & RECREATION COMMITTEE - Mr. Cotter reported the Park and Recreation Committee met and reviewed the Department of Conservation and Natural Resources Community parks grant submission.

PUBLIC HEARING - ORDINANCE #384 - An Ordinance of the Township of Upper Pottsgrove, Montgomery County, Pennsylvania, to amend the Upper Pottsgrove Township Uniform Construction Code Ordinance to Require Issuance of Permits for Certain Accessory Structures and for Certain Alterations or Repairs to Residential Buildings. There was no public comment. A motion by Noll, seconded by Schaeffer, to adopt the Ordinance to amend the Upper Pottsgrove Township Uniform Construction Code Ordinance to Require Issuance of Permits for Certain Accessory Structures and for Certain Alterations or Repairs to Residential Buildings. All aye votes. Attorney Garner advised the ordinance would be in effect within thirty five days.

ENGINEER'S REPORT - A copy of the monthly report was posted on the bulletin board.

SOLICITOR'S REPORT - Mr. Garner stated many of the items he has been working on during the month appear on the agenda and offered to answer any questions from the residents in the audience.

FINANCIAL REPORT - Mr. Cotter provided copies of the Financial Report for the month of June. Mr. Cotter reported that \$200,000 has been repaid on the Tax Anticipation Note and stated there will be two additional payments during the months of August and October.

ROBERT SLOSS - 2097 Needhammer Road - Requested a clarification regarding available cash within the General Fund.

Commissioner Reeves arrived.

ORDINANCE #383 - Action on an Ordinance to Approve, Adopt and Enact an Ordinance Codification of a Complete Body of Legislation for the Township - Mr. Cotter noted the Ordinance Codification is available on the Township's website. A motion by Noll, seconded by Schaeffer, to adopt Ordinance #383 to Adopt and Enact an Ordinance Codification of a Complete Body of Legislation of the Township of Upper Pottsgrove, Montgomery County, Pennsylvania; to Provide for the Repeal of Legislation Inconsistent with the Code; to save from Repeal Certain other Legislation not include therein; and to Provide Penalties for the Violation of the Code or Chapters thereof. All aye votes.

ROBERT SLOSS - 2097 Needhammer Road - Questioned whether future Township ordinances would be codified in a timely fashion. Mr. Cotter stated the ordinances will be codified on a quarterly basis.

Action on a Resolution Establishing the Township's Primary Fire Company, and Enacting Regulations for Governance, Management and Operation of the Primary Fire Company - Attorney Chuck Garner provided a brief outline of the Memorandum of Understanding between the Township and the Fire Company.

COMMISSIONER NOLL - requested a clarification regarding the Creation of the New Operational Committee concerning the role of the Fire Chief. Mr. Noll stated he is not comfortable with changing the name of the Fire Company and noted we should be proud to keep "Upper Pottsgrove Township Fire Company #1" on this building. Mr. Noll expressed his concern regarding the language within the Memorandum of Understanding which states - At all times, the Township Manager shall serve as the Treasurer of the Fire Service Committee. After a brief discussion it was agreed to remove "at all times" with regards to the Treasurer of the Fire Service Committee. Mr. Noll also expressed concern with regards to the Township's tax dollars funding the outstanding IRS judgment and will secure back owed Fire Relief Funds from the Commonwealth.

When **GILBERT DUNCAN, 72 Hanover Drive**, addressed Attorney Garner and questioned whether the Township is eliminating a Volunteer Fire Company and creating a Municipal Fire Company Mr. Gardner responded "no."

COMMISSIONER NOLL - Expressed concern regarding the length and term of the Fire Company President and Fire Company Chief from a present one (1) year term to that of three (3) years. Mr. Noll stated in his opinion a two year term would be appropriate. Mr. Cotter stated the Fire Company President and Chief need that time in order to work out the implementation issues of the plan.

COMMISSIONER TAYLOR - Stated the Fire Company Solicitor is in agreement with the Memorandum of Understanding and he is anxious to hear from the members of the Fire Company. Mr. Taylor referenced some of the problems the Fire Company has experienced in the past and noted the Memorandum of Understanding is the best chance for the members of the Board to work together with the members of the Fire Company to make wise and rational decisions. Mr. Taylor stated he is excited about the future.

COMMISSIONER SCHAEFFER - Stated he is in agreement with the comments from Commissioner Noll and Taylor and provided a brief history of the Fire Company. Mr. Schaeffer stated he is glad that we have a dedicated and professional group of volunteers and noted this is a positive change for the Township as well as Upper Pottsgrove Township Fire Company #1. He further stated if the members are in agreement with the Memorandum of Understanding we will lay the ground work for neighboring fire companies and we will be the lead in getting fire services the way it should be; by having a group of volunteers working together and concentrating on what they do best - fighting fires and protecting the residents of the Township. With regards to the name issues Mr. Schaeffer stated that's something that can be worked out going forward.

COMMISSIONER REEVES - Summarized some minor changes with regards to the language withing the Agreement. The members of the board agreed to delete the verbage regarding the name change of the Fire Company. Mrs. Reeves addressed Stanley Hildenbrand, President of the Upper Pottsgrove Fire Company, and questioned whether the members of the Fire Company can agree to the Memorandum of Understanding as outlined with the minor changes that were discussed. Mr. Hildenbrand stated the members of the Fire Company are willing to go forward with the Memorandum of Understanding. Mr. Hildenbrand clarified that the Fire Company never expected the Township to pay the IRS debt. Mr. Cotter stated the Township will loan the money to the Fire Company in order to satisfy the outstanding IRS judgement.

GILBERT DUNCAN - 72 Hanover Drive - Read a statement and expressed his concern with regards to qualifications, proper training and future grants.

HENRY BEALER - 1382 Farmington Avenue - Stated the residents of the Township do not want the name of the Fire Company changed.

MEGAN DELENA - 1319 Windsor Court - Requested clarification regarding the appointment of the Fire Chief and President.

After further discussion, a motion by Noll, seconded by Schaeffer, to approve the Memorandum of Understanding with the minor changes as noted and to forward the document to the Fire Company for their review. All aye votes.

RESOLUTION #445 - Adopting and Enacting a Township Administrative Policy Manual - This matter was tabled to a future meeting.

RESOLUTION #453 - A Resolution Accepting the Dedication of Certain Roads Known as Applegate Lane, Fallbrook Lane, Chestnut Grove Road, Cloverhill Road, Heather Place and Maywood Lane of the Chestnut Grove Subdivision, Together with the Improvements Therein or Appurtenant thereto, having been Constructed or Provided in the Chestnut Grove Subdivision; and Taking Certain Other Actions with Respect Thereto. A motion by Taylor, seconded by Schaeffer, to adopt Resolution #453. All aye votes.

Action on the Rouse Chamberlin **Chestnut Grove Maintenance Agreement** in the amount of \$176,861.36. A motion by Noll, seconded by Taylor, to accept the Chestnut Grove Estates Subdivision Maintenance Agreement in the amount of \$176,861.36. All aye votes.

CHESTNUT GROVE ESCROW RELEASE #13 - \$310,968.56 - A motion by Schaeffer, seconded by Taylor, to authorize escrow release #13 for the Chestnut Grove Estates Subdivision in the amount of \$310,968.56. All aye votes.

Action on the Release of the Renovations by Design **Maugers Mill Maintenance Bond** in the amount of \$39,645.30 for Phase I and \$29,279.00 for Phases II and III - A motion by Noll, seconded by Taylor, to authorize the release of the Renovations by Design Maugers Mill Maintenance Bond in the amount of \$39,645.30 for Phase I and \$29,279.00 for Phase II and III. All aye votes.

Action on the Release of the Renovations by Design **Shannon's Ridge Maintenance Bond** in the amount of \$27,007.50. A motion by Taylor, seconded by Schaeffer, to authorize the release of the Renovations by Design Shannon's Ridge Maintenance Bond in the amount of \$27,007.50. All aye votes.

Action on an Offer to Extend the 120 Day Plan Review Period for the **409 Evans Road Land Development Application** - A motion by Noll, seconded by Taylor, to approve the 120 day extension to review the 409 Evans Road Land Development Application. All aye votes.

Review of a **Proposed Amendment to the Civil Service Rules and Regulations**, Section 4.3 Written Examinations - Grading Procedures - Reginald Leister made a brief presentation regarding the amendment to the Civil Service Rules and Regulations pertaining to grading procedures.

Action on the **WOLF RUN GRANT AGREEMENT WITH PADEP** - This matter was tabled to a future meeting.

RESOLUTION #454 - Action on the Heritage SOCO/Skarbek Sewage Planning Module - A motion by Taylor, seconded by Schaeffer, to adopt and submit to the Department of Environmental Protection for its approval as a revision to the "Official Sewage Facilities Plan" of the municipality the Heritage SOCO/Skarbek Sewage Planning Module. All aye votes.

RESOLUTION #455 - Action on the Rouse Chamberlin Summer's Grove Sewage Planning Module - A motion by Taylor, seconded by Schaeffer, to adopt and submit to the Department of Environmental Protection for its approval as a revision to the "Official Sewage Facilities Plan" of the municipality the Rouse Chamberlin Summer's Grove Sewage Planning Module. All aye votes.

RESOLUTION #456 - Action on the Rouse Chamberlin Sweetwater Sewage Planning Module - A motion by Taylor, seconded by Schaeffer, to adopt and submit to the Department of Environmental Protection for its approval as a revision to the "Official Sewage Facilities Plan" of the Rouse Chamberlin Sweetwater Sewage Planning Module. All aye votes.

RESOLUTION #457 - Action on the Renovations by Design Woodbrook Sewage Planning Module - A motion by Taylor, seconded by Schaeffer, to adopt and submit to the Department of Environmental Protection for its approval as a revision to the "Official Sewage Facilities Plan" of the Renovations by Design Woodbrook Sewage Planning Module. Aye votes: Noll, Schaeffer and Taylor. Abstain: Reeves. Motion carried.

AWARD OF THE GREENGATE INFLOW & INFILTRATION PROJECT BID - Phase 3 -

A motion by Noll, seconded by Taylor, to award the Greengate inflow and infiltration project bid to Wexcon in the amount of \$285,051.00. All aye votes.

ACTION ON THE ACCEPTANCE OF PROPERTY 2005 -A INTO THE TOWNSHIP'S OPEN SPACE PRESERVATION PROGRAM -

A motion by Schaeffer, seconded by Taylor, to accept a five (5) acre parcel located in the northeaster portion of the Township into the Township's Open Space Preservation Program. All aye votes.

AUTHORIZATION TO ADVERTISE A SEPTAGE HOLDING TANK AND DISPOSAL ORDINANCE -

A motion by Taylor, seconded by Noll, to authorize the advertisement of a holding tank ordinance to permit property owners under certain restrictive conditions to temporarily store wastewater. All aye votes.

ROBERT SLOSS - 2097 Needhammer Road - Requested a clarification regarding the proposed holding tank ordinance.

COMMISSIONERS COMMENTS

COMMISSIONER SCHAEFFER - Stated the Board needs to think seriously regarding the "water issues" within the Township.

COMMISSIONER TAYLOR - Questioned whether the Township can help potential property owners with regards to disclosure issues.

APPROVAL OF BILL LIST - July 27, 2005 - A motion by Taylor, seconded by Schaeffer, to approve the Bill List dated July 27, 2005, for General Fund in the amount of \$103,597.20; Fire Fund in the amount of \$2,954.73; Park and Recreation Fund in the amount of \$156.83; Sewer Fund in the amount of \$609,060.66; and State Fund in the amount of \$8,350.40. Total Expenditures - \$724,119.82. All aye votes.

APPROVAL OF MINUTES - May 23, 2005 - A motion by Taylor, seconded by Schaeffer, to approve the minutes of the May 23, 2005, meeting as presented. All aye votes.

APPROVAL OF MINUTES - June 23, 2005 - A motion by Schaeffer, seconded by Taylor, to approve the minutes of the June 23, 2005, meeting as presented. All aye votes.

EXECUTIVE SESSION - At 9:15 P.M. Mr. Taylor announced there would be an Executive Session to discuss legal matters. The meeting reconvened at 9:28 P.M.

ADJOURNMENT - There being no further business the meeting was adjourned at 9:30 P.M.

Respectfully submitted,



Cynthia H. Saylor
Township Secretary

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