

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

October 24, 2005

A meeting of the Board of Commissioners was held on Monday, October 24, 2005, at the Upper Pottsgrove Township Administrative Offices, 1409 Farmington Avenue, with Commissioners Noll, Reeves, Schaeffer and Taylor present. Also present were Solicitor Charles D. Garner, Jr., Township Manager Michael Cotter and Township Secretary Cynthia Saylor. There were 35 people and a Mercury reporter present in the audience. Mr. Taylor called the meeting to order at 7:05 P.M. Commissioner Gallisdorfer was absent.

MOMENT OF SILENT PRAYER - 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:

ROBERT SLOSS - 2097 Needhammer Road - Questioned when the sound system would be installed in the meeting room. Mr. Cotter responded the sound system will be operational at the next Board meeting.

PETITION - Mr. Sloss presented the Board with a petition for their review which contained approximately 850 signatures and read the following statement: We, the undersigned residents of Upper Pottsgrove Township, hereby request by this Petition that the Township Board of Commissioners reinstate Charles Maddona as Chief of Police of the Upper Pottsgrove Township Police Department. Mr. Sloss noted that additional signatures are being obtained with petitions still being circulated by himself, Gerry DeLena, Jack Coonahan and Vicki Sciarretta.

GILBERT DUNCAN - 72 Hanover Drive - Requested that it be noted in the minutes that he left the meeting room prior to the presentation of the petition to reinstate Charles Maddona as the Police Chief of Upper Pottsgrove Township since he is a member of the Civil Service Committee.

TOM WERT - 183 Primrose Lane - Expressed concern with regards to the inflow and infiltration within the Greengate Development and stated he met with the Township Manager earlier today regarding the matter. Mr. Wert expressed his opinion that the sump pumps in all the houses should have been checked as far as infiltration into the sewer system and all the laterals should have been tested. He further expressed concern regarding the Township borrowing money for the I & I work within the Greengate Development and questioned the legality of the matter. Attorney Chuck Garner clarified that the repair of the laterals is not being paid for by tax dollars; it's being funded by the developers.

ROBERT SLOSS - 2097 Needhammer Road - Addressed Attorney Garner and questioned if the Township borrowed money specifically for the Greengate I & I work and the project is now being paid by the developers shouldn't the Township be using the money to pay down the debt. Attorney Garner stated the money was borrowed for capital sewer improvements and noted capital monies can be used for future capital expenses - it is up to the Board.

HENRY BEALER - 1382 Farmington Avenue - Questioned why the Township is now looking to Superior Water instead of the Borough of Pottstown for the public water installation. Mr. Cotter stated the Township is looking at all options and to date no decisions have been made.

GILBERT DUNCAN - 72 Hanover Drive - Stated the money has been allotted for the Wolf Run project and noted he doesn't want anything to do with Superior Water and the Township can't force him to connect to public water. Mr. Duncan advised that his horse is sick and currently is being tested to see if it is related to the water contamination; if it does - he plans to sue whoever has anything to do with the TCE in this area.

POLICE REPORT - It was noted that a copy of the monthly Police Report would be posted on the bulletin board.

PUBLIC WORKS REPORT - Mr. Cotter reported that the Highway Department has identified one major problem regarding the problem at the Cherrytree Farms pumping station and he will have a full report at the next meeting. He further reported that the Township will require developer, Richard Mingey, to pressure test the sewer lines. Mr. Cotter thanked the Highway Department for all their hard work during the recent heavy rains.

BUILDING & CODE REPORT - A copy of the monthly Building & Code Report will be posted on the bulletin board.

OPEN SPACE COMMITTEE - Mr. Cotter reported a draft of the Open Space Plan will be ready for the Board's review in November.

SEWER COMMITTEE - Mr. Cotter reported the Sewer Committee met and discussed the Wolf Run project and alternatives for future funding of sewer projects.

PARK & RECREATION COMMITTEE - Mr. Cotter reported the Park and Recreation Committee met and reviewed the proposed 2006 budget. He further reported the Committee is looking into adopting new signs for the parks within the Township.

PLANNING COMMISSION - Commissioner Taylor reported the Planning Commission discussions will be discussed later in the meeting.

ENGINEER'S REPORT - It was noted a copy of the monthly Engineer's report would be posted on the bulletin board.

TOWNSHIP SOLICITOR'S REPORT - Attorney Chuck Garner reported his monthly activities include securing funds from the Church of the Latter Day Saints regarding the drainage issue; preparation of the grading ordinance, on-going police negotiations and the Animal Control Officer Agreement. Mr. Garner noted the Conditional Use Hearing for Ragesh Patel will be advertised for the November 28 meeting and questioned the Board members as to their time preference. After discussion, it was agreed that the hearing would begin at 8:30 P.M.

APPOINTMENT OF UPTFC #1 PRESIDENT - A motion by Schaeffer, seconded by Noll, to appoint Stanley Hildenbrand as President of the Upper Pottsgrove Township Fire Company #1 as recommended by the Fire Committee. All aye votes.

APPOINTMENT OF UPTFC #1 FIRE CHIEF - Mr. Cotter reported the Fire Committee reviewed two applications for the position of Fire Chief - Chuck Ritschard and Tom Mattingly. He further reported that by a 3-2 vote the Committee recommended Tom Mattingly to the position of Fire Chief. Mr. Cotter explained as a condition of the Fire Chief's appointment he was to contact each member of the Board individually and was to provide a list of potential line officers (Assistant Chief, Deputy, Fire Police Captain and Chief Engineer). Mr. Cotter noted he did receive the list from Mr. Mattingly; however there was one member of the Board he was unable to contact. Mr. Taylor requested the matter be tabled until the November 9th meeting in order to allow Mr. Mattingly time to complete the conditions of his appointment.

Commissioner Reeves arrived at 7:30 P.M.

When **RENEE HOFFMAN, 1979 Yarnall Road**, questioned whether the Fire Company would reopen as of November 7, 2005; Mr. Cotter stated one of the major issues is radio training and he would discuss the matter with Mr. Hildenbrand and Mr. Mattingly later this week.

RESOLUTION #463 - PERSONNEL POLICY MANUAL - When Commissioner Noll questioned whether all the concerns, previously discussed, were addressed in the Policy Manual; Attorney Garner responded "yes." A motion by Reeves, seconded by Schaeffer, to adopt Resolution #463. All aye votes.

TOM WERT - 183 Primrose Lane - Questioned whether a hard copy of the Personnel Policy Manual was available. Mr. Cotter stated a copy is available in the Administrative Office and should be posted on the web-site by the weekend.

ROBERT SLOSS - 2097 Needhammer Road - Requested clarification regarding an "exempt employee" as referenced in the Personnel Policy manual. Mr. Cotter explained "exempt employees" are employees who are exempt from the provisions of the Fair Labor Standards Act. He further explained "exempt employees" are not paid overtime. Mr. Sloss questioned whether everything in the Personnel Policy applies to all employees including the Manager. Mr. Cotter stated everything in the policy applies to all employees unless there has been a modification made either by a collective bargaining agreement or another employment agreement.

When **CARL SPECHT, 153 Primrose Lane**, questioned who is responsible for enforcing the Personnel Policy; Mr. Cotter replied he as Township Manager and the Board of Commissioners.

AUTHORIZATION TO ADVERTISE AN ORDINANCE REPEALING CHAPTER 48, PERSONNEL POLICIES, OF THE TOWNSHIP'S CODIFIED ORDINANCES - When Commissioner Reeves questioned when the Personnel Policy was last revised; Mr. Cotter stated in April 2002 and noted the revision had to do with a change in life insurance benefits and accumulated

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sick leave. A motion by Reeves, seconded by Schaeffer, to authorize the advertisement of an ordinance repealing Chapter 48, Personnel Policies of the Township's Codified Ordinances. All aye votes.

GILBERT DUNCAN - 72 Hanover Drive - Questioned whether Chapter 48 is a state law. Attorney Garner responded "No - it is Township Code." Mr. Cotter noted it is posted on the Township web site.

ACTION ON ORDINANCE #386 - ADOPTION OF A GRADING ORDINANCE

- An Ordinance of Upper Pottsgrove Township, providing for the creation of rules and regulations regarding the grading of land in the Township. Attorney Garner explained the biggest change in the proposed ordinance is the addition of Section 20, which was prepared by the Township Engineer, with regards to regulations and requirements preventing mud on the streets as the result of earth disturbance and grading. Mr. Garner stated he prepared a resolution in association with the ordinance, to set forth a fee schedule; however, it was agreed to defer action on the resolution. Mr. Taylor noted an error in the language in Section 8 of the ordinance with regards to activities requiring no grading permit. After a brief discussion, a motion by Reeves, seconded by Schaeffer, to adopt Ordinance #386. All aye votes.

HENRY BEALER - 1382 Farmington Avenue - Expressed his concern regarding the fee schedule.

ACTION ON THE EXECUTION OF THE STERN NESTER HIGHVIEW II DEVELOPER'S AGREEMENT

- Mr. Cotter explained due to the tardiness in executing the Highview II Developer's Agreement the Township will be issuing a stop work order on this project. It was agreed to table action on this matter.

ACTION ON THE EXECUTION OF THE HERITAGE BUILDING GROUP'S SOCO-SCARBK DEVELOPER'S AGREEMENT

- Attorney Garner reported the Developer's Agreement is for Phase I or approximately 46 units of the SOCO/Scarbek project and noted he has reviewed the Agreements as well as the Township Engineer and the Township Manager. After further discussion, a motion by Noll, seconded by Reeves, to approve and authorize the execution of the Developer's Agreement for Phase I of the final plan for SOCO/Skarbek. All aye votes.

ROBERT SLOSS - 2097 Needhammer Road - Requested clarification with regards to the Stern Nester Maintenance Agreement for the Highview II Subdivision.

AUTHORIZATION TO OBTAIN AN APPRAISAL AND PREPARE DEEDS OF DEDICATION FOR THE ACCEPTANCE OF THE DONATION OF THE TESTA PROPERTY, WILLOW STREET

- Mr. Cotter reported Mr. Testa has offered a parcel of land, located on Willow Street for donation to the Township. He further reported the Open Space Committee has suggested the development of a future neighborhood park on the parcel if the Board accepts the offer. A motion by Reeves, seconded by Schaeffer, to authorize the Manager to obtain

AUTHORIZATION TO OBTAIN AN APPRAISAL AND PREPARE DEEDS OF DEDICATION FOR THE ACCEPTANCE OF THE DONATION OF THE TESTA PROPERTY - WILLOW STREET CONT'D - an appraisal and prepare deeds of dedication for the acceptance of the donation of the Testa property located on Willow Street. All aye votes.

JANE MITCHELL - 990 WILLOW STREET - Requested clarification with regards to the location of the Willow Street parcel.

PAT SALVATORE - 1984 ORLANDO ROAD - Expressed her concern regarding the close proximity of the Testa parcel to Farmington Avenue and questioned whether the soil will be tested for TCE. Mrs. Salvatore noted that land that is contaminated is worthless. Mr. Cotter assured Mrs. Salvatore that the land would be tested.

When **ROBERT SLOSS, 2097 Needhammer Road**, questioned whether a title search would be conducted on the Willow Street parcel; Mr. Taylor stated a title search is part of the process.

AUTHORIZATION TO ADVERTISE FOR A PUBLIC HEARING TO REVIEW AND ADOPT BY ORDINANCE THE PROPOSED POTTSTOWN METROPOLITAN REGION INTERGOVERNMENTAL COOPERATIVE IMPLEMENTATION AGREEMENT FOR REGIONAL PLANNING, AND A RESOLUTION ADOPTING THE PROPOSED POTTSTOWN METROPOLITAN REGIONAL COMPREHENSIVE PLAN - A motion by Noll, seconded by Schaeffer, to authorize the advertisement of a public hearing, at the November 28 meeting, to review and adopt the proposed Pottstown Metropolitan Region Intergovernmental Cooperative Implementation Agreement for Regional Planning and a Resolution adopting the proposed Pottstown Metropolitan Regional Comprehensive Plan. All aye votes.

ACTION ON RESOLUTION #464, AUTHORIZING THE EXECUTION OF A MASTER CASTING AGREEMENT WITH PENNDOT - A motion by Schaeffer, seconded by Reeves, to authorize the execution of the Master Casting Agreement with PennDOT. All aye votes.

REVIEW OF THE TOWNSHIP'S MINIMUM MUNICIPAL OBLIGATION REPORT FOR 2006 NON-UNIFORMED AND POLICE PENSION PLANS - Mr. Cotter provided copies of the 2006 Minimum Municipal Obligation for the Uniform and Non-Uniform Pension funds for the Board's review.

COMMISSIONERS COMMENTS: There were no comments from the Commissioners.

APPROVAL OF AMENDED BILL LIST - Commissioner Noll questioned a reimbursement for the Township Manager for his attendance at the ICMA conference. Mr. Cotter provided a brief summary of the topics which were discussed at the conference. A motion by Noll, seconded by Reeves, to approve the amended Bill List dated October 24, 2005, for General Fund in the amount of \$53,799.47; Fire Fund in the amount of \$1,565.51; Sewer Fund in the amount of \$8,068.49 and State Fund in the amount of \$139.27. Total Expenditures - \$63,572.74. All aye votes.

ROBERT SLOSS - 2097 Needhammer Road - Questioned an invoice for the Montgomery County Treasurer in the amount of \$6,868.50. Mr. Cotter explained this expenditure represents planning assistance from the Montgomery County Planning Commission.

APPROVAL OF MINUTES - September 28, 2005 - A motion by Noll, seconded by Schaeffer, to approve the minutes of the September 28, 2005 meeting as presented. All aye votes.

EXECUTIVE SESSION - At 8:20 P.M. Mr. Taylor announced the Board would meet in Executive Session to discuss a legal matter with no decisions being made. The meeting reconvened at 9:45 P.M.

ADJOURNMENT - There being no further business the meeting adjourned at 9:48 P.M.

Respectfully submitted,



Cynthia H. Saylor
Township Secretary

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