

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

November 9, 2005

A meeting of the Board of Commissioners was held on Wednesday, November 9, 2005, at the Upper Pottsgrove Township Administrative Offices, 1409 Farmington Avenue, with Commissioners Noll, Schaeffer, and Taylor present. Also present were Solicitor Gregory Shantz, Township Manager Michael Cotter and Township Secretary Cynthia Saylor. Commissioners Gallisdorfer and Reeves were absent. There were 30 people in the audience.

MOMENT OF SILENT PRAYER - Mr. Taylor requested a moment of silent prayer in honor 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.

EXECUTIVE SESSION - At 7:02 P.M. Mr. Taylor reported the Board would meet in Executive Session to discuss a personnel matter. The meeting reconvened at 7:26 P.M.

PUBLIC COMMENT:

ROBERT SLOSS - 2097 Needhammer Road - Questioned whether all the issues listed on the agenda would be voted on since two of the Commissioners are absent. Commissioner Taylor stated all items listed on the agenda would be discussed for the exception of the Wolf Run TCE mitigation issue.

CAROL WINPENNY - 1400 Farmington Avenue - Suggested the township send out a survey in order to give the residents a say in the public water provider. Mr. Taylor stated the Township is concerned for the residents safety with regards to the water contamination and will do whatever it can within the parameters of practicality and finances to provide them safe drinking water. Mr. Taylor explained the Wolf Run TCE mitigation discussion is being tabled until additional information can be obtained. Mr. Taylor stated there will be public notification of upcoming meetings regarding the water issues. Mrs. Winpenny expressed her concerned that the residents were never asked for their opinion with regards to the public water installation. Mr. Taylor stated the residents will have the option of having clean, safe drinking water or not.

DEIDRE SLIFER - 1443 Farmington Avenue - Questioned whether it is mandatory that the residents connect to public water. Mr. Taylor reiterated the residents will have the opportunity of having clean, safe water or not; nobody will be forced to connect. Mr. Cotter stated there will be consequences for not taking advantage of the water offer early on. When Mrs. Slifer questioned what type of consequences; Mr. Cotter stated "you will have to pay for it in the future." Mrs. Slifer requested clarification as to DEP's financial obligation. Mr. Cotter stated DEP's Statement of Decision can be downloaded from the Township's website and a copy is available at the office.

REPORTS:

POLICE CHIEF HIRING PROCESS - Mr. Taylor read the following statement from the Board of Commissioners: At the last meeting of the Board of Commissioners, a group of residents presented a Petition requesting that the Board rehire former Police Chief Charles Maddona. We, as a Board, accepted that Petition and, at the time, offered no comment.

POLICE CHIEF HIRING PROCESS CONT'D - As elected officials, each member of this Board feels a duty to respond to an issue that is so significant to the long term well being of the Township. Unfortunately, our Solicitor has advised us that there are legal reasons that would preclude members of this Board from discussing and comment upon the merit and substance of the request contained in the Petition. Our Solicitor has been in contact with Charles Maddona, as well as with his attorney, and, based upon his advice, we cannot comment upon or even consider the reinstatement of Charles Maddona to the position of Chief of Police of Upper Pottsgrove Township. However, the Board of Commissioners, as a whole, can state that it is committed to hiring the best qualified candidate for the position of Chief of Police. The position requires a person with solid credentials as both a leader and as a police professional. The officers in the Department and the citizens of Upper Pottsgrove deserve no less. The challenges facing our community require the Commissioners to search for the person we believe will best prepare our officers and the community to successfully meet those challenges. While my fellow Commissioners and I are committed to filling this position as quickly as our screening process permits, the process for identifying qualified candidates, and for allowing the community to meet finalists, takes time. During this interim period, the police department has been operating at a high level of services. Acting Chief Steve Sigoda has ably handled the difficult task of managing the Department through a period of great change and has kept the Department operating smoothly. Other senior officers, such as Al Werner have also been involved in making sure that the Department continues to provide the best possible protection and service to our community. Individual officers have developed new skills, such as Officers Wolf and Hanna becoming certified Field Training Officers; Officer Werner becoming a certified Firearms Instructor and Officer Crawford leading training on vehicle pursuit practices. Newly hired Officer Farrell was recently commended for his work in solving cases involving theft and robbery. And Officers Crawford and Zoski were recognized for their effort, on their own time, at raising nearly \$20,000 for the American Red Cross on behalf of Hurricane Katrina victims. On behalf of the Board, I want to thank each and every officer for their commitment and dedication during the past 18 months. Let me assure every resident of our community that as your elected representatives, we take seriously our responsibility to ensure that Upper Pottsgrove is a safe and livable community. We are committed to hiring the **best qualified candidate** for the position of Chief of Police as quickly as possible.

POLICE CHIEF HIRING PROCESS - Mr. Cotter stated the Township received seventeen applicants for the Police Chief's position and provided a brief explanation of the hiring process. Mr. Cotter stated by Friday the potential candidates will receive their first task as part of the hiring process. He further stated his goal is to have a new Police Chief as early in 2006 as possible.

DEIDRE SLIFER reiterated the fact that the Board can not talk about the Maddona issue; however she questioned whether it would be possible for him to return as Police Chief if he passes all the necessary tasks; Mr. Taylor stated "no comment."

Commissioner Reeves arrived at 7:40 P.M.

ROBERT SLOSS - 2097 Needhammer Road - Questioned the number of applicants for the Chief's position and asked if any of them are from the immediate area. Mr. Cotter stated one Officer

ROBERT SLOSS CONT'D - from the Department applied for the position and three or four are from Western Montgomery County.

MONTHLY FINANCIAL REPORT - Mr. Cotter provided a detailed summary of the monthly Financial Report and noted the Township is in a much stronger financial position within the Operating Fund as compared to last year.

ACTION ON RESOLUTION #465, THE UPPER POTTS GROVE TOWNSHIP GRADING ORDINANCE FEE SCHEDULE - Mr. Cotter explained this matter was tabled from the last meeting pending the Engineer's review of the fee schedule. After a brief discussion, it was agreed to table action on the fee schedule until the November 9, 2005, meeting.

ACTION ON RESOLUTION #466, ADOPTION OF THE UPPER POTTS GROVE TOWNSHIP CONSTRUCTION MANUAL - Mr. Cotter explained the Construction Manual takes the existing SALDO and Zoning provisions regarding construction of roads, sewers, water lines and curbing and compiles the information into the Construction Manual. Mr. Cotter stated he is asking the Board to adopt the Construction Manual by Resolution as a temporary measure and a formal adoption, by Ordinance, will follow in 2006. Mr. Cotter referenced a memo from the Solicitor dated September 8, 2005, which outlined several legal issues. He also noted a change in the language regarding the amount of time for developers to complete public improvements in the Township. A motion by Reeves, seconded by Schaeffer, to adopt Resolution #466 subject to the changes referenced in the Solicitor's letter of September 8 as well as approval of the Township Manager, Township Solicitor and Township Engineer. All aye votes.

When **DEIDRE SLIFER** questioned how she could obtain a copy of the Construction Manual; Mr. Cotter stated it is posted on the Township's website; however there is a "hard copy" available in the Administrative Office.

TOWNSHIP WEB PAGE STATUS - Mr. Cotter provided a power point demonstration of the Township's reformatted web page. When Commissioner Noll questioned whether the Township needs to obtain permission from the homeowners whose photographs are pictured on the web page; Mr. Cotter responded "no." Mr. Cotter advised he was looking for a slogan that the Township could use to present on how it (the Township) attempts to do business and noted the slogan "Ethics in Action" - Equity, Transparency, Honor, Integrity, Commitment and Stewardship. Mr. Steven Ailes, Park and Recreation Committee, explained the use of the dogwood flower as the Township symbol on the web page. Mr. Ailes stated the Park and Recreation Committee has discussed using the dogwood symbol and noted the Committee is looking to prepare a series of signs in an effort to identify all the parks, trails and recreation properties within the Township. Mr. Cotter encouraged the residents to use the web site and to share their ideas with the Administrative staff.

DEIDRE SLIFER - 1443 Farmington Avenue - Expressed concern regarding the cost of the proposed signs as recommended by the Park and Recreation Committee. Mr. Ailes stated that information is not available as this time.

When COMMISSIONER NOLL expressed his concern regarding the use of the dogwood and noted the dogwood is the symbol used by Phoenixville; Mr. Ailes stated the dogwood was very prevalent in the area and is significant to the history of the Township. He further stated the Park and Recreation Committee came up with the idea of the dogwood; however if anyone has a better idea they should share it with the Park and Recreation Board.

COMMISSIONER REEVES - Noted she was very impressed with the presentation.

ACTION ON THE APPOINTMENT OF TOM MATTINGLY AS THE UPPER POTTS GROVE TOWNSHIP FIRE COMPANY #1 FIRE CHIEF - Mr. Cotter stated Mr. Mattingly had the opportunity to meet with the Commissioners on a one on one basis and noted the Board is ready to take action regarding his appointment. Commissioner Schaeffer referenced the interview forum and stated he was very uncomfortable asking Mr. Mattingly the questions he had for him; however Mr. Mattingly afforded him the time to answer them all very satisfactorily and he feels confident that he will serve the Township well in his position as Fire Chief. A motion by Noll, seconded by Schaeffer, to appoint Tom Mattingly as Fire Chief of the Upper Pottsgrove Township Fire Company #1. All aye votes. Mr. Mattingly thanked the members of the Board. Renee Hoffman, member of the Fire Committee, expressed her thanks and appreciation to Mr. Mattingly.

ACTION ON THE HIGHVIEW II DEVELOPERS AGREEMENT - Mr. Cotter provided a brief history with regards to Highview II subdivision located on Needhammer Road and noted the financial security has been posted by Mr. Nester. Mr. Taylor confirmed there is an approved final plan for the project and has been reviewed by the Planning Commission. After discussion, a motion by Schaeffer, seconded by Noll, to accept the Developers's Agreement as presented including the financial security agreement. All aye votes.

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

ACTION ON THE SECOND ADDENDUM TO RENOVATIONS BY DESIGN WOODBROOK DEVELOPER'S AGREEMENT - Mr. Cotter reported the Second Addendum primarily deals with sewer matters for the project and provided a detailed explanation with regards to the provisions of the Woodbrook Developer's Agreement. After discussion, a motion by Schaeffer, seconded by Noll, to accept the Second Addendum to Renovations by Design Woodbrook Developer's Agreement. Aye votes: Noll, Schaeffer and Taylor. Abstain: Reeves. Motion carried.

CAROL WINPENNY - 1400 Farmington Avenue - Expressed her concern regarding possible blasting with the Farmington Avenue Sewer project. Mr. Cotter stated there will be a preconstruction meeting with the residents prior to the work commencing.

AUTHORIZATION TO HIRE A REPLACEMENT PATROLMAN - Mr. Cotter reported there are three (3) eligible candidates on the Civil Service List for the vacant police officer position. He further reported that Acting Chief Sigoda and Officer Werner interviewed the three candidates and have recommended the Township make a conditional offer of employment to Kenneth Smith. A motion by Schaeffer, seconded by Reeves, to offer Kenneth Smith a conditional offer of employment subject to the satisfactory completion of a physical and psychological exam with the condition of a twelve (12) month probationary period. All aye votes. Mr. Cotter advised the Board that the Police Department has been shorthanded for approximately six (6) weeks due to the fact that Officer Hummer was recently deployed to Iraq.

DARRYLE TILLMAN - 151 Rose Valley Road - Questioned the impact on overtime hours within the Police Department since they have been shorthanded. Mr. Cotter stated he would discuss the matter with Mr. Tillman and suggested he call the administrative office.

ROBERT SLOSS - 2097 Needhammer Road - Questioned the status of Officer Hummer if he chooses to come back to Upper Pottsgrove Township. Mr. Cotter stated Officer Hummer has certain rights under Pennsylvania law and federal law; if he chooses to return to the Township he will have a job at the end of his tour of duty.

#1-05 MALFARO SUBDIVISION - AUTHORIZATION TO APPROVE A 90-DAY REVIEW EXTENSION - A motion by Noll, seconded by Schaeffer, to approve a 90 day extension of time for review of the Malfaro Subdivision. All aye votes.

REVIEW OF AND AUTHORIZATION TO ADVERTISE THE FISCAL YEAR 2006 TOWNSHIP PRELIMINARY BUDGET - Mr. Cotter provided a detailed outline of the proposed 2006 Township preliminary budget and addressed the following issues: a potential raise in the Property Tax Millage rate; a potential raise in the Fire Protection Property Tax rate; an increase of 5% to the current Sewage rate due to the increasing operation and maintenance costs; the implementation of Fire Hydrant Fee, to be assessed on properties within 700 feet of a fire hydrant; a 5% increase in the Township's permit fee schedule; the implementation of a performance evaluation and merit pay system for non-uniformed employees and the hiring of a full-time building inspector/zoning officer. Mr. Cotter advised the 2006 Budget, in its preliminary form, will be available for public inspection and will be available for review in the Administrative Office on Monday, November 21, 2005.

AUTHORIZATION TO PURCHASE A REPLACEMENT COPIER, AND TO PURCHASE A DOCUMENT MANAGEMENT SOFTWARE SYSTEM FROM COPY WORLD - Mr. Cotter referenced his memo to the Board dated November 9, 2005, with regards to the copier and document management software proposal. Mr. Cotter stated three proposals were received from Ikon Office Solution, Ricoh and Copy World and recommended the Township purchase the copier from Copy World at a cost of \$7,958; the Document Management Software Bundle - \$11,950 and an annual maintenance fee of \$1,795. Commissioner Noll suggested the Board table action on the matter to allow sufficient time for the members to digest the information present with regards to the

AUTHORIZATION TO PURCHASE A REPLACEMENT COPIER, AND TO PURCHASE A DOCUMENT MANAGEMENT SOFTWARE SYSTEM FROM COPY WORLD CONT'D

new copier. After a brief discussion, a motion by Noll, to table action on the authorization to purchase a replacement copier. Motion died for lack of a second. After further discussion, a motion by Reeves, seconded by Schaeffer, to authorize the purchase of a replacement copier and to purchase a document management software system from Copy World as outlined by the Township Manager. Aye votes: Reeves, Schaeffer and Taylor. Opposed Noll.

ROBERT SLOSS - 2097 Needhammer Road - Questioned the plans for the old copier. Mr. Cotter stated he would check into the status of the Police Department's copier and give them the copier currently used by the Administrative staff and possibly give the copier utilized by the police to the Fire Company.

DIANA UPDEGROVE - 1402 Farmington Avenue - Stated she was happy to see the Township purchasing the document management software system and noted the information will be useful regarding the permit process.

APPROVAL OF BILL LIST - November 9, 2005 - A motion by Reeves, seconded by Schaeffer, to approve the amended Bill List dated November 9, 2005, for General Fund in the amount of \$10,000.13; Fire Fund in the amount of \$570.00; Sewer Fund in the amount of \$56,667.98 and State Fund in the amount of \$474.18. Total Disbursements: \$67,712.29. All aye votes.

COMMISSIONERS COMMENTS:

COMMISSIONER NOLL - Expressed his concern regarding better communication with regards to the Wolf Run Project and noted he is in agreement that a survey be sent to the residents. Mr. Cotter stated when we know what is going on we will communicate with the residents; however, the Township has nothing to communicate at this time.

APPROVAL OF MINUTES - October 12, 2005 - A motion by Noll, seconded by Schaeffer, to approve the minutes of the October 12, 2005 meeting as presented. Aye votes: Noll, Schaeffer and Taylor. Abstain: Reeves.

ROBERT SLOSS - 2097 Needhammer Road - Requested that his comments regarding newly hired police officers not being issued uniforms until their probationary period is completed be removed from the minutes of October 12, 2005. Mr. Sloss stated the information reflected in the minutes is incorrect. Mr. Taylor stated the Secretary will check the tape regarding the matter.

ADJOURNMENT - There being no further business, a motion by Reeves, seconded by Schaeffer, to adjourn the meeting at 10:26 P.M. All aye votes.

Respectfully submitted,

Cynthia W. Taylor