

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

November 28, 2005

A meeting of the Board of Commissioners was held on Monday, November 28, 2005, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners Gallisdorfer, Noll and Taylor present. Also present were Solicitor Charles D. Garner, Jr., Township Manager Michael Cotter and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:30 P.M. There were 22 people and a Mercury reporter present in the audience. Commissioners Reeves and Schaeffer were absent.

EXECUTIVE SESSION - Mr. Taylor reported the Board met in Executive Session prior to the meeting to discuss a personnel matter.

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.

STATEMENT FROM COMMISSIONER SCHAEFFER - Mr. Taylor read the following statement from Commissioner Schaeffer: "At this time, since I have missed several meetings recently including tonight, because of job expectations and work load I feel like I am no longer able to fulfill my obligations as a Commissioner nor my Committee obligations. They are so many important Township projects that require a great deal of time and commitment that I believe that my colleagues and the citizens of Upper Pottsgrove will be better served replacing me with an individual who has the time for this important position. With my family being my biggest priority, I must manage my non-work time in a way that is fair to them and second to the Township. I will not be able to achieve that balance in serving our Township as it needs and deserves to be served. I had a campaign phrase about my wife and daughter being my reason for running and looking toward the future. It is because of that commitment to my family that I am resigning. My new work commitments, combined with my increasing commitments to the Township have forced me for the past few months to miss time with them; time that could not be returned to me or to my wife and daughter. Therefore, I am tendering my resignation effective December 6, 2005. To all the residents I say thank you for your support, encouragement and faith in me. I will surely miss facing the challenges, finding solutions and serving you. To the Board, I again say thank you for all you have taught me. Spending time in this dynamic environment has truly taught me the art of compromise, the art of accepting defeat and most of all the art of making life long friends. Mr. Taylor I thank you for reading this in my absence. God bless you all. Thanks again." **COMMISSIONER TAYLOR** read the following personal response: "I am sincerely sorry that Ray has decided to resign from the Board of Commissioners. I have come to respect his dedication and contribution to the Upper Pottsgrove community. This may sound strange to those who remember the bitter campaign battle we waged two years ago. However, since then Ray's transition from a shoot from the hip candidate to consensus building Commissioner has won me over. I am confident that we would have been able to share space on the same campaign sign in the next election. His opinions and positions on public issues reflected his careful consideration of the available facts and not simply a personal agenda. Ray held his ground with honor as he bargained his opinions in public and in the open. And when

RESIGNATION CONT'D - there were differences of opinion he was willing to forge a compromise rather than perpetuate a conflict. This is the art of effective leadership. His articulate voice will be missed in our councils.

PUBLIC COMMENTS:

HERB MILLER - 184 Maugers Mill Road - Stated he was shocked at Commissioner Schaeffer's resignation and complimented Commissioner Taylor for his "nice words." Mr. Miller stated Mr. Schaeffer was never too busy to walk areas with him, look at steep slopes, wetlands and gave entirely of himself. He further stated it's a shame that the Township is losing a fine man.

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

PUBLIC WORKS REPORT - A copy of the monthly Public Works reported will be posted on the bulletin board.

BUILDING INSPECTION & CODE REPORT - The monthly Building Inspection and Code report will be posted on the bulletin board.

OPEN SPACE COMMITTEE REPORT - Mr. Cotter stated a copy of the recent Open Space Committee meeting was included in the Board members meeting packet.

SEWER COMMITTEE REPORT - Mr. Cotter stated a copy of the recent Sewer Committee meeting was included in the Board members meeting packet. Mr. Cotter reported the Sewer Committee reviewed the scope of work from LTL Consultants concerning the Regal Oaks Wastewater Treatment Plant, reviewed the Rouse Chamberlin Master Sewer Agreement and reviewed the 2006 proposed budget.

PARK AND RECREATION COMMITTEE REPORT - Mr. Cotter noted a copy of Park and Recreation meeting minutes were included in the Board members meeting packet. Mr. Cotter reported the Committee had a lengthy discussion concerning the proposed recreational signs and reviewed the 2006 budget.

PLANNING COMMISSION - Mr. Taylor stated most of the Planning Commission activities will be discussed later on the agenda.

ENGINEER'S REPORT - It was noted that the monthly Engineer's Report would be posted on the bulletin board. **ROBERT SLOSS - 2097 Needhammer Road** - Referenced the Engineer's Report where it was noted that the detention basin within the Highview II Subdivision was not installed per plan and LTL Consultants has requested documentation that it will function properly. Mr. Sloss expressed concern that if the detention basin was not installed according to the approved plan it should have been removed and redone and as far as documentation that it will function properly - LTL should assume the financial liability. Mr. Cotter stated he would address the matter with the Township Engineer who was not present at the meeting. Mr. Sloss referenced the hiring

ROBERT SLOSS CONT'D - of a full-time Code Enforcement Officer and expressed concern regarding the enforcement of the Township codes.

COMMISSIONER NOLL requested that the members of the Board are provided a copy of the explanation regarding the detention basin installation.

SOLICITOR'S REPORT - Attorney Garner reported his monthly activities include water and sewer issues and working with the Township Manager with regards to the police negotiations.

MANAGER'S REPORT - Mr. Cotter reported that newly hired Patrolman Kenneth Smith has started his training and will be sworn in at the December 14, 2005 meeting.

ACTION ON RESOLUTION #467 - ADOPTION OF A GRADING PERMIT FEE SCHEDULE - A Resolution establishing fees associated with applications and permits for grading within Upper Pottsgrove Township. A motion by Gallisdorfer, seconded by Noll, to adopt Resolution #467. All aye votes.

ACTION ON RESOLUTION # 468 - THE WOLF RUN PROJECT GRANT AGREEMENT IN THE AMOUNT OF \$1.94 MILLION - A Resolution of Upper Pottsgrove Township authorizing the submission and execution of a grant agreement with the Pennsylvania Department of Environmental Protection implementing the Wolf Run TCE Interim Response - Mr. Cotter noted a flaw in the resolution and noted the fourth paragraph should read - Whereas the Department has secured a **preliminary** \$1.94 million to implement the Interim Response under the Pennsylvania Hazardous Sites Cleanup Act (HSCA). Mr. Cotter explained the Agreement would secure the funding for the project and also noted the figure of \$1.94 million could change. A motion by Gallisdorfer, seconded by Noll, to adopt Resolution #468. All aye votes.

ROBERT SLOSS - 2097 Needhammer Road - Requested clarification regarding the attachments associated with the resolution pertaining to the "Draft Grant Scope of Work." Mr. Cotter responded the pages attached to the resolution are the major conditions of the grant agreement.

There was a brief discussion regarding the abandonment of contaminated wells as described in the Statement of Decision for the Wolf Run TCE site.

COMMISSIONER GALLISDORFER stated she would not support the abandoning of wells.

CAROLYN DILLON - 943 Farmington Avenue - Expressed concern that her property, that does have a contaminated well, is not included in the objectives listed in the Draft Grant Scope of Work.

COMMISSIONER GALLISDORFER - Expressed concern that there are a handful of Mervine Street homeowners not listed in the objectives and asked that they be included. Mr. Cotter stated he would look into the matter.

DEIDRE SLIFER - 1443 Farmington Avenue- Questioned whether residents with contaminated wells must connect to the public water. Mr. Taylor stated if you are located in the defined area you will have the option of connecting now at no cost or later at cost. Mr. Cotter explained if you are going to accept the offer of having the connections run you will have to tie in; you can't have the pipes run to your house and not tie into the system.

GILBERT DUNCAN - 72 Hanover Drive - Questioned what will happen if Superior's wells get contaminated in the future. Mr. Duncan reiterated that the residents are not paying for the public water hook up.

MARK SALVATORE - 1984 Orlando Road - Expressed concern regarding the monitoring of the wells.

REVIEW OF OPTIONS FOR THE IMPLEMENTATION OF THE WOLF RUN PROJECT -

Mr. Cotter reported he met with representatives from Superior Water regarding their possible participation in the entire Wolf Run project. Mr. Cotter stated there is a large funding discrepancy between what DEP can provide the Township and what the developers are contributing to the Township for the project vs what the initial cost estimate received from what the Borough Authority was. He further stated there is nearly a \$4 million dollar discrepancy. Mr. Cotter advised that Superior Water provided the Township with a preliminary estimate of approximately \$2.4 million; however, at a recent meeting Superior indicated that this estimate can be reduced by nearly 400,000. The revised estimate includes Heather Place, Farmington Avenue but excludes Commerce Drive. Mr. Cotter explained the issue before the Township is which water supplier shall the Township contract with to provide potable water to the Wolf Run project area. The question of whether or not to provide public water was settled by PADEP upon the issuance of the Statement of Decision, which states that public water shall be supplied, at the Commonwealth's expense to the affected properties. The only question now is by whom and at what cost. Mr. Cotter noted that Superior Water can commence work within 30 days of receiving the permit from PADEP for the project which means the project could be completed by Superior by late spring of 2006. The Pottstown Authority has indicated that late 2006, or spring of 2007 would be when the project would be started, with completion no later than fall of 2007. The Board discussed in detail the options and service rates submitted by Superior Water vs Pottstown Borough Authority. Another issue discussed was the abandonment of wells. Superior will not require the abandonment of wells for outdoor uses which means that with the installation of a yard hydrant, residents can use their wells for watering gardens and washing cars. The Authority will require that wells be abandoned and backfilled.

GILBERT DUNCAN - 72 Hanover Drive - Referenced the installation of a yard hydrant, in order for residents to use their wells for watering their gardens and washing cars and noted a check valve would be installed on the well to house water line preventing residents from using well water in their homes. Mr. Duncan expressed his concern regarding inspections and questioned if the tanks would be chlorinated. Mr. Duncan suggested that the new Board members make the final decision on this matter. Mr. Taylor stated the new members of the Board are being updated on the matter before the current Board.

CAROLYN DILLON - 943 Farmington Avenue - Expressed her concern and questioned why would anyone want to use contaminated water for watering their gardens. Mrs. Dillon urged the members of the Board to do as much scientific research as possible regarding the TCE's.

ROBERT SLOSS - 2097 Needhammer Road - Questioned DEP's official position regarding putting contaminated water into the environment. George Horvath, stated the DEP does not have the ability to mandate the closure of wells.

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 - Mr. Taylor provided a brief history with regards to the proposed Pottstown Metropolitan Regional Comprehensive Plan and noted the purpose of the public hearing is to give the public a chance to provide their comments. John Cover from the Montgomery County Planning Commission was present at the meeting. It was noted that Mr. Cover had previously made several presentations to the Upper Pottsgrove Township Planning Commission as well as the Board of Commissioners.

GILBERT DUNCAN - 72 Hanover Drive - Questioned who would be voting on the Regional Comprehensive Plan at tonight's meeting since only three members of the Board are present. Attorney Garner stated that three (3) members out of a five (5) member Board constitutes a quorum and it's a valid body to take action if they desire. Mr. Duncan suggested the members table action until all members of the Board are present.

ROBERT SLOSS - 2097 Needhammer Road - Noted there are eight (8) townships involved in the Regional Comprehensive Plan and questioned what happens if one of the Township's opts out of the program. Mr. Garner stated that initially all municipalities must approve and take action in regards to the plan by the end of the year. Mr. Cover stated that three municipalities have already taken action and the remainder will take place by the end of the year.

RESOLUTION #469 - A Resolution of Upper Pottsgrove Township Board of Commissioners to adopt the Pottstown Metropolitan Regional Comprehensive Plan. A motion by Gallisdorfer, seconded by Noll, to adopt the Pottstown Metropolitan Regional Comprehensive Plan. All aye votes.

ORDINANCE # 387 - An Ordinance of the Upper Pottsgrove Township Board of Commissioners, to adopt the Pottstown Metropolitan Regional Intergovernmental Cooperative Implementation Agreement for Regional Planning. A motion by Gallisdorfer, seconded by Noll, to adopt Ordinance #387. All aye votes.

COMMISSIONER GALLISDORFER - Expressed her thanks and appreciation to all those involved with the Pottstown Metropolitan Regional Plan.

HANOVER ESTATES EXTENSION - Attorney Garner presented a recitation of the history of Hanover Estates. The Hanover Estates plan was initially submitted in May of 2002. From May 2002 through April 2004 three revised plans were submitted and by April 13, 2004, LTL Consultants had completed its fourth review of the plan. In August of 2004, the Board of Commissioners approved a layout of the Hanover Estates tract with the Bachman tract so as to permit the development of central open space between the two properties. In October of 2004, the Board of Commissioners granted a 278 day extension to the Applicant. In September, 2005, no revised plans had been submitted and the Board of Commissioners granted a 60 day extension to the Applicant until November 28, 2005. In October, 2005, the Township Solicitor forwarded a letter to the Applicant indicating that no additional extensions would be granted. No revised plans were received by the Township until midday on November 28, 2005. The Applicant was present and addressed the Board as to the reasons for the need to submit the revised plan on the day of the meeting. Commissioner Noll explained his concern regarding not seeing the revised plans prior to the meeting. Commissioner Taylor explained the denial process and stated that a "new plan" would be reviewed under the current R-1 zoning ordinance. Mr. Taylor noted the plan is currently being developed under the R-2 zoning requirements. After discussion among the Commissioners, a motion by Gallisdorfer, seconded by Noll, to deny the preliminary plan of Hanover Estates for the reasons set forth in the LTL Consultants letter of April 13, 2005 and to direct the Solicitor to send written notice of the denial. All aye votes.

PUBLIC HEARING

409 EVANS ROAD - CONDITIONAL USE HEARING - Attorney Garner reported that the Township received a letter from the Applicant's Engineer requesting that the Conditional Use Hearing for 409 Evans Road be continued in order for him to provide an environmental and visual inventory of the site. The Conditional Use Hearing was continued and rescheduled for January 23, 2006 at 8:00 P.M.

HERB MILLER - 184 Maugers Mill Road - Reported the Planning Commission reviewed the Conditional Use Application and unanimously agreed that there was a lack of information in order for them to make a recommendation.

ACTION ON THE EXECUTION OF THE ROUSE CHAMBERLIN SUMMER'S GROVE DEVELOPER'S AGREEMENT - Action was tabled until the December 14, 2005 meeting.

REVIEW OF THE ROUSE CHAMBERLIN AND ROSEN GROUP MASTER SEWER IMPROVEMENT AGREEMENT - Mr. Cotter updated the members of the Board with regards to the Rouse Chamberlin and Rosen Group Master Sewer Improvement Agreement and noted that we are very close in finalizing the Agreement.

ACTION ON THE ROUSE CHAMBERLIN SUMMER'S GROVE GRINDER PUMP OPERATION AND MAINTENANCE AGREEMENT - A motion by Noll, seconded by Gallisdorfer, to approve and authorize execution of the Rouse Chamberlin Summer's Grove Grinder Pump Operation and Maintenance Agreement upon review of the Township Solicitor and Engineer. All aye votes.

MOTION TO ACCEPT PROPOSALS FOR A TAX ANTICIPATION NOTE NOT TO EXCEED \$300,000.00 - A motion by Gallisdorfer, seconded by Noll, to accept proposals for a Tax Anticipation Note not to exceed \$300,000.00. All aye votes.

REVIEW OF THE DRAFT OPEN SPACE PRESERVATION PLAN - Herb Miller, Chairman of the Open Space Committee, was present and provided a detailed summary of the goals and objectives as outlined in the Township's Open Space Preservation Plan. Mr. Miller stated he has been a volunteer in Upper Pottsgrove Township for the past 8 ½ years and noted the "team work" that has made this plan possible. Mr. Miller advised the strategic open space protects water sources, safeguards wild life habitat, controls flooding, and preserves historic landscapes. Mr. Miller encouraged the members of the Board to pay special attention to Chapter 2 and Chapter 12 of the Open Space Preservation Plan. He expressed his thanks and appreciation to Mike Narcowich and John Cover from the Montgomery County Planning Commission for their hard work, dedication and knowledge with regards to the preservation of open space. Mr. Cotter added that the Open Space Plan outlines a series of goals and objectives which are incorporated in Chapter 2 and talks about methods for protecting open space both by purchasing easements and land and also talks about non-cash acquisition methods to preserve open space. Mr. Cotter referenced Chapter 13 where it details the implementation of the plan. Mr. Cotter reported the Open Space Committee will be asking to meet with the members of the Board to discuss funding and noted the Township has been allotted approximately \$800,000 in County funding for open space acquisition. Commissioner Noll stated he was very impressed with the plan and expressed his thanks and appreciation to Mr. Miller for his "passion" in preserving open space.

GARY NOVACK -1433 North Hanover Street - Thanked Mr. Miller for his "passion" and efforts with regards to the preservation of open space. Mr. Novak expressed concern regarding the entrance to Marchaniuk Meadows.

ACTION ON THE BOERNER SEWER PLANNING MODULE - A motion by Noll, seconded by Gallisdorfer, to submit the Boerner Sewer Planning Module to DEP. All aye votes.

ACTION ON THE MALFARO MINOR SUBDIVISION SEWER PLANNING MODULE - A motion by Gallisdorfer, seconded by Noll, to submit the Malfaro Sewer Planning Module to DEP. All aye votes.

COMMISSIONER SCHAEFFER RESIGNATION - A motion by Noll, seconded by Gallisdorfer, to accept with regret the resignation of Commissioner Ray Schaeffer effective December 6, 2005. All aye votes.

COMMISSIONER COMMENTS - There were no comments from the Commissioners.

APPROVAL OF BILL LIST - November 28, 2005 - Commissioner Gallisdorfer questioned the purchase of computer supplies and the reimbursement to the Township Manager. Mr. Cotter stated he purchase a projector for use at the meetings and an anti-virus protection for the office computers. Mrs. Gallisdorfer also questioned invoices from Occupational Health and Copy World.

APPROVAL OF BILL LIST CONT'D - November 28, 2005 - After a brief discussion, a motion by Noll, seconded by Gallisdorfer, to approve the Bill List dated November 28, 2005 for General Fund in the amount of \$56,913.50; Fire Fund in the amount of \$1,565.51; Sewer Fund in the amount of \$91,464.21 and State Fund in the amount of \$762.71. Total Disbursements - \$150,705.93. All aye votes.

ROBERT SLOSS - 2097 Needhammer Road - Expressed concern regarding the cost of providing flu shots for the employees when the Township pays \$15,000 a month to Keystone Health. It was noted that the monthly expenditure to Keystone Health Plan East is for hospitalization for the employees.

APPROVAL OF MINUTES - October 24, 2005 - Action on the October 24, 2005, minutes was tabled due to a lack of quorum of Board members present at that meeting (October 24).

EXECUTIVE SESSION - At 9:10 P.M. Mr. Taylor stated the Board would be meeting in Executive Session to discuss matters of personnel and potential litigation. The meeting reconvened at 10:12 P.M.

ADJOURNMENT - There being no further business the meeting adjourned at 10:15 P.M.

Respectfully submitted,



Cynthia H. Saylor
Township Secretary