

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

December 14, 2005

A meeting of the Board of Commissioners was held on Wednesday, December 14, 2005, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners Gallisdorfer, Noll, Reeves, and Taylor present. Also present were Solicitor Charles D. Garner, Township Engineer John Theisen, Township Manager Michael A. Cotter and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:07 P.M. There were 35 people and a Mercury reporter present in the audience.

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.

OFFICER KENNETH SMITH SWEARING-IN CEREMONY - Judge Palladino was present to administer the oath of office to newly hired Police Officer Kenneth Smith.

PUBLIC COMMENT:

COMMISSIONER TAYLOR read the following statement: I'd like to recognize both Mrs. Reeves and Gallisdorfer for their dedication and the time they spent as members of this Board of Commissioners. Most everybody has, and expresses opinions about what they think is wrong with government and what they would do differently if it were up to them; but very few are ever willing to actually enter the political fray and defend their decisions in the demanding and sometime raucous court of public opinion. Bobbi and Julie are among the few to make that sacrifice. They openly campaigned on their issues and strove to fulfill the promises they made to their constituents. Like any elected official, their term of office was not without controversy, and I did not always agree with their actions. However, the truth is that they have served our community during a time of rapid growth and have recommended and enacted changes that will facilitate our community's future progress and stability. Julie's zeal for environmental protection and her research and knowledge of the myriad laws that support it will exert a lasting and healthy influence on the ordinances and deliberations of our Township for years to come. Bobbi's knowledge and advocacy of professional business standards has helped bring efficiencies and structure to our administrative services that will continue to pay high dividends for staff and citizens alike long after her tenure is complete. Some may choose this occasion to criticize and condemn, but as one who has "spent time in the trenches" I will thank them for listening to me and giving me the chance to influence their agenda. I congratulate them for their commitment to our community and wish them well in their future endeavors.

COMMISSIONER GALLISDORFER read the following statement: I hadn't intended on making a statement but felt that having committed myself for the last four years in public service for Upper Pottsgrove Township I could not simply walk away without saying anything about my reflections on those years I served as your Commissioner. First and foremost, I would like to thank my husband and daughter who gave their unconditional support throughout this time. Whose love and understanding for the time necessary to serve in my role as Commissioner is immeasurable. To my

COMMISSIONER GALLISDORFER CONT'D - daughter Jordan who many times said “Do you have to go to a meeting” I can now say “Let’s you and I go and do something fun.” For the many friends and acquaintances that I have made over these (Dennis, Bobbi, Herb, Dr. Katz, Michelle, Donna & Buzz, Eileen, Shannon and a good friend from Binghamton, NY and so many more to mention that time does not allow) I am forever grateful to the friendship, support, mentoring, kindness and education you have given me.

While there have been many challenges both personally and professionally during my term I have had the opportunity to learn from those individuals who have assisted my growth and learning of the “political world” both Democrats and Republicans from Governor Rendall to Senator Rafferty, to Berks and Montgomery Commissioners Mark Scott and Ruth Damsker to Pottstown Mayor Ann Jones who continue to strive in serving the betterment of the people. You have taught me well and for this I thank you.

Some people stated I had a personal agenda when I ran for office. Of this I don’t deny. My personal agenda of which I ran were to address the issues that some felt uncomfortable with, some controversial, some not, but always what I thought would make Upper Pottsgrove a better place to live and improve the quality of life here. This included the fight to close the Pottstown Landfill which was accomplished in October of this year, the need to address the quantity and quality of water not only in and around our community but throughout the Commonwealth; and I’m proud to say that many people in our community and the state felt the same and the Commonwealth has responded. We addressed the concern of “sprawl” in our community by working with developers to have smart growth that both Upper Pottsgrove and our neighboring communities and developed smart and more stringent codes and ordinances that must now be followed.

While I may not be serving Upper Pottsgrove in the role of Township Commissioner, I have been asked to continue to serve on the Delaware Basin Water Committee for the Commonwealth which will allow me the opportunity to continue to indirectly serve the betterment of our community.

To Elwood, Bobbi, Chuck and Michael... Job Well Done....To the Staff, thank you for all of your support and assistance in helping us get all these tasks accomplished. To the volunteers who serve on various committees and give of their time willingly and unselfishly.... thank you for all that you do....If I have forgotten to thank anyone it is not intentional.

As the saying goes; a job worth doing is worth doing well and I believe it holds true in this case.

Thank you for allowing me the opportunity to have served you and I wish you all well.

COMMISSIONER REEVES read the following statement: This week I reflected on my four years of service as a Commissioner in Upper Pottsgrove Township. While my first two years were somewhat disappointing, my second two years proved to be pivotal and brought Upper Pottsgrove Township into the 21st century.

COMMISSIONER REEVES CONT'D - We experienced many challenges, changes, and at the same time opportunities to transform Upper Pottsgrove Township into a fiscally sound professional organization. While we faced many obstacles, I am happy to convey, if you hadn't noticed, we've made tremendous progress.

We hired Mr. Garner as our Solicitor. We hired Mr. Cotter as our Township Manager and Officer Sigoda has been serving as our Interim Police Chief and **ALL** have done an exceptional job!

Programs have been implemented to help our township run more efficiently than ever before. We began to build robust relationships with developers, and implemented strategic planning. Project Management was executed to keep the Board and Staff up to date on each and every project in our township. These were essential undertakings in order to prepare for the water and sewer improvements and the rapid growth that our township will face in 2006.

While we're headed in the right direction, we need more people to support the Board. I realize everyone is busy and I wouldn't ask you to attend every meeting. But I would ask you to try to attend a few meetings to better understand the projects and issues that affect **ALL WHO LIVE HERE**.

Instead, we get a few people that come to our meetings with an agenda. The meetings begin with criticism of our knowledge. Many times we're presented with petitions that contain signatures of people who have no idea of what they signed. A recent example is the petition circulating which addressed the return of a former township employee, while the petitioners had no understanding of the facts or issues involved. The same people express displeasure almost every step of the way, and during meetings feel the need to exhibit unacceptable behavior. Another item worth mentioning is the **Communique's**. For those of you who are members, involved in, or support **The Pottsgrove Alliance for Ethically Responsible, Government and Journalism**, your communiques continue to make available, false and misleading statements, which are damaging to individuals who are only trying to serve their community. I don't see YOU doing anything productive to improve our township. You have no facts; you appear to have no data to support the topics you write about, and some of your remarks border on slander and criminal intent. Your calculated attacks on specific individuals are deliberate, cruel and uncalled for!

Commissioners, may I remind you, are elected officials who dedicate their time to serve you. We have full time jobs and families and still find the time to attend various types of meetings whether it's Board Meetings, Planning Meetings, Open Space Meetings, Regional Meetings, and the list goes on. I know that some of you think we get paid to do this job, so I want to take this opportunity to clarify that our salary is \$3.00 per day and that's the gross amount with no health benefits.

With that said, I want to take this opportunity to thank the Board members, thank Michael, thank Chuck and thank my husband as well and all of you who have supported me during my four years.

COMMISSIONER REEVES CONT'D - I want to take this opportunity to wish Megan DeLena and Pete Dolan all the best as they begin to serve as your Commissioners in 2006.

It is my opinion that Our Township has never been in a better place both professionally and fiscally.

As JFK stated....this is the township version:

Ask not what your Township can do for you but what you can do for your Township!

Thank you for this four year experience and the opportunity to serve as your Commissioner.

GILBERT DUNCAN - 72 HANOVER DRIVE - Addressed Commissioners Reeves and Gallisdorfer and wished them well “wherever they may go.” Mr. Duncan addressed Mrs. Gallisdorfer and stated he asked her three years ago to apologize to former auditors; Mr. Hughes, Mrs. Hollenbach and Mrs. Swavely and noted the Township has lost a lot of “good people.” Mr. Duncan expressed his concern regarding the renewal of the Manager’s contract and stated he is not in favor of reinstating Mr. Cotter. He also expressed his concern regarding the cost associated with the purchase of the new copier for the Administrative office.

DEIDRE SLIFER - 1443 Farmington Avenue - Stated she was in agreement with Mr. Duncan’s comments.

MONTHLY FINANCIAL REPORT - Mr. Cotter provided a detailed summary of the Financial Report for the month of November and noted some of the highlights as depicted on the reports.

REGINALD LEISTER - 1693 Farmington Avenue - Requested a clarification with regards to the annual amount of Liquid Fuels revenue. Mr. Cotter stated approximately \$88,000.

ACTION ON THE FISCAL YEAR 2006 TOWNSHIP FINAL BUDGET - Mr. Cotter reported there are copies of the 2006 Budget available. Mr. Cotter explained the following changes: the final budget contains no increase in property taxes; there is a fire protection special purpose tax increase that will raise the millage from 0.25 to 0.375 mills and noted that money is designated for providing operating revenues for the Fire Company; an increase in the line item for police uniforms from \$3,000 to \$6,000; an increase in the minor equipment line item for the police from \$2500 to \$4900 which will be used to purchase bullet proof vests for the new police officers; an increase in fuel costs; a change in the operating fund to reflect the proposed 4% pay increase for non-uniform employees and an increase in the base salary for the Police Chief’s salary from \$65,000 to \$74,900. After further discussion, a motion by Gallisdorfer, seconded by Reeves, to approve the 2006 budget. All aye votes.

ACTION ON ORDINANCE #388, FIXING THE REAL PROPERTY TAX MILLAGE FOR 2006- An Ordinance of the Upper Pottsgrove Township Board of Commissioners, Montgomery County, Pennsylvania, fixing the Real Property Tax Millage for the Year 2006. A motion by Gallisdorfer, seconded by Reeves, to adopt Ordinance #388. All aye votes.

ACTION ON RESOLUTION #471, FIXING THE ACT 511 TAX RATES FOR 2006 - Continuing in Force Without Change for Calendar Year 2006 the Realty Transfer Tax, Earned Income and Net Profits Tax, Occupational Privilege Tax, and Per Capita Tax, and Rates Thereof, as imposed by Chapter 24 of the Township of Upper Pottsgrove Code of Ordinances. A motion by Gallisdorfer, seconded by Noll, to adopt Resolution #471. All aye votes.

ACTION ON RESOLUTION #472, FIXING THE EMPLOYEE PENSION PLAN CONTRIBUTION RATE FOR 2006 - A Resolution of Upper Pottsgrove Township Board of Commissioners stating that payments into the Police and Non-Uniformed Retirement Plan, by Police and Non-Uniform persons shall be eliminated and not required during the year 2006. A motion by Gallisdorfer, seconded by Reeves, to adopt Resolution #472. All aye votes.

AUTHORIZATION TO NEGOTIATE WITH SUPERIOR WATER TO ACT AS THE PUBLIC WATER SUPPLIER FOR THE WOLF RUN TCE MITIGATION PROJECT - A motion by Gallisdorfer, seconded by Noll, to negotiate with Superior Water to act as the public water supplier for the Wolf Run TCE Mitigation Project. All aye votes.

ACTION ON THE EXECUTION OF THE ROUSE/CHAMBERLIN SUMMER GROVE DEVELOPER'S AGREEMENT - A motion by Reeves, seconded by Gallisdorfer, to approve and authorize execution of the Rouse/Chamberlin Summer Grove Developer's Agreement. All aye votes.

ACTION ON THE EXECUTION OF THE ROUSE/CHAMBERLIN AND ROSEN GROUP MASTER SEWER IMPROVEMENT AGREEMENT - A motion by Gallisdorfer, seconded by Noll, to authorize execution of the Rouse/Chamberlin and Rosen Group Master Sewer Improvement Agreement, in a form acceptable by the Township Solicitor, Engineer and Manager. All aye votes.

HENRY BEALER - 1382 Farmington Avenue - Expressed concern regarding the size of the pipe and the location of the work trailer.

ACTION ON A RESOLUTION #473 ACCEPTING THE FULTON BANK TAX ANTICIPATION NOTE IN THE AMOUNT OF \$300,000 -INTEREST RATE OF 3.5% - A motion by Reeves, seconded by Gallisdorfer, to adopt Resolution #473 accepting the Fulton Bank Tax Anticipation Note in the amount of \$300,000. All aye votes.

RESOLUTION #475 - REVIEW OF AND POSSIBLE ACTION ON THE MALFARO SIMPLE SUBDIVISION PLAN - A motion by Gallisdorfer, seconded by Reeves, to adopt Resolution #475. All aye votes.

At 8:30 P.M. Mr. Taylor announced there would be a brief recess prior to the Renovations by Design Pineford and Cross Road Curative Plan Hearing.

RENOVATIONS BY DESIGN PINEFORD AND CROSS ROAD CURATIVE PLAN

HEARING - Mr. Garner opened the hearing on the Curative Amendment Application filed by Renovations by Design at 8:40 P.M. Mr. Gregg Adelman, Esquire with Kaplin, Stewart, Meloff, Reiter & Stein, P.C. were present representing the applicant, Richard Mingey. Attorney Garner stated at the time of the prior hearing there were five (5) parties of record in addition to the applicant who received notice of the hearing. He further noted the purpose of this hearing it to obtain any other evidence with respect to the Curative Amendment Application. Mr. Garner noted no one was present to provide additional evidence. The hearing was continued to January 23, 2006 at 8:00 P.M. Mr. Garner closed the hearing at 8:50 P.M.

RESOLUTION #474 - REVIEW OF AND POSSIBLE ACTION ON, THE DANNY JAKE, INC. BACHMAN PRELIMINARY LAND DEVELOPMENT PLAN

Mr. Cotter provided a brief summary of the Preliminary Land Development Plan and stated the plan depicts thirty-nine (39) single-family dwellings on a property located on the south side of Maugers Mill Road between Farmington Avenue and Hanover Street. It was noted that the Upper Pottsgrove Planning Commission reviewed the Preliminary Plan and recommended approval subject to certain conditions. After discussion, a motion by Gallisdorfer, seconded by Reeves, to adopt Resolution #474. All aye votes.

EXECUTIVE SESSION - At 8:55 P.M. Mr. Taylor stated the Board would meet in Executive Session to discuss a personnel matter and a legal matter. The meeting reconvened at 9:55 P.M.

ACTION ON AN ADDENDUM TO THE TOWNSHIP MANAGER'S EMPLOYMENT AGREEMENT

Attorney Chuck Garner provided a brief overview of the proposed addendum to the Township Manager's Employment Agreement and noted the following changes: a base salary for the calendar year 2006 of \$79,500, minor revisions to the language with regards to sick leave, a provision for executive leave, modification regarding the severance provision of the contract and the addendum recognizes the Township Manager's ability to work from home under certain parameters. A motion by Gallisdorfer, seconded by Reeves, to approve the addendum to the Township Manager's Employment Agreement effective January 1, 2006 to December 31, 2006. Aye votes: Gallisdorfer, Reeves and Taylor. Opposed: Noll. Motion carried.

DEIDRE SLIFER - 1443 Farmington Avenue - Requested clarification regarding the expiration of the Township Manager's contract - Mr. Taylor stated the Manager's current contract expires on December 31, 2005 and noted the addendum to the Employment Agreement will extend the contract from January 1 to December 31, 2006.

GILBERT DUNCAN - 72 Hanover Drive - Requested clarification with regards to the Manager's severance package. Mr. Taylor explained as of January 1, 2006 the Manager is entitled to a six (6) month severance package if he is removed without cause. When Mr. Duncan questioned if the public would have access to the Addendum to the Manager's contract; Mr. Garner stated it is public record.

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APPROVAL OF BILL LIST - December 14, 2005 - A motion by Reeves, seconded by Gallisdorfer, to approve the Bill List dated December 14, 2005, for General Fund in the amount of \$294,950.49; Fire Fund in the amount of \$1,185.61; Sewer Fund in the amount of \$4,975.92; State Fund in the amount of \$270.94 and Park and Recreation Fund in the amount of \$12.26. Total Disbursements - \$301,395.22. All aye votes.

APPROVAL OF MINUTES - Amended Minutes of October 12, 2005 - A motion by Reeves, seconded by Noll, to approve the minutes of the October 12, 2005, meeting as amended. Aye votes: Noll, Reeves and Taylor. Abstain: Gallisdorfer. Motion carried.

ADJOURNMENT - There being no further business, a motion by Reeves, seconded by Gallisdorfer, to adjourn the meeting at 10:03 P.M. All aye votes.

Respectfully submitted,



Cynthia H. Saylor
Township Secretary