

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

January 3, 2006

The reorganizational meeting of the Board of Commissioners was held on Tuesday, January 3, 2006, at the Upper Pottsgrove Administrative Offices, 1409 Farmington Avenue, with Commissioners Noll, and Taylor present. Also present were Township Solicitor Charles D. Garner, Township Manager Michael Cotter and Township Secretary Cynthia Saylor. Mr. Cotter called the meeting to order at 7:30 P.M. There were 35 people present in the audience.

MOMENT OF SILENT PRAYER - Mr. Cotter 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.

OATH OF OFFICE - Judge Palladino administered the oath of office to newly elected Commissioners Dolan, DeLena, Noll and Township Treasurer Michelle Reddick.

NOMINATION FOR THE BOARD OF COMMISSIONER'S PRESIDENT - Mr. Cotter opened nominations for President of the Board of Commissioners. A motion by Noll, seconded by DeLena nominating Elwood Taylor as President. All aye votes.

NOMINATION FOR THE BOARD OF COMMISSIONER'S VICE PRESIDENT - Mr. Cotter opened nomination for Vice President. A motion by Dolan, seconded by DeLena, nominating Russell Noll as Vice President. All aye votes.

APPOINTMENTS

ACTION ON RESOLUTION #476, APPOINTING KENNETH IATESTA AS COMMISSIONER TO FILL THE EXISTING VACANCY CAUSED BY THE RESIGNATION OF RAY SCHAEFFER - A Resolution appointing Kenneth L. Iatesta as Commissioner in Upper Pottsgrove Township to fill the existing vacancy caused by the resignation of Ray Schaeffer. A motion by DeLena, seconded by Dolan, to adopt Resolution #476. All aye votes.

OATH OF OFFICE FOR COMMISSIONER APPOINTEE - Judge Palladino administered the oath of office to Commissioner Appointee Kenneth Iatesta.

APPOINTMENTS - Mr. Taylor reported a resolution is required for the appointment of Linda Coleman as Assistant Secretary and noted action would be tabled to a future meeting. It was also noted that a resolution is required for the appointment of Zoning Hearing Board members Henry Shontz and Scott Newton. A motion by DeLena, seconded by Iatesta, to approve the following appointments of Manager, Secretary, Treasurer, Solicitor, Engineer, Planning Commission, Park and Recreation Committee, Open Space Committee, Fire Committee, Sewer & Water Committee, Civil Service Committee, Pottstown Area Regional Planning Committee, Vacancy Board, Audit Accountant, Zoning Officer, and Building Inspector. All aye votes.

RESOLUTION #477 - A Resolution appointing Henry Shontz and Scott Newton to the Zoning Hearing Board both terms to expire on December 31, 2008. A motion by Noll, seconded by DeLena, to adopt Resolution #477. All aye votes.

APPROVAL OF TREASURER=S BOND - A motion by DeLena, seconded by Dolan, to approve the Treasurer=s bond in the amount of \$227,000. All aye votes.

APPOINTMENT OF DEPOSITORIES - A motion by Iatesta, seconded by Noll, designating Pennsylvania Local Government Investment Trust, Fulton Financial Bank, Sovereign Bank and Fulton Financial Advisors as bank depositories. All aye votes.

NOMINATIONS FOR PSATC CONVENTION VOTING DELEGATES - A motion by Dolan, seconded by DeLena, to appoint Russell Noll as the PSATC Convention voting delegate. All aye votes.

TOWNSHIP HOLIDAYS - A motion by DeLena, seconded by Noll, to establish the following holidays: New Years Day, Martin Luther King Day, Presidents Day, the first business day following Easter, Primary Election Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Election Day, Veterans Day, Thanksgiving Day, the day after Thanksgiving and Christmas Day. All aye votes.

ESTABLISHMENT OF MEETING DATES - A motion by Iatesta, seconded by Dolan, to establish and authorize the advertisement of the following meeting dates: **Board of Commissioners** - the first and third Mondays of each month, **Planning Commission** - the second Monday of every month, **Park and Recreation Committee** - the second Wednesday of each month, **Open Space Committee** - the second Tuesday of each month, **Fire Committee** - the third Thursday of every month, **Sewer and Water Committee** - the fourth Monday of each month, **Zoning Hearing Board** - meets as needed, **Civil Service Committee** - meets as needed and the **UCC Appeals Board** - meets as needed. All aye votes.

ADJOURNMENT - A motion by DeLena, seconded by Dolan, to adjourn the meeting at 7:50 P.M. All aye votes.

Respectfully submitted,



Cynthia H. Saylor
Township Secretary

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

January 3, 2006

The meeting of the Board of Commissioners was held immediately following the reorganizational meeting on Tuesday, January 3, 2006, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners DeLena, Dolan, Iatesta, 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 7:52 P.M. There were 35 people present in the audience.

PUBLIC COMMENT

ROBERT SLOSS - 2097 Needhammer Road - Addressed the new members of the Board and advised it is possible for them to amend the 2006 budget if they so desire. Mr. Sloss referenced Resolution #463 (Personnel Policy Manual) Section 311 - Residency Requirement and read the following: The Township Manager shall reside within the Township of Upper Pottsgrove within twelve (12) calendar months of employment, unless such requirement is waived by the Township Board of Commissioners. He stated that if the Board did not grant the residency waiver then there is a breach of the Manager's contract. Mr. Sloss noted the following reasons why it would be beneficial for the Manager to reside in the Township: there would be a savings of \$3,000 in travel expenses, he would not have to work from home and could be in the office from 8:00 AM to 5:00 P.M. like all the other employees, he would be a taxpayer of the Township and therefore would be looking at ways to keep costs down so taxes would not have to be raised and most important of all in the event of a natural disaster in the Township you would the Manager to be a resident in order to have "hands on" involvement in order to protect the health, safety and welfare of the residents of the Township.

DARRYLE TILLMAN - 151 Rose Valley Road - Referenced state law which states the Board of Auditors shall set the rate of compensation for all elected officials and noted that paychecks should not have been issued to them. Attorney Chuck Garner stated the Board by enactment of an ordinance to establish an appointed auditor basically supersedes the obligations and requirements of the elected auditors.

REG LEISTER - 1693 Farmington Avenue - Requested clarification with regards to needing to take a new oath of office. Attorney Garner advised Mr. Leister that a new oath of office was not necessary.

FRANK LITZ - 1717 Farmington Avenue - Requested an update with regards to the Farmington Avenue West sewer project. Mr. Cotter responded the Farmington Avenue West project is part and parcel of a larger sewer project in the Township and that project effects when you can actually tie into the public sewer system. The Township is currently working on the design for Farmington Avenue West which affects 93 property owners. Mr. Cotter stated the Township expects to begin work on the project sometime this summer; but the ability to actually tie your house in in order that you have public sewer is dependent on the developers finishing Phases I through IV of the Farmington Avenue project. Mr. Cotter advised that the Township will hold special meetings with the residents once all the information is available.

HENRY BEALER - 1382 Farmington Avenue - Expressed concern regarding the blacktopping of Continental Drive when there are other roads within the Township that need work. Mr. Cotter noted that if public sewer is installed on Continental Drive then it would not be blacktopped.

ACTION ON THE EXECUTION OF THE FULTON BANK TAX ANTICIPATION NOTE CERTIFICATION - Mr. Cotter noted repayment of the Tax Anticipation Note would take place in April, July and October. A motion by Dolan, seconded by Noll, to authorize execution of the Tax Anticipation Note Certification. All aye votes. Mr. Dolan questioned whether the Township takes out a Tax Anticipation Note on an annual basis. Mr. Cotter stated hopefully this will be the last year.

ACTION ON RESOLUTION #478 - ADOPTION OF THE NON-UNIFORMED EMPLOYEE PERFORMANCE EVALUATION AND MERIT PAY SYSTEM - Mr. Cotter provided a brief overview and explained he is proposing that the Township implements the performance evaluation for all employees both uniform and non-uniform. Mr. Cotter noted he has used the performance evaluation and merit pay system in the past with great success from both the employees prospective as well as the Township's. He further explained that each employee would be given a set of goals to accomplish for the year and will be given an annual formal evaluation. When **COMMISSIONER IATESTA** questioned whether employees would receive any quarterly or mid-year reviews in order to see if they are Aon track; Mr. Cotter stated that all employees will receive semi-formal feedback on a quarterly basis. **COMMISSIONER DELENA** questioned whether the employees are involved in setting their own goals for the year. Mr. Cotter reported the employee's job description is used and the employees are measured on the same ten (10) criteria. **COMMISSIONER DOLAN** questioned what role the members of the Board have with regards to the performance evaluation. Mr. Cotter stated this is a supervisory level program and he as Manager, Frank Quinter as Public Works Director and the Chief of Police will be conducting the formal reviews. He further stated that the Township Manager and the President of the Board will constitute the Appeals Board and noted the employees will have a chance to appeal their review if their not satisfied with the results. Commissioner Dolan suggested tabling further action to a future meeting. **COMMISSIONER NOLL** questioned whether the performance evaluation was part of the Personnel Policy Manual which was recently adopted. Mr. Cotter stated the performance evaluation is different from the Personnel Policy that was adopted by the Board. Mr. Noll questioned the amount that was budgeted for "merit pay" Mr. Cotter stated \$38,000 was budgeted and represents the maximum pay out for all employees. After further discussion, it was agreed to table action to a future meeting.

ROBERT SLOSS - 2097 Needhammer Road - Suggested tabling action with regards to the performance evaluation until the police negotiations are completed so as not to have to amend the resolution. Mr. Sloss stated the proposed resolution only pertains to non-uniform employees. Attorney Garner stated the contract with the Police Officers will govern their performance evaluation.

REVIEW OF THE PLGIT PROCUREMENT CARD PROGRAM - Mr. Cotter provided a detailed summary regarding the proposed PLGIT Procurement Card Program and explained the procurement cards would save the Township time and money by eliminating the typical requisition, purchasing and accounts payable processes. When **COMMISSIONER NOLL** questioned how many cards would be issued; Mr. Cotter noted there would be one for the Public Works Department; one for the Police Department and one for the Administrative Office. **COMMISSIONER DELENA** questioned whether there would be a limitation on monthly spending. **COMMISSIONER IATESTA** questioned who would be responsible for monitoring the use of the cards. Mr. Cotter stated he would as Township Manager and noted the backup information would be available for the Board's review. **COMMISSIONER NOLL** questioned how the procurement card purchases would appear on the Bill List. Mr. Cotter stated it would be listed as a P-Card purchase. After further discussion, it was agreed that further action would be placed on the February 23 agenda.

ROBERT SLOSS - 2097 Needhammer Road - Requested clarification with regards to the Bill List and the payment of bills. Mr. Sloss stated the Bill List is approved by the Board of Commissioners and then and only then can the bills be paid. Attorney Garner addressed Mr. Sloss's concern and stated there are two ways in which bills can be paid and noted as long as the Board ratifies the Bill List it is perfectly legal; if it is not ratified by the Board then it would be an inappropriate expenditure.

ACTION ON THE RENOVATIONS BY DESIGN WOODBROOK ESCROW RELEASE NO. 2, IN THE AMOUNT OF \$57,875 - A motion by Noll, seconded by Dolan, to authorize the escrow release in the amount of \$57,875 as recommended by the Township Engineer. All aye votes.

AUTHORIZATION TO MAKE A CONDITIONAL OFFER OF EMPLOYMENT TO A POLICE OFFICER CANDIDATE IN THE TOP THREE (3) POSITIONS ON THE CURRENT CERTIFIED LIST OF ELIGIBLE CANDIDATES - Mr. Cotter reported that the Board members, with the exception of Mr. Iatesta, have been discussing during the budget process the addition of the tenth patrol officer with the Police Department. He further reported with the cost analysis that was done, between the overtime with the current officers vs. the cost of hiring an additional officer there would be a savings to the Township within the first year. Mr. Cotter advised the Civil Service Committee will recertify the current list of eligible candidates at their reorganizational meeting on January 9, 2006. Mr. Leister, who was present in the audience, reported there are two candidates that are currently certified on the list and after next Monday when the Civil Service Committee reorganizes there will be three candidates to choose from. After further discussion, a motion by Dolan, seconded by DeLena, to make a conditional offer of employment to a police officer candidate from the list of three eligible candidates which shall be certified by the Civil Service Commission. Aye votes: DeLena, Dolan, Noll and Taylor. Abstain: Iatesta. Motion carried.

HENRY BEALER - 1382 Farmington Avenue - Expressed his concern regarding the hiring of an additional police officer and noted that when the Police Department implemented the 12 hour shifts the amount of overtime was supposed to decrease. He further questioned the necessity of the tenth officer when there hasn't been an increase in acreage in the Township.

HENRY BEALER CONT'D - Mr. Cotter explained the need for an addition police officer is based more on call volume and not on square footage.

COMMISSIONER NOLL - Referenced the "peer to peer" study and questioned where in the report does it emphasize the need for an additional officer. Mr. Noll stated he would like to see a report listing the amount and total overtime hours for the Police Department. Mr. Cotter stated the "peer to peer" study was done based on a schedule with ten officers not including the Police Chief. Mr. Noll expressed concern as to where the money is allocated for the additional officer and how much overtime costs the Township will save. Mr. Cotter reported the Township spent approximately \$80,000 in overtime in 2005 and noted that \$25,000 was budgeted in 2006. He further explained that the money to pay for the additional officer will come from additional revenues generated by the growth of the Township.

COMMISSIONER DELENA - Referenced the "peer to peer" study and stated it is recommended that the Township have two police officers on duty per shift and questioned if there were times when only one officer was on duty. Mr. Cotter noted there were times during the night shift when only one officer was available due to vacation and sick time. He further noted that there were times when the Township did not have 24 hours coverage.

COMMISSIONER NOLL - Expressed stated that when he first moved into the Township he would see the police officers "patrolling" his development twice a day and noted the decrease in "patrol" time. Mr. Cotter stated that responding to calls is the number one responsibility of the Police Department.

COMMISSIONER DELENA - Mrs. DeLena requested clarification with regards to the number of police calls for the year.

HENRY BEALER - 1382 Farmington Avenue - Suggested the Board check with Douglas/Montgomery Township, New Hanover Township and Colebrookdale Township and noted that Douglas/Montgomery has eight (8) full time and (1) part time officer and they have 16.25 square miles to patrol. Mr. Bealer expressed concern regarding a potential increase in taxes.

When **DARRYLE TILLMAN - 151 Rose Valley Road** - Questioned whether the Township gets any assistance from other municipalities; Mr. Cotter stated there is a mutual aid agreement with the neighboring townships. Mr. Tillman stated he was in agreement with Commissioner Noll with regards to the officers Apatrolling@ the neighborhood.

AUTHORIZATION TO ADVERTISE FOR THE POSITION OF TOWNSHIP BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER - When Commissioner Iatesta questioned the status of LTL Consultants with regards to code enforcement; Mr. Cotter stated the Township will continue to utilize the services of LTL Consultants; however the new Code Enforcement Officer will oversee and coordinate the inspection process. He further stated the Township needs to "step up" with regards to code enforcement.

CODE ENFORCEMENT OFFICER CONT'D – When Commissioner Iatesta questioned whether money was budgeted for a new Code Enforcement Officer; Mr. Cotter stated he budgeted more than the top salary as stated in the job description. Commissioner Noll noted that currently the Highway Department performs the sewer inspections and questioned whether they will still be involved in the inspection process once the Code Enforcement Officer is hired. Mr. Cotter explained the Highway employees will be working closely with the new Enforcement Officer, LTL Consultants and the Township Engineer. Commissioner Iatesta questioned whether additional staff from LTL Consultants would be needed. Mr. Cotter stated there would be at least two or three additional staff from LTL Consultants to cover the inspections from the new proposed developments. Commissioner Dolan stated he hopes there will be a reduction in LTL's bills with the hiring of a Code Enforcement Officer. When Commissioner DeLena questioned the time frame for hiring the Code Enforcement Officer; Mr. Cotter stated he would like to hire someone by the end of winter. After further discussion, a motion by DeLena, seconded by Dolan, to authorize the advertisement for the position of Township Building Inspector/Code Enforcement Officer.

ROBERT SLOSS - 2097 Needhammer Road - Addressed the Board and stated with the hiring of a new Police Officer, a new Police Chief and all the revenues coming in from the new developments would it be safe to say there will NOT be a tax increase for the year 2007.

ORDINANCE #389 - AUTHORIZATION TO ADVERTISE VARIOUS AMENDMENTS TO THE TOWNSHIP'S CODIFIED ORDINANCES, ARTICLE SUBDIVISION AND LAND DEVELOPMENT - A motion by Iatesta, seconded by DeLena, to authorize the Solicitor and Manager to prepare and advertise the ordinance for a public hearing to be held March 6, 2006. All aye votes. Commissioner Dolan expressed concern regarding the number of plans required in the subdivision ordinance.

409 EVANS ROAD - Request for Extension - A motion by Dolan, seconded by Noll, to approve a 90 day extension of time until March 9, 2006, for review of the 409 Evans Road Subdivision. All aye votes.

COMMISSIONERS COMMENTS:

COMMISSIONER NOLL - Welcomed new Commissioners DeLena and Dolan and Commissioner appointee Kenneth Iatesta. Mr. Noll thanked the individuals who applied for the appointee position. Mr. Noll stated he is looking forward to a productive year.

COMMISSIONER DELENA - Stated she is "pleased to be here" and thanked everyone for their support. She further stated that during the next four years she can help Upper Pottsgrove Township a better place than it already is. Mrs. DeLena thanked Mr. Sloss and all those who applied for the appointee position on the Board.

COMMISSIONER IATESTA - Thanked the members of the Board for the appointment.

COMMISSIONER DOLAN - Thanked everyone and stated he is "glad to be here."

APPROVAL OF MINUTES - October 24, November 9 and November 28, 2005 - A motion by Noll, seconded by Taylor, to approve the minutes of October 24, November 9 and the minutes of November 28, 2005, as amended. Aye votes: Noll and Taylor. Abstain: DeLena, Dolan and Iatesta. Motion carried.

APPROVAL OF BILL LIST - A motion by Noll, seconded by Dolan, to approve the Bill List dated January 3, 2006 for General Fund in the amount of \$16,862.66. All aye votes.

Mr. Cotter noted that we ended the year with a balance of \$87,000.

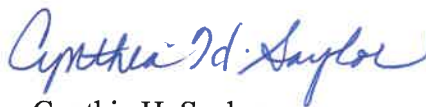
TOM WERT - 183 Primrose Lane - Questioned the payment to Larry Kuser for clothing allowance. Mr. Cotter responded the Highway employees are entitled to a \$200/per year clothing allowance.

REGGIE LEISTER - 1693 Farmington Avenue - Questioned the payment to Variable Annuity Life Insurance Company. Mr. Cotter noted the expenditure represents the Township's portion of his pension.

EXECUTIVE SESSION - At 9:20 P.M. Mr. Taylor reported the Board would meet in Executive Session with no action taken. The meeting reconvened at 9:42 P.M.

ADJOURNMENT - There being no further business the meeting adjourned at 9:45 P.M.

Respectfully submitted,



Cynthia H. Saylor
Township Secretary