

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

January 23, 2006

The meeting of the Board of Commissioners was held on Monday, January 23, 2006, at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Commissioners DeLena, Dolan, Iatesta, Noll and Taylor present. Also present were Solicitor Charles D. Garner, Township Engineer John Theisen, Township Manager Michael Cotter and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:00 P.M. There were 40 people and a Mercury reporter present in the audience.

EXECUTIVE SESSION – Mr. Taylor announced that the Board met in Executive Session prior to the meeting to discuss a matter of potential litigation. No decisions were made.

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.

SWEARING-IN OF NEW MEMBERS OF THE UPTFC NO.1 FIRE POLICE SERVICE – Mr. Taylor administered the oath of office to the following UPTFC Fire Police – John R. Bucks, William C. Brown, Jr., Robert A. Klingerman, Lisa M. Rhoads, David S. Endy, Steve M. Ambs and Stanley Hildenbrand.

PUBLIC HEARING - Attorney Garner explained the purpose of the Ordinance is to provide for the alternate members to the Zoning Hearing Board. There was no public comment. **ORDINANCE #390** – An Ordinance of the Upper Pottsgrove Township Board of Commissioners, to amend Section 350-161 of the Township Code of Ordinances to provide a mechanism for the appointment of Alternate Members to serve on the Township Zoning Hearing Board.

PUBLIC COMMENT

Civil Service Committee members Gilbert Duncan and Reggie Leister left the meeting room prior to the following comments.

STEVEN BARRETT from the Lansdale Law Firm of Hamburg, Rubin, Mullin, Maxwell & Lupin, was present to represent Charles Maddona. Attorney Barrett addressed the members of the Board and provided a brief history since the November 2003 suspension of the former Police Chief. Mr. Barrett requested that the Commissioners allow the Civil Service Commission to reconvene and conduct the hearing regarding the former Chief's suspension. Attorney Barrett stated if the Civil Service Commission rules in Maddona's favor he would expect to be reinstated as Police Chief; if they rule against him he (Maddona) would walk away and wash his hands of this. He further stated that the new Board of Commissioners is not bound by the agreement or the decision of the previous Board. Mr. Barrett noted that the Board has the power to nullify the former Chief's retirement agreement.

ROBERT SLOSS - 2097 Needhammer Road – Noted that at the November 28, 2005, meeting he addressed a concern regarding the detention basin within the Highview II Subdivision. At that meeting, Mr. Sloss stated the detention basin was not installed according to the approved subdivision plans and requested an update with regards to the matter. Engineer John Theisen agreed that the detention basin was not installed according to plan and noted he had requested a letter from the applicant's Engineer regarding the matter. Mr. Theisen stated there has been a communication problem between the applicant and his Engineer. Mr. Cotter stated the Township would send a letter requesting information regarding the matter and if there is no response the Township would issue a stop work order. In response to a question from Commissioner Taylor; Mr. Theisen stated there is the potential for a problem in the event of a "big storm." After discussion, it was agreed that the Township Manager and Engineer would look into the matter.

PAT SALVATORE - 1984 Orlando Road - Questioned the number of residents within the Township and asked for a time frame regarding an answer to the former Chief's request. Commissioner Taylor responded and stated the Board could not give an answer at this time.

HENRY BEALER - 1382 Farmington Avenue - Referenced a recent petition containing over nine hundred (900) signatures requesting reinstatement of the former Chief. Mr. Bealer addressed the members of the Board and noted all of the signatures on the petition are taxpayers who voted the Commissioners in office.

KEITH HACKMAN - 511 Evans Road - Encouraged the members of the Board to allow the Civil Service to reconvene in order for "us to move forward as a township and out of the past we've all endured."

COMMISSIONER DOLAN - Noted several inaccuracies in Attorney Barrett's statement.

MICHELLE REDDICK - 1020 Levensgood Road - Stated she wanted to remind the Commissioners of the two outstanding lawsuits the Township still has pending against them regarding this matter. Mrs. Reddick further stated if the Commissioners decide to move ahead with this due-process request the taxpayers in this Township will go broke paying for the multiple lawsuits that will be brought against them.

ATTORNEY DAVE GARNER - Was present to represent Thomas Wert, who resides at 183 Primrose Lane. Mr. Garner stated Mr. Wert has questions concerning the I & I work being done in his development. Mr. Garner stated he requested information from the Township with regards to the contractor performing the work as well as some developer agreements and noted as of this date he has not received a formal response from the Township. Mr. Cotter stated one of the documents Mr. Wert is requesting is not yet a matter of public record which is the agreement with Rouse/Chamberlin and the Rosen Group regarding sewer conveyance issues. He further stated the contract documents are a matter of public record and Mr. Wert can stop by the office to look at them.

REVIEW OF THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT CENTER FOR LOCAL GOVERNMENT SERVICES MANAGEMENT STUDY OF THE POLICE DEPARTMENT

- John Eller, Police Peer-to-Peer Consultant, provided a brief outline of the Police Management Study he recently conducted with the Upper Pottsgrove Police Department. Mr. Eller noted that Acting Chief Sigoda has done a commendable job during his tenure. Some of the recommendations noted in the study include: the creation of an ordinance establishing or re-establishing the police department, include rank structure in the ordinance, maintain consistency between SOP rank structure and ordinance, ensure the Manager's report has same statistical data as UCR and encourage officers to continue their education.

COMMISSIONER TAYLOR - Thanked Mr. Eller for his time and effort with regards to the Management Study for the Police Department.

ACTING POLICE CHIEF SIGODA - Stated that Mr. Eller did a "fantastic" job with regards to the Study of the Police Department and noted he brought in a professional view of how we can make things better. Officer Sigoda referenced some of the recommendations in the study and advised that changes in the SOP have already been implemented.

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

PUBLIC WORKS REPORT - It was noted that a copy of the monthly Highway Report will be posted on the bulletin board.

BUILDING INSPECTION & CODE ENFORCEMENT REPORT - A copy of the monthly report will be posted on the bulletin board.

ENGINEER'S REPORT - Commissioner Noll expressed his concern regarding the missing monument at the Pottsgrove Middle School.

OPEN SPACE COMMITTEE - Mr. Cotter reported the Open Space Committee met and discussed land acquisition.

PAT SALVATORE - 1984 Orlando Road - Questioned the status of the proposed open space parcel that was to be donated to the Township.

SEWER COMMITTEE REPORT - Mr. Cotter reported the Sewer Committee will meet on Tuesday, January 24, 2006.

GILBERT DUNCAN - 72 Hanover Drive - Referenced a letter currently in circulation noting over one hundred violations against Superior Water. Mr. Duncan advised he spoke with a representative from DEP and provided him with a copy of the letter.

HENRY BEALER - 1382 Farmington Avenue - Asked if he installed a filter system is it necessary to hook up to public water. Commissioner Taylor stated there will be public meetings to answer all the questions the residents may have regarding the public water.

CARL SPECHT - 150 Primrose Lane - Stated there are some residents within the Greengate Development that are accepting spring water and have no interest in hooking into the public water system. Mr. Specht expressed concern regarding a possible increase in quarterly sewer costs.

TOWNSHIP SOLICITOR'S REPORT - Mr. Garner reported his monthly activities include issues regarding public water and police negotiations.

TOWNSHIP MANAGER - Mr. Cotter reported the Administrative Office is experiencing difficulty with the financial software.

RENOVATIONS BY DESIGN CURATIVE AMENDMENT HEARING - Attorney Garner opened the public hearing at 8:00 P.M. and explained this hearing is a continuation from December 14, 2005. Mr. Garner noted the hearing will be continued until February 6, 2006 at 8:00 P.M. Mr. Garner closed the hearing at 8:02 P.M.

PATEL 409 EVANS ROAD CONDITIONAL USE HEARING - Attorney Garner opened the public hearing at 8:05 P.M. and explained the applicant is seeking a Conditional Use to allow the property to be divided as Standard Lotting rather than Neighborhood Lotting as permitted under the Upper Pottsgrove Township Zoning Ordinance. The subject property is located in an R-1 Residential Zoning District. Standard Lotting is permitted in the R-1 Residential Zoning District by Conditional Use. Attorney Kurtz Holloway, Wells, Loeben, Hoffman, Holloway & Stauffer, was present to represent the applicant - Ragesh Patel. Also present were John Aston, from Aston Surveyors/Engineers, Inc. and Thomas Cordrey from Del Val Soil & Environmental Consultants, Inc. Mr. Cordrey addressed the Commissioners concerns with regards to wetlands and storm water management. The hearing was closed at 9:40 P.M. It was noted a written decision would be forthcoming.

RESOLUTION #479 - APPOINTING LINDA COLEMAN AS ASSISTANT TOWNSHIP SECRETARY - A motion by Dolan, seconded by DeLena, to adopt Resolution #479. All aye votes.

RESOLUTION #478 - ACTION ON ADOPTION OF THE NON-UNIFORMED EMPLOYEE'S PERFORMANCE EVALUATION AND MERIT PAY PLAN - Mr. Cotter referenced a discussion from a previous meeting with regards to the role of the membership of the Appeals Board and noted a change will be incorporated to include a member of the Board of Commissioners as a member of the Appeals Board. Commissioner Dolan expressed concern that the Township Manager is a member of the Appeals Board and the Department Head of the Administrative Staff. After a brief discussion, a motion by Dolan, seconded by Iatesta, to adopt the Non-Uniformed Employee's Performance Evaluation and Merit Pay Plan provided the final appeal

RESOLUTION #478 - NON-UNIFORMED EMPLOYEE'S PERFORMANCE EVALUATION AND MERIT PAY PLAN CONT'D - process is amended so that the employee would appeal to a three (3) member Board consisting of a representative from the Board of Commissioners, the Township Manager and the Department Head except in cases where the Township Manager is also the Department Head then there would be an alternate member of the Board of Commissioners. All aye votes.

APPOINTMENT OF KEN IATESTA TO REPRESENT THE BOARD BEFORE THE POTTSTOWN COUNCIL OF GOVERNMENTS - A motion by Noll, seconded by DeLena appointing Kenneth Iatesta to represent the Board before the Pottstown Council of Governments (COG). All aye votes. Mr. Cotter reported the first meeting will be held on Tuesday, January 24 at East Coventry Township at 7:30 P.M.

ORDINANCE #390 – An Ordinance to amend Section 350-161 of the Township Code of Ordinances to provide a mechanism for the appointment of alternate members to serve on the Township Zoning Hearing Board. A motion by Noll, seconded by DeLena, to adopt Ordinance #390. All aye votes.

RESOLUTION #481 – A Resolution Appointing W. Richard Dillon and Richard Mitchell as Alternate Members of the Upper Pottsgrove Township Zoning Hearing Board for three (3) year terms. A motion by Dolan, seconded by DeLena, to adopt Resolution #481.

AUTHORIZATION FOR PORTNOFF ASSOCIATES TO FILE A WRIT OF EXECUTION FOR SHERIFF'S SALE TO SECURE PAST DUE SEWER RENTALS – Action on this matter was tabled.

EXECUTION OF THE POTTS GROVE BASEBALL ORGANIZATION FOR THE HILLSIDE BASEBALL FIELD USE AND MAINTENANCE AGREEMENT – A motion by DeLena, seconded by Iatesta, to execute the Hillside Baseball Field Use and Maintenance Agreement. All aye votes.

HENRY BEALER - 1382 Farmington Avenue – Expressed his concern regarding the name of the ball fields and noted they were to be named “Kulp Fields” in memory of Richard Kulp.

COMMISSIONER NOLL - Questioned who is responsible for maintaining the ball fields.

RESOLUTION #480 - AUTHORIZING THE TOWNSHIP TO PARTICIPATE IN THE PENNSYLVANIA CAPITAL CITY (“PACC”) AUTOMOTIVE AND EQUIPMENT PURCHASING AGREEMENT - A motion by Iatesta, seconded by DeLena, to adopt Resolution #480. All aye votes.

RESOLUTION #482 - Requiring the appropriate signatures for check signing purposes. A motion by Dolan, seconded by DeLena, to adopt Resolution #482. All aye votes.

OTHER PUBLIC COMMENTS:

GILBERT DUNCAN - 72 Hanover Drive – Welcomed Commissioners Dolan, DeLena and Iatesta to the Board. Mr. Duncan expressed concern that the members of the Fire Police should have been “sworn in” by a Notary Public. Attorney Garner stated he would check the First Class Township Code and provide a copy of the language to Mr. Duncan.

TOM WERT - 183 Primrose Lane – Addressed the Township Manager and expressed concern regarding his attitude when discussing the Greengate sewer work with Attorney David Garner.

REGGIE LEISTER - 1693 Farmington Avenue – Expressed his concern that the Annual Report submitted by the Civil Service Committee was not mentioned at the meeting. Mr. Cotter noted a copy of the report was included in the Commissioners mail packets.

CARL SPECHT - 150 Primrose Lane - Thanked the Board for placing the “Public Comments” at the end of the meeting back on the agenda. Mr. Specht expressed concern regarding the Township’s web site and noted the former Commissioners are still listed. Mr. Specht questioned Commissioner Noll regarding comments he previously made with regards to conducting a survey of the residents concerning the installation of public water. Mr. Specht noted some inaccuracies with regards to several legal notices listing the upcoming meeting dates.

COMMISSIONER DOLAN – Requested the status of the sewer survey on Continental Drive. Mr. Cotter stated the matter would be discussed at the Sewer Committee.

COMMISSIONER NOLL – Noted that information regarding the Eastern Association Conference was included in the Commissioners mail packets. Mr. Noll provided a brief overview of the topics discussed at the Conference.

COMMISSIONER TAYLOR – Thanked Commissioner Noll for representing the Township at the recent Eastern Association Conference.

APPROVAL OF BILL LIST – A motion by Noll, seconded by DeLena, to approve the Bill List dated January 23, 2006, for General Fund in the amount of \$130,583.36; for Fire Fund in the amount of \$73.95; Sewer Fund in the amount of \$98,069.77; State Fund in the amount of \$5,944.58 and Park & Recreation Fund in the amount of \$10.73. Total Expenditures - \$234,682.39. All aye votes.

COMMISSIONER DOLAN – Expressed concern regarding the amount of the invoice submitted from LTL Consultants. It was noted that the expenditure included payment for November and December invoices.

COMMISSIONER NOLL – Noted that the Nextel phones previously used by the fire police have been cancelled and questioned whether the phones had been returned to the Township. Mr. Cotter stated he would look into the matter.

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ROBERT SLOSS – 2097 Needhammer Road – Questioned an invoice from Quartermaster for flashlights as depicted on the Bill List. Mr. Cotter stated the expenditure was for the purchase of three (3) heavy duty flashlights to be used by the Police Department.

APPROVAL OF MINUTES – DECEMBER 14, 2005 – A motion by Noll, seconded by Taylor, to approve the minutes of the December 14, 2005, meeting as presented. Aye votes: Noll and Taylor. Abstain: DeLena, Dolan and Iatesta.

APPROVAL OF MINUTES - JANUARY 3, 2006 - REORGANIZATION MEETING - A motion by Dolan, seconded by Iatesta, to approve the minutes of the January 3, 2006, Reorganization meeting as presented. All aye votes.

APPROVAL OF MINUTES - JANUARY 3, 2006 - A motion by Dolan, seconded by DeLena, to approve the minutes of the January 3, 2006, Board meeting as presented. All aye votes.

ROBERT SLOSS - 2097 Needhammer Road - Expressed his concern regarding overtime hours within the Police Department.

EXECUTIVE SESSION - At 10:25 P.M. Commissioner Taylor announced the Board would meet in Executive Session to discuss a personnel matter; however no decisions would be made. The meeting reconvened at 11:45 P.M.

ADJOURNMENT - There being no further business the meeting adjourned at 11:46 P.M.

Respectfully submitted,



Cynthia H. Saylor
Township Secretary