

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

February 6, 2006

A meeting of the Board of Commissioners was held on Monday, February 6, 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 7:02 P.M. There were 28 people and a Mercury reporter present in the audience.

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 present pledged their allegiance to the flag.

COMMISSIONER NOLL – Mr. Taylor reported that Commissioner Noll is unable to be here for this evening's Board Meeting because he is representing Upper Pottsgrove and Montgomery County at the annual Legislative Reception in Harrisburg. As a member of the PSATC Executive Committee, and Vice-President of Montgomery County Eastern Association, he will be meeting with State Senators and State Representatives to discuss issues that are associated with the Governor's Budget Address scheduled for Wednesday. It is his goal to encourage Legislators to aggressively move forward with State Tax Reform and improve relations with Local Governments. He will answer any questions associated with this event at the next Board meeting.

STATEMENT FROM THE BOARD REGARDING THE MADDONA REQUEST – Mr. Taylor read the following statement: At our last Commissioner's meeting we heard a presentation from Attorney Barrett outlining a proposal of his client, former Police Chief Charles Maddona. The essence of the proposal was to go back in time and allow his client to proceed with his disciplinary hearing before the Township Civil Service Commission. If the Civil Service Commission upheld the charges, his client would walk away. If the charges were not sustained, the Township would rehire his client as Chief of Police. We, as elected public servants, believe that our constituents have the right to know the reasoning behind our decisions. But in this instance, and upon the advice of counsel, we must limit the content of our public statements. However, we can say, that even though this Board may not be bound by a prior Board's decisions, agreeing to this proposal would reopen what had been previously resolved and concluded to the satisfaction of all parties. Considerable Township dollars were spent, time invested, and other actions taken in association with the resolution of this situation. Two years ago, during the fall and winter of 2003 and 2004, ample opportunity existed for the original hearing to be held and issues addressed in a timely fashion. The Board must balance granting special authorization now, for a process that could have been chosen voluntarily then, against its impact on all that has transpired since. In any event, we have also been advised that there are other legal issues beyond our control that might prevent this proposed process from occurring. In an attempt to bring closure to this issue and allow the Township to move ahead with the many other issues and challenges it faces, the Board of Commissioners now wishes to clearly state that is their uniform opinion that it will continue to abide by all the terms and conditions of the original retirement agreement between the Township and Charles Maddona and will not endorse any changes proposed by his attorney.

MARK SALVATORE – 1984 Orlando Road – Expressed concern that the former Chief appeared twice for a hearing and no one showed up. Mr. Taylor explained that the Civil Service Commission is a separate body from the Board of Commissioners and they make their own decisions.

JULIE GALLISDORFER – 113 Hanover Drive - Mrs. Gallisdorfer referenced insensitive comments and innuendos against former Commissioners, Township staff, Police officers and citizens and residents of the general public were made by former Police Chief Charles Maddona while he was employed by the Township. She also noted that criminal and personal background checks were conducted without the consent and or knowledge of individuals including herself. Mrs. Gallisdorfer further noted that the position of Police Chief in her opinion is a position of trust, morality, integrity, good citizenship and not withstanding confidentiality and those qualities have been breached while Mr. Maddona was employed with the Township.

DARRYLE TILLMAN - 151 Rose Valley Road – Thanked the Board for their decision regarding the Maddona issue and asked that the Board move forward and find a Police Chief who treats everyone fairly.

MARK SALVATORE – 1984 Orlando Road – Expressed concern that two Commissioners prior to the election were in favor of reinstating the former Chief of Police and questioned what changed their minds. Attorney Garner referenced the retirement agreement and noted the Board is limited in what they can say regarding the matter.

RESOLUTION #483 – A Resolution of the Board of Commissioners authorizing the Resolution authorizing issuance of individual procurement cards through the Pennsylvania Local Government Investment Trust Procurement Card Program. A motion by Dolan, seconded by DeLena, to participate in the PLGIT Procurement Card Program. All aye votes.

ROBERT SLOSS – 2097 Needhammer Road - Expressed his concern and reiterated that the proper checks and balances are in place with regards to the procurement cards. Mr. Cotter noted the employees will have special training regarding the use of the procurement cards.

AUTHORIZATION TO EXECUTE THE PLGIT PROCUREMENT CARD PROGRAM MEMBER SERVICES AGREEMENT – A motion by Dolan, seconded by DeLena, to authorize the execution of the PLGIT Procurement Card Program Member Services Agreement with an initial credit limit of \$5,000. All aye votes.

RESOLUTION #484 – AUTHORIZING THE TOWNSHIP TO PARTICIPATE IN THE ANTI-DEFAMATION LEAGUE’S NO PLACE FOR HATE CAMPAIGN – Discussion on this matter was tabled to a future meeting.

RESOLUTION #485 – A Resolution Increasing the Sewer and Water Committee from Three (3) Members to Five (5) Members. A motion by Iatesta, seconded by DeLena, to adopt Resolution #485. All aye votes. Mr. Cotter stated he will place an advertisement in the newspaper as well as the Township web page.

JOHN BEALER - 1521 Farmington Avenue – Thanked the Board for their action with regards to increasing the Sewer Committee to a five member board. Mr. Bealer encouraged interested residents to apply for the available positions on the Sewer Committee.

AUTHORIZATION TO EXECUTE THE 2005 AUDIT SERVICE AGREEMENT WITH REINSEL, KUTZ, LESHER, IN THE AMOUNT OF \$7,500 – Commissioner Dolan expressed concern regarding the price of the annual audit. Mr. Cotter explained the cost includes preparation for the implementation of GASB 34. A motion by DeLena, seconded by Dolan, to execute the 2005 Audit Service Agreement with Reinsel, Kutz, Leshner not to exceed the amount of \$7,500. **JEAN HOLLENBACH, 1373 North Hanover Street**, requested clarification regarding auditing issues noted earlier in the meeting.

AUTHORIZATION TO ADVERTISE A PUBLIC WATER CONNECTION ORDINANCE FOR THE WOLF RUN PROJECT AREA – Mr. Cotter reported the Wolf Run project is being funded in full by the Pennsylvania Department of Environmental Protection. Mr. Cotter explained as a prerequisite to the grant funding in support of the project is the Township enacting a connection ordinance that requires property owners to connect their homes to a public water source. Mr. Cotter noted in order to avoid all charges associated with the installation of the Wolf Run project, property owners will be required to connect to the public water source within sixty (60) days. All properties within the Wolf Run plume area are eligible for free connection. All others would be assessed the standard tapping fee in order to connect to the public water source. For property owners choosing not to connect within sixty (60) days, a tapping fee will be assessed; for property owners choosing not to connect within sixty (60) days, the property will be required to connect upon any change in ownership (the sale of the property). Property owners choosing not to connect within sixty (60) days will be required to test their well and submit test results to the Township and the Montgomery County Health Department. Property owners will also be required to abandon their wells. Mr. Cotter noted the Montgomery County Health Department regulations will control the abandonment of private wells. Property owners choosing not to connect within sixty (60) days will be required to execute an agreement indemnifying and holding the Township, PADEP, and the public water supplier harmless in the event their well causes public or private health or safety concerns. Property owners will be required to grant temporary construction easements and permanent utility easements as a condition of connecting to the public water supply. The Township and the Public Water Supplier shall have a right of inspection for all connection to the public water supply. All connections shall be subject to the Public Water Supplier's specifications, including but not limited to cross connection control and backflow prevention, and the Safe Water Drinking Act of 1974. Penalties for violation of this ordinance of \$1,000 per violation, and/or sixty (60) days in prison.

PUBLIC WATER CONNECTION ORDINANCE CONT'D - After further discussion, a motion by DeLena, seconded by Iatesta, to authorize the Solicitor to prepare a draft of the public water connection ordinance for the Wolf Run Project area. All aye votes.

In response to a question from **MARY ANN ALESSI, 1482 Heather Place**, Mr. Cotter stated the Department of Environmental Protection will continue to move forward with regards to investigating the potential responsible parties.

CARL SPECHT – 150 Primrose Lane – Shared some information he obtained from the internet regarding TCE and noted that one part per billion of TCE is equal to one drop of TCE in a competitive size swimming pool.

SCOTT LINGENFELTER – 1294 North Hanover Street – Questioned whether the Township looked into any filtration systems. Mr. Cotter stated the filtration system was as option that the Department of Environmental Protection looked into however, the carbon filter source was inadequate in comparison to the public water solution to the problem.

JULIE GALLISDORFER – 113 Hanover Drive - Questioned the proposed Public Water Connection Ordinance with regards to farming purposes. Mrs. Gallisdorfer also questioned who would be responsible for tracking information with regards to well testing and enforcing penalties.

When CONNIE SWEIGART, 991 Farmington Avenue, questioned whether the Township could confirm that Superior Water would be the public water supplier; Mr. Cotter stated the Township can not confirm the public water supplier. Mrs. Sweigert stated she was told that THP Properties contributed money for the public water installation. Mr. Cotter clarified any funding from THP Properties is for sewer connections and a pumping station for their water supply. Commissioner Taylor stated THP Properties is bringing Pottstown Water out to their project at their own expense.

DIANA UPDEGROVE - 1404 Farmington Avenue – Stated that her well is not contaminated with TCE and suggested that some wells be kept open for testing purposes in order to see how the TCE is spreading.

JOHN BEALER – 1521 Farmington Avenue – Referenced Mr. Specht's comments and stated he prefers to drink pure spring water rather than water that has any contamination. Mr. Bealer expressed concern regarding the TCE migrating outside the plume area.

RENOVATIONS BY DESIGN CURATIVE AMENDMENT HEARING – Attorney Garner stated we are still in the process of attempting to resolve this matter. Mr. Garner further stated that based upon the request of the developer/applicant the hearing will be continued to February 21, 2006 at 8:00 P.M.

ACTION ON RESOLUTION #486, INCREASING THE TOWNSHIP PERMIT FEE SCHEDULE BY 5% - A Resolution amending certain existing Township fees by and through a Comprehensive Fee Resolution – A motion by Dolan, seconded by DeLena, to adopt Resolution #486. After a concern addressed by **CARL SPECHT, 150 Primrose Lane**, regarding sewer tapping fees Mr. Dolan amended his motion. A motion by Dolan, seconded by DeLena, to adopt Resolution #486 omitting sewer tapping fees. All aye votes.

JOHN BEALER – 1521 Farmington Avenue – Provided a clarification regarding sewer tapping fees vs. developer's fees for sewer connections.

AUTHORIZATION TO PURCHASE DELL COMPUTERS FOR NETWORK AND ADMINISTRATIVE USE IN AN AMOUNT NOT TO EXCEED \$9,500 – After a brief discussion, the Board agreed to table action on this matter to a future meeting.

ACTION ON THE PGSD HOLLENBACH PARK USE & MAINTENANCE AGREEMENT – A motion by Dolan, seconded by DeLena, to execute the Pottsgrove School District Hollenbach Park Use & Maintenance Agreement. All aye votes.

TINA LINGENFELTER – 1294 North Hanover Street - Expressed concern regarding the cost of purchasing the new computers and questioned who would be using them. Mr. Cotter stated the Police Chief, the Public Works Director, the Code Enforcement Officer and the Township Manager.

CONNIE SWEIGERT - 901 Farmington Avenue – Expressed numerous concerns regarding the proposed SOCO/Skarbek town home development. Mr. Cotter noted these concerns would be addressed at the pre-construction meeting.

DIANA UPDEGROVE - 1404 Farmington Avenue – Referenced a computer program used by North Coventry Township with regards to property information. Mr. Cotter noted that there will be a presentation in the Spring with regards to a permit management software package.

When **DARRYLE TILLMAN** urged the Commissioners to control future development within the Township; Mr. Taylor stated the Township has done everything in its power to control development.

ROBERT SLOSS – 2097 Needhammer Road - Expressed concern regarding the lack of speed limit signs within the Maugers Mill Estates Development.

APPROVAL OF MINUTES – January 23, 2006 – A motion by DeLena, seconded by Dolan, to approve the January 23, 2006 minutes as amended. All aye votes.

APPROVAL OF BILL LIST – A motion by Iatesta, seconded by DeLena, to approve the Bill List dated February 6, 2006, for General Fund in the amount of \$18,519.17; Sewer Fund in the amount of \$2,068.09; and State Fund in the amount of \$225.00. Total Expenditures - \$20,812.26. All aye votes.

ROBERT SLOSS – 2097 Needhammer Road – Requested clarification with regards to an invoice from North American Benefits Company.

HENRY BEALER – 1382 Farmington Avenue – Reported a dead deer along Farmington Avenue. Mr. Cotter noted the Game Commission would be notified.

EXECUTIVE SESSION – At 8:50 P.M. Mr. Taylor reported the Board would be meeting in Executive Session to discuss pending litigation; however no decisions would be made. The meeting reconvened at 10:00 P.M.

ADJOURNMENT - There being no further business the meeting was adjourned at 10:02 P.M.

Respectfully submitted,



Cynthia H. Saylor
Township Secretary