

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

**April 3, 2006**

A meeting of the Board of Commissioners was held on Monday, April 3, 2006, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners DeLena, Dolan, Noll and Taylor present. Also present were Solicitor Charles D. Garner, Jr., and Township Secretary Cynthia H. Saylor. There were 25 people and a Mercury reporter present in the audience. Mr. Taylor called the meeting to order at 7:07 P.M. Commissioner Iatesta and Township Manager Michael Cotter were absent due to illness.

**MOMENT OF SILENCE** - 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.

**POLICE OFFICER SWEARING - IN CEREMONY** - Judge Palladino was present to administer the oath of office to newly hired Police Officer Kyle Leshner.

**RESIGNATION** - A motion by DeLena, seconded by Noll, to accept the resignation of W. Richard Dillon, as alternate member of the Zoning Hearing Board. All aye votes. Mr. Dillon has accepted the position of Code Enforcement Officer for the Township.

**PUBLIC COMMENT:**

**REGGIE LEISTER - 1693 Farmington Avenue** - Expressed concern regarding the fire hydrants that are being installed by Superior Water. Commissioner Taylor stated the matter was brought to the attention of the Planning Commission at their meeting. Attorney Garner noted corrective action will be taken to address the matter.

**GILBERT DUNCAN - 72 Hanover Drive** - Questioned if the Township contracts Superior Water as the public water provider will they be purchasing the water from the Borough of Pottstown. Mr. Duncan expressed concern regarding the water rates charged to the residents. Attorney Garner stated a decision has not yet been made as to which supplier will provide water service. He further noted if Superior provides the water and buys it in bulk from the Borough Authority they are bound by whatever Superior's rates are.

**JOHN BEALER - 1521 Farmington Avenue** - Stated he spoke with Elmer Panoc from the Borough Water Authority, and was advised that Superior Water has contacted the Borough regarding purchasing water "in bulk" at a bulk rate. He further stated that Mr. Panoc questioned why Superior Water would be invited to a pre-construction meeting with Upper Pottsgrove Township when they do not have the franchise area in the region that is to be serviced by public water and noted that the Borough of Pottstown would probably challenge the franchise area. Mr. Bealer stated the Township should keep an open line of communication and encouraged the members of the Board to be more pro active with the Borough Authority. Mr. Bealer questioned the fact that Mr. Cotter has stated that one of the reasons Superior Water could offer a lower rate is that they have private contractors to install the lines.

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**JOHN BEALER CONT'D** - Mr. Bealer noted that this is a TCE mitigation project endorsed and ordained by Upper Pottsgrove Township. The primary funding is coming from DEP. Mr. Bealer questioned the Board if we are not subject to advertise the competitive bidding process including the prevailing wage rate. Attorney Garner stated no matter who does the work it is subject to prevailing wage and is mandated by the DEP.

**ROBERT SLOSS - 2097 Needhammer Road** – Questioned why the Township is holding a pre-construction meeting if the contract hasn't been awarded to the water supplier. Commissioner Taylor noted the pre-construction meeting is related to the sewer installation along Farmington Avenue.

When **GILBERT DUNCAN, 72 Hanover Drive**, questioned the need for a sewer increase if the developers are contributing to the sewer project, Commissioner Taylor responded because the Township borrowed money which needs to be paid back to pay for improvements and upgrades to the sewer system. Mr. Duncan stated in his opinion there is a strong need for a Sewer Authority in the Township whereby the money stays in the sewer authority and can't be used for anything other than the sewer. Mr. Garner noted the decision to create a Sewer Authority rests with the Board of Commissioners.

**GARY NOVACK - 1433 North Hanover Street** - Expressed concern regarding the excessive amount of cinders on the roads throughout the Township specifically at the Halfway House intersection.

**CARL SPECHT - 150 Primrose Lane** – Questioned whether the Township is still accepting applications for the Police Chief's position and further questioned why since the Acting Chief has been doing the job for the past two years. Mr. Taylor stated the Board is in the process of interviewing for the Police Chief's position.

**GERALD PORTER - 172 Hanover Drive** - Expressed concern regarding the water ordinance and noted that a person should be able to keep their well if the water is not contaminated. Mr. Porter requested a clarification regarding the failure or malfunction of the well as noted in the ordinance. Mr. Taylor noted a public hearing will be held at the April 18 meeting and the Board will be prepared to answer questions at that time.

**GILBERT DUNCAN - 72 Hanover Drive** - Stated both he and Mr. Sloss reiterated Mr. Specht's opinion regarding appointing Officer Sigoda as Chief. Mr. Duncan expressed his concern regarding the hiring process with regards to the new Police Chief.

**DIANA UPDEGROVE - 1404 Farmington Avenue** - Expressed concern that an 11 x 17 copy of the plan was not included in a Conditional Use application recently submitted to the Township. Mrs. Updegrove noted that previously residents were allowed to make copies of proposed subdivision plans.

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**TOM WERT - 183 Primrose Lane** - Stated he was in agreement with Mr. Duncan as far as keeping the sewer funds in a separate account. Mr. Wert expressed concern that the residents were told that the developers would be financially responsible for the Greengate sewer repairs and noted that the taxpayers paid for the work. Attorney Garner clarified that the Greengate sewer repairs will be funded 100 percent by the developers.

**GERALD PORTER - 172 Hanover Drive** - Referenced a newspaper article dated March 24 and questioned whether Superior Water charges a tap in fee. Attorney Garner stated they are waiving the tap in fee for this project. Mr. Porter expressed his concern regarding the lack of information being provided to the residents concerning the water installation.

**GILBERT DUNCAN - 72 Hanover Drive** - Referenced the ongoing water contamination within the Township and questioned who will be responsible if the Township chooses Superior Water as the water provided and something happens to Superior's well. Attorney Garner stated Superior Water would be responsible and they would have to answer to the PUC.

**CAROL WINPENNY - 1400 Farmington Avenue** - Asked why the Township doesn't survey the residents as to what they want. Commissioner Taylor stated the Commissioners are doing what they need to do as an elected body and they are obligated to protect the health, safety and welfare of our community. Commissioner Taylor reminded the residents of the upcoming meetings on April 18<sup>th</sup> and April 19<sup>th</sup>.

**REPORTS:**

**FINANCIAL REPORT** - Mr. Taylor reported the Financial Report will be discussed at the April 18<sup>th</sup> meeting.

**MAUGERS MILL DRAINAGE PROJECT** - Attorney Garner provided a brief history with regards to the on going storm water issues in the area of the Church of the Latter Day Saints. Mr. Garner reported the Church has agreed to contribute in excess of \$16,000 towards a drainage solution; in addition the residents have also agreed to contribute to the project. He further reported the necessary easement agreements will be signed within the next few weeks.

**CONSERVATION DESIGN GRANT** - Mr. Taylor provided a brief description of the Natural Lands Trust Grant Program. After a brief discussion, a motion by Dolan, seconded by DeLena, to authorize the Township Manager to pursue the Conservation Design Grant application. All aye votes.

**ORDINANCE #393** - An Ordinance of the Board of Commissioners of Upper Pottsgrove Township amending Section 36-6, Powers and Duties, of Chapter 36, Officers and Employees, of the Code of the Township of Upper Pottsgrove, as amended, to amend certain personnel practices in the Township - A motion by DeLena, seconded by Noll, to adopt Ordinance #393. All aye votes.

**RESOLUTION #484** - A Resolution of Upper Pottsgrove Township amending the Personnel Policy Manual. A motion by Noll, seconded by DeLena, to adopt Resolution #484. All aye votes.

**GILBERT DUNCAN - 72 Hanover Drive** - Requested a clarification regarding the predisciplinary conference/hearing as noted in Resolution #484.

**APPOINTMENT OF A MEMBER OF THE BOARD OF COMMISSIONERS TO REPRESENT THE TOWNSHIP ON THE POTTS GROVE REGIONAL RECREATION BOARD** - A motion by DeLena, seconded by Noll, to appoint Peter Dolan as the Board of Commissioner's representative to serve on the Pottsgrove Regional Recreation Board. All aye votes.

**REVIEW OF DRAFT UPTFC NO. 1 BYLAWS** - Attorney Garner provided the members of the Board with his comments and recommendations regarding the drafted By-Laws of the Upper Pottsgrove Fire Company. Mr. Garner stated the primary need for changes are in Articles 10, 11 and 12 of the by-laws and stated there needs to be a more formal recitation and explanation of the role of the Fire Service Committee as the governing body of the Fire Company. After discussion, it was agreed to return the draft back to the Fire Committee for their input and to incorporate the Solicitor's recommendations into the By-Laws. Commissioner Noll briefly discussed the change in run card procedures and made a motion to authorize the Township Manager to submit a letter to Montgomery County Emergency Dispatch allowing the Fire Chief of Upper Pottsgrove Fire Company #1 to alter the run card procedures. Commissioner Taylor the matter is not on the agenda and advised that he is not prepared to take action regarding this issue at this meeting. After a brief discussion, it was agreed that this topic would be placed on a future agenda.

**ACTION ON THE MCMAHON ASSOCIATES PINEFORD TRAFFIC STUDY PROPOSAL IN THE AMOUNT OF \$6,900** - A motion by Dolan, seconded by DeLena, to accept and authorize the execution of the proposal for the Pineford Road traffic study from McMahon Associates in an amount not to exceed \$7,000. All aye votes.

**AWARD OF THE 2006 PAVING BID TO SCHLOCH, INC., IN THE AMOUNT OF \$49,812.45** - Mr. Taylor referenced a memo from the Public Works Director with regards to the Continental and Concord Drive Paving Project. Mr. Taylor explained that due to malfunctioning septic systems in the Continental Drive area the Township has decided to substitute five (5) other roads for paving at approximately the same square yardage. After discussion, a motion by Dolan, seconded by Noll, to award the paving bid to Schlouch, Inc. in the amount of \$49,812.45. All aye votes.

**ROBERT SLOSS - 2097 Needhammer Road** - Requested clarification with regards to the roads being paved by Schlouch, Inc.

**AUTHORIZATION TO ENDORSE A LETTER TO THE PENNSYLVANIA GAMING COMMISSION IN REGARDS TO THE PROPOSED LIMERICK CASINO** - Mr. Taylor referenced a letter drafted by the Regional Planning Commission with regards to the proposed Limerick Casino. A motion by Dolan, seconded by DeLena, to endorse a letter to the Pennsylvania Gaming Commission in regards to the proposed Limerick Casino. All aye votes.

**AUTHORIZATION TO ADVERTISE THE PROPOSED VERIZON CELLULAR TOWER CONDITIONAL USE APPLICATION** - Attorney Garner reported that several years ago he represented Ernest and Diana Updegrave opposing a similar request for Conditional Use. Mr. Garner polled the members of the Board as to whether they feel it is a conflict of interest for him to represent the Township in the current Conditional Use Application. Mr. Garner noted that as a courtesy he also contacted the Updegroves regarding the matter. There was no opposition from the members of the Board or the Updegroves who were present in the audience. After a brief discussion, a motion by Noll, seconded by DeLena, to authorize the Solicitor to advertise the Conditional Use Hearing to be held on May 10, 2006 at 7:00 P.M. All aye votes.

**CAROL WINPENNY - 1400 Farmington Avenue** - Expressed her concern regarding the Conditional Use Application recently filed for the proposed Verizon Cellular Tower.

**PAYMENT OF BILLS** - A motion by DeLena, seconded by Noll, to approve the Bill List dated April 3, 2006, for General Fund in the amount of \$38,286.42; Fire Fund in the amount of \$1,140.00 and Sewer Fund in the amount of \$1,667.95. Total Expenditures - \$41,094.37. All aye votes.

**COMMISSIONERS COMMENTS:**

Commissioner DeLena thanked the Township for allowing her to attend the Eastern Conference and noted it was very educational.

When **ROBERT SLOSS, 2097 Needhammer Road**, requested updates with regards to the Maugers Mill speed limit signs and the reconfiguration of the flag pole from American Tower.

**REG LEISTER - 1693 Farmington Avenue** - Requested an update regarding a potential Emergency Management Coordinator. Commissioner Noll stated he spoke with one potential candidate who expressed an interest in the position.

**JOHN BEALER - 1521 Farmington Avenue** - Reiterated the importance of having five (5) members serve on the Sewer Committee to assure that there will be a quorum at the meetings and noted there are minutes from several meetings that still need to be approved. Mr. Bealer reported that he has been in contact with Engineer John Toomey as well as Public Works Director, Frank Quinter. He further reported that a new portable meter has been installed on Farmington Avenue. Mr. Bealer stated the Sewer Committee has recommended that a commendation, for a job well done, be issued to Tony Alessi for completing the sewer inspection work and noted a savings to the Township has been realized by his efforts.

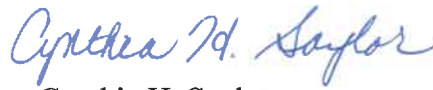
**CARL SPECHT - 150 Primrose Lane** - Questioned whether any of the members of the Board viewed the road conditions on Primrose Lane and expressed his concern with regards to lawn restoration.

**HENRY BEALER - 1382 Farmington Avenue** - Expressed his concern regarding the absence of the Township Manager.

**APPROVAL OF MINUTES - March 20, 2006** - A motion by Dolan, seconded by DeLena, to approve the minutes of the March 20, 2006, meeting as presented. All aye votes.

**ADJOURNMENT** - There being no further business, a motion by Noll, seconded by DeLena, to adjourn the meeting as 9:02 P.M. All aye votes.

Respectfully submitted,



Cynthia H. Saylor  
Township Secretary