

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

**April 18, 2006**

A meeting of the Board of Commissioners was held on Tuesday, April 18, 2006, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners DeLena, Dolan, Iatesta, Noll and Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., Township Manager Michael A. Cotter and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:02 P.M. There were 60 people and a Mercury reporter present in the audience.

**EXECUTIVE SESSION** - Mr. Taylor announced the Board met in Executive Session on April 5, 2006.

**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.

**PUBLIC COMMENT: GILBERT DUNCAN - 72 Hanover Drive** - Expressed concern regarding a Fire Company bank account being dissolved by the Township and questioned the money raised by a recent boot drive and the Easter flower sale. Mr. Duncan questioned why the proceeds would be placed in Township funds and stated he resents the fact since the residents already pay a fire tax.

**STANLEY HILDENBRAND**, Upper Pottsgrove Township Fire Marshall, reported that currently there is not a ban on burning.

**HENRY BEALER - 1382 Farmington Avenue** - Referenced the Personnel Policy and the residency requirement of the Township Manager. Attorney Garner stated there are three (3) separate documents that impact the provisions involving Township Manager residency: The Township Manager Ordinance which was enacted in 2004 and states the Manager does not have to be a resident of the Township; the Employee Contract which was signed in September of 2004 and there isn't anything in the contract requiring township residency and the Personnel Policy Manual which was adopted in October of 2005 after the Township Manager Ordinance was adopted and after Mr. Cotter was under contract with the Township. Mr. Garner stated in his opinion Mr. Cotter is "grandfathered" through the provisions of the Personnel Policy Manual. He further stated the Manual was passed by Resolution and the Resolution does not have the legislative force in effect of the Township Manager Ordinance which was adopted previously. Mr. Garner reiterated his opinion that the residency provision is not applicable since it was passed after Mr. Cotter was Manager under contract.

**ROBERT SLOSS - 2097 Needhammer Road** - Referenced the Manager's Ordinance and stated his interpretation of the Ordinance states the Manager does not have to be a resident at the time of being hired; however once the Manager is hired the section in the Personnel Policy comes into effect. Mr. Garner explained that the Policy was enacted in 2005 after Mr. Cotter was already Township Manager under contract. The Township Manager's contract does not address that provision.

**ROBERT SLOSS CONT'D** - Expressed his concern that tonight's Board of Commissioners meeting was not advertised as part of the calendar. It was confirmed that the meeting was properly advertised.

**WAYNE STROGUS - 1320 Farmington Avenue** - Expressed his concern regarding the installation of the public water placing a financial burden on his business.

**REG LEISTER - 1693 Farmington Avenue** - Requested an update on the flag on the cell tower. Mr. Cotter stated he has contacted American Tower and should have additional information at the end of the month.

**REPORTS:**

**EMERGENCY SERVICES REPORT** - Mr. Noll reported the Fire Committee will hold a meeting on Thursday, April 20, 2006. He further reported the Fire Company held a successful Easter egg hunt and flower sale and expressed his thanks to Strogus Flower Shop for supplying the flowers.

**POLICE REPORT** - Mr. Noll stated a copy of the monthly Police Report will be posted on the bulletin board. Mr. Noll introduced Police Chief Candidate, Brian Ross. Mr. Ross provided a brief presentation regarding his law enforcement career and outlined some of his goals as Police Chief of Upper Pottsgrove Township.

**PLANNING AND ZONING REPORT** - Mr. Taylor read the monthly Planning and Zoning Report.

**PUBLIC WORKS REPORT** - Mr. Iatesta read the monthly Highway Report and thanked the West Pottsgrove Township Public Works Department for their assistance with the hydraulic cleaning of the sewer main on Poplar Street.

**JAMES LANDIS - 1381 Farmington Avenue** - Questioned why the Township doesn't follow state guidelines when filling potholes. Commissioner Iatesta stated he would look into the matter.

**FRAN HAYES - 1339 Farmington Avenue** - Expressed her concern regarding the drainage along Farmington Avenue.

**EVA KEHLER - 1353 Farmington Avenue** - Referenced the water run off along Farmington Avenue and expressed concern that the water does not empty into the storm drains.

**GREGORY SHARPE - 969 Farmington Avenue** - Questioned whether the water drainage issues will be addressed when the Farmington Avenue construction is complete. Township Engineer John Theisen stated the developer (T H Properties) will be installing additional storm sewer pipes and inlets in order to alleviate the drainage issues.

**CONNIE SWEIGART - 991 Farmington Avenue** - Stated the road is built up too high and noted the water ends up in her yard and basement.

**ROBERT MESSINGER - 1480 Farmington Avenue** - Expressed his concern regarding the excessive water run off from Maugers Mill Road.

**HENRY BEALER - 1382 Farmington Avenue** - Expressed concern regarding the storm drain installed near his property.

When **DEIDRE SLIFER, 1443 Farmington Avenue**, questioned whether the Township will be using the same engineering firm that was used during the previous construction on Farmington Avenue. Commissioner Iatesta stated "no."

**PARKS, RECREATION AND OPEN SPACE** - Mr. Dolan reported the Township's Open Space Plan was presented to the County's Open Space Board at the end of February. He further reported the Committee discussed and is recommending that the Township consider an open space referendum and noted the Open Space Committee will make a presentation at the first meeting in May. The Pottsgrove's (West, Upper and Lower) discussed the use of the ball fields and improvements to Kulp field. The Pottsgrove Band has made a request to perform at Heather Place Park sometime in June or July.

**ADMINISTRATION COMMISSIONER** - Mrs. DeLena read the monthly Administration Report and introduced Richard Dillon as the Township's new Code Enforcement Officer. Mrs. DeLena reported Mr. Dillon will be overseeing and coordinating all Township inspection functions, and heading up the Township's code enforcement.

**TOWNSHIP ENGINEER** - Engineer John Theisen noted that construction has started in both the SOCO/Skarbek and Summer Grove Subdivisions.

**DEIDRE SLIFER - 1443 Farmington Avenue** - Requested clarification with regards to the location of the public water installation on her property.

**ROBERT SLOSS - 2097 Needhammer Road** - Questioned whether enough money was budgeted for the storm water projects along Farmington Avenue. Mr. Cotter stated money has been allocated in this year's budget for the Farmington Avenue storm water projects.

**GERALD PORTER - 172 Hanover Drive** - Expressed concern with regards to the age of the existing Farmington Avenue sewer line.

**STANLEY NEDZIA - 957 Farmington Avenue** - Expressed his concern with regards to excessive building within the Township, the elimination of the school taxes and the Farmington Avenue project.

**CAROL WINPENNY - 1400 Farmington Avenue** - Expressed concern regarding grading issues of Farmington Avenue.

**GILBERT DUNCAN - 72 Hanover Drive** - Suggested the Township turn back Farmington Avenue to the State.

**RENOVATIONS BY DESIGN CURATIVE AMENDMENT HEARING** - Attorney Garner reported the Renovations by Design Curative Amendment Hearing will be continued until May 15, 2006, at 8:00 P.M.

**TOWNSHIP SOLICITOR'S REPORT** - Attorney Garner reported he advertised the Special Conditional Use Hearing for the Verizon Cell Tower for May 10, 2006, at 7:00 P.M.

**TOWNSHIP MANAGER** - No Report.

**MONTHLY FINANCIAL REPORT** – Mr. Cotter summarized the monthly financial report for the various funds and noted a significant amount of revenue from the collection of real estate taxes as well as real estate transfers.

**COMMISSIONER NOLL** - Questioned whether the Board will be holding budget meetings in August. Mr. Cotter stated the preparation of the 2007 budget will begin in September.

**ROBERT SLOSS - 2097 Needhammer Road** - Requested a clarification with regards to the Capital Reserve Fund.

**DEIDRE SLIFER - 1443 Farmington Avenue** - Requested the Board hold monthly budget meetings. Commissioner Taylor advised the Board will hold budget meetings during the preparation of the 2007 budget later in the year.

When **GILBERT DUNCAN, 72 Hanover Drive**, questioned whether the Township borrowed money for the Greengate I & I repairs Mr. Cotter responded “yes.” Mr. Duncan further questioned why the Township borrowed money when the developers contributed to the Farmington Avenue sewer installation. Mr. Cotter explained at the time the money was borrowed there weren’t any agreements with the developers with regards to the sewer problems the Township was experiencing.

**ACTION ON ORDINANCE #394** - An Ordinance of the Township of Upper Pottsgrove requiring all owners of certain properties located in the Wolf Run contamination area to connect to the existing and/or soon to be constructed water distribution system under certain circumstances; to pay tapping fees and other user charges; to regulate the manner of making connections to the water system; to provide for notice, entry of property and connection by the Township; to adopt certain rules and regulations and provide for adoption of additional rules and regulations; and to provide enforcement remedies and penalties for violations. Mr. Cotter and Mr. Garner provided a detailed summary of the provisions of the ordinance.

**JOSEPH WALSH - 178 Hanover Drive** - Requested a clarification with regards to testing of wells for non-drinking purposes and financial responsibility for the water installation.

**JEFF RITSCHARD - 1406 North State Street** - Expressed concern that his name was omitted from the list of residents with contaminated water. Mr. Cotter confirmed that Mr. Ritschard's name was on the list.

When **EVA KEHLER, 1353 Farmington Avenue**, questioned whether both houses on her property would hooked up to the public water system; Mr. Cotter responded "yes."

**LIZ BEDELL - 1461 Farmington Avenue** - Questioned why it is necessary to hook up to the public water system when their well is not contaminated. Mr. Cotter explained that when DEP issued the statement of decision regarding the well contamination, the installation of public water was the most viable way to take care of the TCE contamination. Mr. Cotter stated it is the position of DEP that even if the well is not contaminated at this time- it will be in the future especially as other property owner stop using water in the aquifer that services everyone. He further stated that DEP's primary concern is to provide safe drinking water to everyone.

**BRUCE ACHUFF - 1340 Farmington Avenue** - Questioned whether developers drill wells to cool their equipment. Township Engineer John Theisen stated the developers would bring water from "off site" for this purpose. Mr. Cotter noted a permit would have to be obtained from the Montgomery County Health Department in order to drill a well and notification would be sent to the Township.

**GERALD PORTER - 172 Hanover Drive** - Stated the ordinance is biased to the homeowner who has a good well and noted residents should be allowed to their wells if their not contaminated.

**WAYNE STROGUS - 1320 Farmington Avenue** - Requested a clarification with regards to using his well water for his business and requested a time frame for the project. Mr. Strogus expressed concern for his business if the road (Farmington Avenue) is shut down during construction. Mr. Cotter explained the road will be closed; however it will be open to local traffic and businesses. Commissioner DeLena suggested the names of the businesses be listed on the sign stating the road is open to local businesses.

**LISA SMOYER - 1027 Farmington Avenue** - Questioned what will happen to the residents who choose to keep their wells in the event a new contamination (other than TCE) occurs. Mr. Cotter stated that DEP will continue to monitor the "plume area" until the potentially responsible party is identified.

**CARL SPECHT - 150 Primrose Lane** - Stated that at the last several meetings he has questioned why a resident, whose well is not contaminated, must hook into the public water system when they want to sell their home. Mr. Specht stated he was told that residents could request a hearing and questioned why there isn't anything regarding this matter included in the ordinance. Mr. Garner stated any resident can come before the Board to make a request for relief from any of the requirements within the ordinance.

**GILBERT DUNCAN - 72 Hanover Drive** - Suggested making Farmington Avenue one way from Wilson Street during the construction.

**JAMES EILAND - 1445 Farmington Avenue** - Requested a clarification with regards to a resident who chooses to keep their well for non-drinking purposes.

**MIKE PAVLIK - 103 Hanover Drive** - Requested a clarification with regards to residents who choose to keep their well open no matter what water supplier is used.

**JAMES LANDIS - 1381 Farmington Avenue** - Expressed concerns regarding water pressure and pipe size.

In response to a question from **ROBERT SLOSS, 2097 Needhammer Road**, as to whether the Township signed an agreement with DEP, Mr. Cotter stated "not yet." Mr. Garner explained the water connection ordinance is the first thing that needs to be approved.

**SANDY HASSELHAN - 1466 Farmington Avenue** - Expressed concern with regards to the type of disinfectant that would be used and hook up costs.

In response to a question from **CONNIE SWEIGART, 991 Farmington Avenue**, Mr. Cotter reiterated there is no cost to the residents to have the public water supplied to your house; however if you chose to keep your well open and plumbing needs to be done; the homeowner would be financially responsible for those costs. Mr. Cotter stated that DEP will not pay to keep your well open.

When **CAROL WINPENNY, 1400 Farmington Avenue**, questioned whether the Township would lock in water rates; Commissioner Taylor stated "no." Mrs. Winpenny questioned if the water meter would be installed inside or outside the home. Mr. Cotter stated a special type of meter would be read remotely and no meter reader would need to enter the home.

**HENRY BEALER - 1382 Farmington Avenue** - Had specific questions with regards to the installation of the public water at his property.

**ROBERT BEALER - 1406 Farmington Avenue** - Expressed concern as to how the public water will get to his property. Mr. Bealer also expressed concerns regarding water pressure.

When **LORRAINE HOFF, 1215 Farmington Avenue**, questioned if the present sewer lateral is damaged who is financially responsible; Mr. Cotter stated the contractor.

**STANLEY NEDZIA - 957 Farmington Avenue** - Questioned the members of the Board as to when the homes with the failing septic systems along Farmington Avenue will be corrected.

Commissioner Taylor urged the residents who have specific questions with regards to the public water installation to attend the "open house" which will be held at the Pottsgrove Middle School on Wednesday, April 19, 2006, between the hours of 5:00 - 9:00 P.M.

**ORDINANCE #394** - A motion by DeLena, seconded by Iatesta, to adopt Ordinance #394. All aye votes.

**REVIEW OF WOLF RUN PUBLIC WATER PROJECT COST PROPOSALS** - Mr. Cotter reported the Township has expected revenues for the Wolf Run public water project in the amount of \$2.415 million, the bulk of the money coming from the Commonwealth. He further reported the Township has received contributions from various developers. Mr. Cotter provided a hand out depicting cost comparisons between Superior Water and the Pottstown Borough Authority as the primary water provider for the project. Mr. Cotter explained that no matter what company the Board chooses as the primary water provider the other company needs to be involved in a portion of the project due to service territory issues. It was noted that should the Pottstown Borough Authority act as the primary contractor, there will be an approximate \$2 million funding shortfall. Mr. Cotter provided a summary with regards to cost differential and rate differences. After discussion, it was the recommendation of the Township Manager to go forward with Superior Water Company as the primary water provider for the Wolf Run project. Commissioner Dolan requested clarification with regards to prevailing wages and the monthly charges to the residents. Commissioner DeLena questioned the difference in materials (copper vs. plastic).

**GILBERT DUNCAN - 72 Hanover Drive** - Stated he heard that water will be supplied to Superior Water to his development at a bulk rate cost and questioned the monthly rates charged to the residents. Mr. Cotter stated the Township doesn't have any control over Superior Water's rates; they are set by the Public Utility Commission.

**DEIDRE SLIFER - 1453 Farmington Avenue** - Questioned the rates for Superior Water and the Pottstown Borough Authority.

**ROBERT SLOSS - 2097 Needhammer Road** - Expressed concern regarding the funding shortfall.

**GREGORY SHARPE - 969 Farmington Avenue** - Expressed concern regarding being charged a tapping fee and questioned the cut off point for Pottstown Water vs Superior Water. Mr. Cotter stated additional information will be available at the meeting being held at the Middle School.

**JAMES LANDIS - 1381 Farmington Avenue** - Expressed concern regarding the rates being charged by Superior Water compared to the rates charged by the Pottstown Borough Authority.

**ROBERT PELLEGRINO - 1359 Farmington Avenue** - Questioned whether property owners would have the right to have the water installed to their property without physically hooking into the public water system. Mr. Pellegrino expressed concern that he never received any information regarding the water issues.

**HENRY BEALER - 1382 Farmington Avenue** - Requested a clarification regarding an interconnection between Superior Water and the Pottstown Borough Authority.

**CAROL WINPENNY - 1400 Farmington Avenue** - Questioned why the water issue has to do with the health, safety and welfare of the entire Township when the Farmington Avenue residents are the only ones being affected.

A motion by Dolan, seconded by DeLena, to authorize the Township Manager and Solicitor to develop a contract with Superior Water as the primary service provider and the Pottstown Borough Authority for the Willow Street properties. All aye votes.

**REVIEW DRAFT OF TOWNSHIP NEWSLETTER** - Action on this matter was tabled until a future meeting.

**REVIEW OF 2005 FIRE MUTUAL AID RESPONSES AND POSSIBLE ADDITIONAL MUTUAL AID CONTRIBUTIONS** - Commissioner Noll stated that while Upper Pottsgrove Fire Company #1 was out of service last year, the Township arranged with the surrounding mutual aid fire companies for a callout schedule that would maintain protection for the community. He further stated that based on an evaluation of the actual number of responses Ringing Hill Fire Company experienced twice the volume of calls compared to North End Fire Company and West End Fire Company (which were equal) and therefore he is recommending that an additional payment of \$5,000 to Ringing Hill Fire Company and \$2,800 to West End Fire Company. A motion by Noll, seconded by Iatesta, to authorize additional payments to West End Fire Company and Ringing Hill Fire Company. All aye votes.

**ACTION ON REVISION TO THE UPTFC NO. 1 RUN CARD ALTERATION POLICY** – After a brief discussion, a motion by Noll, seconded by Dolan, to direct the Township Manager to address a letter to Paul Hunsberger at Montgomery County Dispatch authorizing the Fire Chief to make changes to the run card policy. All aye votes.

**ACTION ON THE POLICE COLLECTIVE BARGAINING AGREEMENT** - A motion by DeLena, seconded by Dolan, to approve and authorize the execution of the Police Collective Bargaining Agreement with the side letters attached. All aye votes. Mr. Cotter expressed his thanks and appreciation to Mr. Garner for all his work with regards to the Police Contract.

**REVIEW OF PROPOSED PARK & RECREATION RECOMMENDATIONS ON PARK IMPROVEMENTS** - The Park & Recreation Committee is recommending that the Township solicit quotations for the construction of signs for Hollenbach Park, Mocharniuk Park, Heather Place Park and the Kulp Fields. A motion by DeLena, seconded by Noll, to authorize the Township Manager to solicit proposals for the construction of park signs. All aye votes.

When **DEIDRE SLIFER, 1453 Farmington Avenue**, questioned whether the Township logo was changed; Mr. Cotter said “no.”



**APPOINTMENTS TO THE TOWNSHIP SEWER & WATER COMMITTEE** - A motion by Noll, seconded by Iatesta, to appoint Robert Sloss and David Crock to the Sewer & Water Committee. All aye votes.

**RESOLUTION #488 - Township Fee Schedule** - Action on this matter was tabled to a future meeting.

**ACTION ON UPTFC NO. 1 STANDARD OPERATING PROCEDURES** - The Board discussed minor changes to Section 2 D.1 regarding Chain of Command and Section 10.6 regarding Use of Equipment for Non-Emergency Purposes. A motion by Noll, seconded by Dolan, to approve and adopt the Upper Pottsgrove Township No.1 Standard Operating Procedures with the minor changes. All aye votes.

**OFFER OF PLAN REVIEW TIME EXTENSION FOR THE DANNY JAKE, INC. ALHOUSE PRELIMINARY LAND DEVELOPMENT PLAN** - A motion by DeLena, seconded by Noll, to approve a 90-day extension of time for the Alhouse preliminary land development plan. All aye votes.

**OFFER OF PLAN REVIEW TIME EXTENSION FOR THE ROUSE CHAMBERLIN SWEETWATER FINAL LAND DEVELOPMENT PLAN** - A motion by Iatesta, seconded by DeLena, to approve a 90-day extension of time for the Sweetwater subdivision plan. All aye votes.

**OTHER PUBLIC COMMENT**

**ROBERT SLOSS** - Requested an update with regards to the lack of speed limit signs within the Maugers Mill Estates Development. Mr. Cotter stated the matter will be addressed on a future agenda.

**COMMISSIONERS COMMENTS:**

**COMMISSIONER IATESTA** - Requested the members of the Board to forward their nominees for the Patriot Award to him as soon as possible.

**COMMISSIONER NOLL** - Requested a clarification regarding training for local elected officials. Mr. Noll also requested the Manager to address a letter to Superior Water Company regarding the fire hydrants being installed in the Township.

**APPROVAL OF BILL LIST** - A motion by Dolan, seconded by DeLena, to approve the Bill List dated April 18, 2006, for General Fund in the amount of \$89,983.30; Fire Fund in the amount of \$752.22; Park and Recreation Fund in the amount of \$16.03; Sewer Fund in the amount of \$459.21 and State Fund in the amount of \$49.30. Total Expenditures - \$91,260.06. All aye votes.

**ROBERT SLOSS - 2097 Needhammer Road** - Questioned invoices from Lane Enterprises and Pottstown Metropolitan Regional Planning Commission.

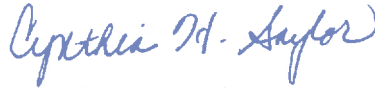
**APPROVAL OF MINUTES** – A motion by Noll, seconded by Dolan, to approve the minutes of the April 3, 2006, meeting as presented. All aye votes.

**EXECUTIVE SESSION** - At 10:32 P.M. Mr. Taylor announced the Board would be meeting in Executive Session to discuss a personnel matter. The meeting reconvened at 10:58 P.M.

**CONDITIONAL OFFER OF EMPLOYMENT TO THE TOWNSHIP'S PROSPECTIVE NEW CHIEF** – A motion by DeLena, seconded by Dolan, to extend a conditional offer of employment to Brian Ross as Township Police Chief. All aye votes.

**ADJOURNMENT** - There being no further business the meeting adjourned at 11:00 P.M.

Respectfully submitted,



Cynthia H. Saylor  
Township Secretary