

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

May 15, 2006

The meeting of the Board of Commissioners was held on Monday, May 15, 2006, at the Upper Pottsgrove Administrative Offices, 1409 Farmington Avenue, with Commissioners DeLena, Dolan, Iatesta, Noll and Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:00 P.M. There were 28 people and a Mercury reporter present in the audience.

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.

EXECUTIVE SESSION - Mr. Taylor reported the Board met in Executive Session on May 10, 2006 to discuss personnel issues.

ACTION ON EXECUTION OF AN OFFER OF EMPLOYMENT TO THE TOWNSHIP'S NEW CHIEF OF POLICE - A motion by Noll, seconded by Iatesta, to appoint Bryan Ross as Chief of Police of Upper Pottsgrove Township subject to the execution of a contract by Mr. Ross in a form acceptable to the Township. All aye votes.

EXECUTION OF AGREEMENT - A motion by DeLena, seconded by Dolan, to approve and authorize the execution of a contract with Bryan Ross as Chief of Police of Upper Pottsgrove Township. Aye votes: DeLena, Dolan and Taylor. Opposed: Iatesta and Noll. Motion carried.

SWEARING-IN OF BRYAN ROSS AS THE TOWNSHIP'S NEW CHIEF OF POLICE - Judge Palladino administered the oath of office to newly appointed Police Chief Bryan Ross. Chief Ross stated he is looking forward to working with everyone in Upper Pottsgrove Township and expressed his appreciation to the members of the Board. Commissioner Taylor stated the community is very fortunate to have a person such as Chief Ross and the Commissioners look forward to working together with the new Chief.

LETTER OF RESIGNATION - Commissioner Taylor stated he received a letter of resignation from Michael Cotter as Township Manager effective May 31, 2006 and noted it is subject to the approval and execution of a mutually acceptable separation agreement. In his letter Mr. Cotter thanked the Board, the Township's appointed officials and especially the staff for the opportunity to serve the community. A motion by Iatesta, seconded by DeLena, to accept the resignation of Mr. Cotter effective May 31, 2006, contingent upon the execution of a mutually acceptable separation agreement. At the advice of the Solicitor Mr. Iatesta amended his motion to read: A motion by Iatesta, seconded by DeLena, to accept the resignation of Michael Cotter effective May 31, 2006, contingent upon the execution of a mutually acceptable separation agreement conditioned upon Mr. Cotter's execution of the resignation agreement in a form acceptable by the Board of Commissioners and the Solicitor. All aye votes.

PUBLIC COMMENT:

REG LEISTER - 1693 Farmington Avenue - Announced there will be a flag retirement ceremony held at Memorial Park on Sunday, June 4, 2006, and requested permission to utilize the Administrative office as a collection point for the disposal of worn and tattered flags. There was no objection from the members of the Board.

REPORTS:

EMERGENCY SERVICES - POLICE REPORT - Commissioner Noll reported the monthly Police Report will be posted on the bulletin board. Mr. Noll advised that Officer Farrell attended a two day Vascar seminar and is now certified and able to use the Vascar speed timing device.

FIRE COMMITTEE - Commissioner Noll reported the Fire Committee will hold their meeting on Thursday, May 18, 2006 and noted they are currently pursuing an Emergency Management Coordinator.

ROBERT SLOSS - 2097 Needhammer Road - Stated that Jason Tattershall submitted an application for the Emergency Management Coordinator position and questioned the status of the application. Commissioner Noll stated he would look into the matter.

PLANNING & ZONING REPORT - Commissioner Taylor reported the Planning Commission held their meeting on May 8, 2006, and discussed the realignment of Cross Road onto Moyer Road. Mr. Taylor stated Rouse/Chamberlin has agreed to provide an easement across a portion of their Sweetwater Subdivision to allow for a realignment of Cross Road away from the intersection of Moyer Road and Route 100.

PUBLIC WORKS REPORT - Commissioner Iatesta reported the Snyder Road Drainage Improvement project was completed on April 22, 2006. He further reported lawn restoration in the Greengate Subdivision began on May 10 and should be completed within the next two weeks. The annual spring street sweeping was completed during the week of May 5, 2006. Phase I of the Farmington Avenue sewer upgrades began on May 1; however progress is moving at a very slow rate due to the depth of the main line and laterals being encased in concrete. Mowing and trimming of grass has begun in Township parks and open space and pothole patching and compacting has been performed on Diamond Street, Juniper Street and Mimosa Lane. Mr. Iatesta advised as part of DEP's MS4 Storm Water Management program 100 storm water stencils have been placed in the Turnberry Farms and Maugers Mill Estates stated "No Dumping Drains to Creek"; additional stencils will be ordered in a continuing effort to mark all storm drains within the Township. With regards to the cell tower - Cingular will be moving their external antennae inside the cell tower therefore eliminating future flag problems.

GILBERT DUNCAN - 72 Hanover Drive - Expressed his concern regarding the trench along Farmington Avenue with regards to the TH Properties construction.

CONNIE SWEIGART - 991 Farmington Avenue - Stated she spoke with the project manager of TH Properties and addressed her concerns with regards to the construction project.

JOHN HOONEY - 1270 Farmington Avenue - Requested the installation of a sewer lateral on his property for future use. Solicitor Garner stated he is looking into the matter.

ROBERT SLOSS - 2097 Needhammer Road - Questioned whether storm water run off and drainage would fall under the jurisdiction of the Public Works Department. Mr. Sloss expressed his concern regarding storm water from TH Properties and noted the Farmington Avenue residents are experiencing problems regarding water run-off.

PARKS, RECREATION AND OPEN SPACE COMMITTEE - Commissioner Dolan reported the Park and Recreation Committee held their monthly meeting at Heather Place Park and discussed future plans for the park. Mr. Dolan reported the Open Space Committee met and discussed land acquisition.

ADMINISTRATIVE REPORT - Commissioner DeLena reported the Township newsletter is currently under “construction.” Mrs. DeLena stated she recently attended the Pottstown Regional Planning meeting and noted the main topic of discussion was a letter addressed to the Gaming Commission regarding the proposed Limerick casino.

DENNIS ELLIOTT - 576 Evans Road - Suggested an article be included in the newsletter warning residents of various “scams” going on within the Township.

REG LEISTER - 1623 Farmington Avenue - Expressed concern regarding the Civil Service Rules and Regulations and advised they need to be converted into an editable digital format.

ENGINEER’S REPORT - A copy of the monthly Engineer’s Report was posted on the bulletin board.

SOLICITOR’S REPORT - Attorney Garner reported a draft of the proposed noise ordinance will be available at the next Board meeting and a draft of the proposed lighting ordinance will be available in July. Mr. Garner provided a brief history with regards to the Maugers Mill drainage issues and noted the matter will be placed on the June 5th meeting agenda. Mr. Garner further noted an Ordinance to establish speed limits within Maugers Mill Estates will also be placed on the June 5th meeting agenda.

SUPERIOR WATER AGREEMENT - A motion by DeLena, seconded by Dolan, to approve and authorize the execution of an agreement with Superior Water. All aye votes.

HENRY BEALER - 1382 Farmington Avenue - Noted that there are several wells located along Farmington Avenue that were never tested for TCE.

DENNIS ELLIOTT - 576 Evans Road - Requested clarification regarding the proposed noise ordinance. Mr. Elliott expressed his concern regarding speeding vehicles along Farmington Avenue West and questioned the possibility of installing “children at play signs.”

ACTION ON REVISION TO THE UPTFC NO. 1 BY-LAWS - Commissioner Dolan provided a brief update with regards to the Upper Pottsgrove Fire Company By-Laws and reported they should be available for approval at the Board's meeting in July.

APPOINTMENT OF MR. RICHARD DILLON AS THE TOWNSHIP'S NEW BUILDING CODE OFFICIAL - A motion by DeLena, seconded by Noll, to appoint Richard Dillon as the Township's Building Code Official. All aye votes.

CONSIDERATION OF, AND POSSIBLE ACTION ON, A REFERENDUM INCREASING THE EARNED INCOME TAX RATE BY 0.25% TO FUND A TOWNSHIP OPEN SPACE PRESERVATION INITIATIVE - Herb Miller, Chairman of the Township's Open Space Committee and Sue Thompson, Park and Recreation Committee, provided a brief presentation with regards to their support of a referendum increasing the earned tax rate to fund open space preservation. Mr. Miller outlined the importance of open space preservation and noted it will protect the historical, cultural and natural resources of our township. Mr. Miller stated the referendum process must be initiated by the Board and the Commissioners need to authorize this request by ordinance and submit the authorization to the Montgomery County Board of Elections. Mr. Miller asked the Commissioners for their unanimous support and requested they authorize the Solicitor to draft an ordinance authorizing the placement of a referendum on the November 2006 ballot increasing the earned income tax from 1% to 1.25%. Mr. Miller explained the additional .25% monies would be used solely for the purpose of preserving open space in Upper Pottsgrove Township. He further stated that open space saves the tax paying residents of Upper Pottsgrove Township money in the long run as you don't need additional classrooms, books, police, police cars, fire trucks and many infrastructure necessities.

ROBERT SLOSS - 2097 Needhammer Road - Questioned if the increase in the earned income tax would be eliminated once all the available open space is gone.

There was a brief discussion as to how the Open Space Committee would prioritize the available open space parcels/projects and the actual method of collecting the additional tax monies.

SCOTT MILLER - 99 Mapleleaf Lane - Stated that one of the reasons he moved to Upper Pottsgrove Township was because of the open space and farmland; however within the last five years a lot of the open space has disappeared.

COMMISSIONER DOLAN - Expressed his appreciation to the members of the Open Space Board and stated he is proud to be a member of the Committee. Mr. Dolan stated the Committee is not asking the Board to make a decision with regards to the "tax increase" but to make a decision that would allow the residents to have a "choice" in the open space referendum.

DENNIS ELLIOTT - 576 Evans Road - Stated he recently attended a seminar at the Montgomery County Community College whereby they received a "wealth of information" with regards to obtaining grant funding. Mr. Elliott stated the members of the Open Space Committee are willing to go "door to door" to speak to the residents regarding open space preservation.

INCREASING THE EARNED INCOME TAX RATE CONT'D - After a brief discussion, a motion by Dolan, seconded by Iatesta, to proceed with the referendum process. All aye votes.

RENOVATIONS BY DESIGN CURATIVE AMENDMENT HEARING - Attorney Garner reported the Renovations by Design Curative Amendment Hearing will be continued until June 5, 2006, at 8:00 P.M.

CONSIDERATION OF, AND POSSIBLE ACTION ON, THE CREATION OF A HISTORIC PRESERVATION EXPLORATORY COMMITTEE - Herb Miller, Open Space Committee, was present to discuss the possible creation of a Historic Preservation Exploratory Committee. Mr. Miller advised the Open Space Plan calls for such a Committee and noted that the Montgomery County Open Space Board requested earlier implementation of a Historic Preservation Exploratory Committee. Mr. Miller introduced Scott Miller and stated he has volunteered to Chair the Committee. Mr. Miller, on behalf of the Open Space Committee, requested the Board authorize the Solicitor to draft a resolution creating a Historic Preservation Committee charged with exploring options for the preservation of this Township's historic resources. The members of the Board had no objection to the creation of the Historic Preservation Exploratory Committee.

ACTION ON THE RENOVATIONS BY DESIGN WOODBROOK PROJECT THIRD ADDENDUM TO ITS DEVELOPER'S AGREEMENT - Attorney Chuck Garner provided a brief history with regards to the Woodbrook Subdivision and reported there is presently in place a Developer's Agreement which is amended by two separate addendums. As part of the Sewer Upgrade Agreement and Woodbrook Development Agreement the Developer has agreed to fully fund and install upgrades to the Farmington Avenue Sewer Conveyance System known as Phase I. Mr. Garner outlined the main provisions of the Agreement as follows: the Developer already has money in place to guarantee the completion of the remaining improvements for all phases of Woodbrook as 80 town home units; the Developer has agreed as part of the Agreement and has already funded a \$15,000 contribution for upgrades to the Cherrytree Farms pump station; the Developer has agreed to a \$50,000 voluntary contribution to the Township which will be paid at the signing of this Agreement. A part of the Agreement would require the Developer to complete Phase I of the Farmington Avenue sewer work. The Developer would be required to purchase capacity from the Township for the remaining units to be serviced at a cost of \$75,000, the Developer would be obligated to reimburse Thomas Kimmel for use of the Cherrytree Farms pump station. The Developer would pay an additional \$75,000 to the Township for sewer tapping fees. After further discussion, a motion by Dolan, seconded by DeLena, to approve and authorize the execution of the Sewer Upgrade Improvement Agreement and Financial Security Agreement for Phase I of Farmington Avenue, subject to Township approval. All aye votes. A motion by Noll, seconded by Iatesta, to approve and authorize the execution of the Woodbrook Development Improvement Agreement and the Woodbrook Financial Security Agreement, subject to Township approval. All aye votes.

JOHN BEALER - 1521 Farmington Avenue - Suggested the Commissioners consider reimbursing the Sewer Fund from the General Fund with the \$50,000 voluntary contribution by the Developer.

REVIEW OF AND POSSIBLE ACTION ON, A REVISION TO THE APPROVED STREET NAMES FOR THE TH PROPERTIES CODDINGTON VIEW SUBDIVISION - A motion by Noll, seconded by DeLena, to accept the recorded street names for the Coddington View Subdivision. All aye votes.

REVIEW OF PROPOSED FEDERAL CABLE SERVICE LEGISLATION - Attorney Garner reported there is pending state and federal legislation that would seek to eliminate municipal franchising authority over cable operators. After a brief discussion, it was agreed that the Solicitor would draft a letter to the local and state representatives noting the Board's opposition to the state franchising legislation.

ACTION ON RE-SCHEDULING THE BOARD'S SECOND MEETING IN JUNE - A motion by Iatesta, seconded by DeLena, to authorize advertisement of the re-scheduling of the Board's second meeting in June from June 19th to June 22nd, 2006. All aye votes.

AUTHORIZATION TO ADVERTISE AN AMENDMENT TO THE TOWNSHIP'S CODIFIED ORDINANCE PERTAINING TO THE MAXIMUM PERMITTED BUILDING COVERAGE - A motion by DeLena, seconded by Noll, to authorized the Solicitor to advertise an amendment to the Township's Codified Ordinance pertaining to the maximum permitted building coverage. All aye votes.

PUBLIC COMMENT:

PAUL HUGHES - 2220 Horseshoe Drive - Expressed his concern regarding the debt service as depicted in the 2005 audit report.

ROBERT SLOSS - 2097 Needhammer Road - Requested a clarification with regards to the function of the Building Code Official and questioned whether LTL Consultants will be working together with Mr. Dillon.

COMMISSIONER IATESTA - Briefly discussed Montgomery County Resolution #05-01 supporting that storm drainage systems within state owned highways are the responsibility of the state of Pennsylvania to maintain and repair when required. It was agreed that Commissioner DeLena would draft a letter noting the Township's support of Montgomery County Resolution #05-01.

COMMISSIONER DOLAN - Suggested a certificate of appreciation be awarded to Officer Jim Crawford for his outstanding efforts regarding DUI enforcement.

APPROVAL OF BILL LIST - May 15, 2006 - A motion by Noll, seconded by DeLena, to approve the Bill List dated May 1, 2006, for General Fund in the amount of \$69,440.35; Fire Fund in the amount of \$5,696.00; Sewer Fund in the amount of \$23,661.88; State Fund in the amount of \$5,315.03 and Park and Recreation Fund in the amount of \$40.99 - total \$104,154.25. All aye votes.

APPROVAL OF MINUTES - May 1, 2006 - Discussion on this matter was tabled to the next Board meeting.

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EXECUTIVE SESSION - At 8:52 P.M. Mr. Taylor announced the Board would meet in executive session to discuss personnel issues. The meeting reconvened at 11:00 P.M.

ADJOURNMENT - There being no further business, the meeting was adjourned at 11:02 P.M.

Respectfully submitted,



Cynthia H. Saylor
Township Secretary