

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

June 5, 2006

A meeting of the Board of Commissioners was held on Monday, June 5, 2006, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners DeLena, Dolan, Noll and Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., Interim Manager Jack P. Layne, Public Works Director Frank Quinter and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:00 P.M. There were 32 people and a Mercury reporter present in the audience. Mr. Iatesta was unable to attend the meeting.

SPECIAL MEETING - Mr. Taylor reported the Board held a special meeting on Monday, May 22, 2006, to appoint Jack P. Layne as Interim Township Manager.

MOMENT OF SILENCE - Mr. Taylor requested a moment of silence in honor of the men and women who are currently serving and those who have served our country in the armed forces.

PLEDGE OF ALLEGIANCE - Those assembled pledged allegiance to the flag.

PUBLIC COMMENTS:

JOHN DURKIN - Presented lighting plans for the PAL fields located along Chestnut Grove Road. Mr. Durkin requested permission to install a temporary shed in order to "house" a new mower and asked if the Board would consider waiving the permit fee.

REG LEISTER - 1693 Farmington Avenue - Reported that ninety two (92) American flags were collected and officially "retired" at the flag ceremony held at Memorial Park on Sunday, June 4, 2006.

ROBERT SLOSS - 2097 Needhammer Road - Stated that it took the previous Board and the current Board over two years to hire a Police Chief which is a position that directly affects health and welfare and safety of the residents. Mr. Sloss expressed concern as to the way in which the Board held a special meeting in order to appoint an Interim Manager and questioned whether there is a serious financial issue with the Township. President Taylor questioned the members of the Board whether they had any concerns with regards to the hiring process of the Interim Manager. Commissioner Noll thanked the Solicitor for his involvement in the process and explained the Board acted swiftly in order to keep things running smoothly and to have someone in the office to work with the residents and the staff. Mr. Taylor read the following statement: "During the administrative transition brought on by the recent resignation of our township manager, the Board of Commissioners wants to assure residents that any questions or concerns they direct to the Township continue to be handled in an expeditious manner." "Therefore, we have acted swiftly to appoint Mr. Jack Layne as the Township's Interim Manager. We are confident that Mr. Layne's coordinating presence will facilitate our staff's ability to focus their efforts on meeting the administrative needs of the community and provide the Board of Commissioners with time to deliberate the appointment of a permanent Manager." At the time of Mr. Cotter's resignation we had recently hired a full time Code Enforcement Officer; we hired a Police Chief that very same day; the Farmington Avenue sewer project was just getting under way; the Greengate I & I landscaping project was in progress; the Wolf Run Water project was on the verge of getting underway; we expect the curative with Mr. Mingey to be resolved shortly; three (3) large housing developments are currently underway with six (6)

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ROBERT SLOSS CONT'D - more on the verge of beginning; the final planning for the Farmington West sewer project is being done; the Open Space Committee and Park and Recreation Board are urging a referendum; the Fire Committee is working on finally adopting by-laws that will establish the relationship between the Township and the Fire Company, and the Administrative computer network is being finalized. The Board of Commissioners acted swiftly last week to appoint an Interim Manager to help keep these and other projects “on track”. Immediately Mr. Layne was instrumental in facilitating four (4) very important staff meetings involving Public Works, the Administrative Staff, Emergency Services and Code Enforcement. Mr. Taylor addressed Mr. Sloss’s concern and stated the Board was not afraid of any financial catastrophe; they were just concerned about “getting on with business.”

GIBLERT DUNCAN - 72 Hanover Drive - Stated he was one of two citizens at the special meeting and it lasted approximately two minutes and forty seconds. Mr. Duncan addressed Commissioner Taylor and stated his integrity was questioned and he resented it. Mr. Duncan suggested the Board hire Mr. Layne as Township Manager rather than appoint him as Interim Manager.

CONNIE SWEIGART - 991 Farmington Avenue - Summarized her concerns with regards to the current construction along Farmington Avenue and stated there are no flagmen to direct traffic. She also expressed a concern regarding road erosion. Commissioner Taylor encouraged Mrs. Sweigart to communicate her concerns with the Board and Mr. Layne with regards to the problems she is experiencing.

DARRYLE TILLMAN - 151 Rose Valley Road - Stated he has noted the improved morale of the employees in the Administrative office and encouraged the Commissioners to consider offering Mr. Layne the position of Township Manager.

CARL SPECHT - 150 Primrose Lane - Stated he is in favor of the Interim Manager; however he expressed his concern as to the inadequate notice given for the special meeting in order to appoint him. Attorney Garner addressed Mr. Specht’s concern and stated that when the opportunity to hire Mr. Layne presented itself there were legal implications as far of having a meeting however, a special meeting only requires twenty four hours notice. With regards to the time of the meeting; Mr. Garner explained the Board made a decision that it was preferable to hold a special meeting so that the action could be formally taken at a public meeting to have Mr. Layne start on that particular day. The option would have been to have Mr. Layne start working and ratify that appointment at this meeting. He further explained the Board had two options and chose to have the public meeting, with short notice, in order to avoid additional criticism from the residents. Mr. Garner stated the process that the Board followed satisfied all legal requirements.

GILBERT DUNCAN - 72 Hanover Drive - Questioned why the metal plates are laying on the side of Farmington Avenue where the cars are traveling. Mr. Duncan reiterated Mrs. Sweigart’s concern regarding the unsafe conditions due to the construction along Farmington Avenue.

JOHN BEALER - 1521 Farmington Avenue - Offered his opinion with regards to the hiring of Mr. Layne as Interim Manager and stated "it was the right thing to do." Mr. Bealer stated Mr. Layne attended the Sewer Committee meeting and performed a very competent job. He further stated he has had several conversations with Mr. Layne and encouraged him as well as the Commissioners to consider having him stay. Mr. Bealer stated he also has witnessed the attitude and work performance within the office.

HENRY BEALER - 1382 Farmington Avenue - Stated he was in agreement.

CONNIE SWEIGART - 991 Farmington Avenue - Questioned the location of the water line being installed on Farmington Avenue. Public Works Director, Frank Quinter confirmed that the water line will be installed closer to the center of the road in order to accommodate PECO with their new gas line. Mrs. Sweigart expressed a concern that she may become "trapped" in her home. Mr. Quinter advised that the contractors have been told that one lane along Farmington Avenue must be open at all times and two flag people must be on site at all times to accommodate the traffic.

CONSIDERATION OF RESOLUTION #489 AND POSSIBLE ACTION ON A REFERENDUM INCREASING THE EARNED INCOME TAX RATE BY 0.25% TO FUND A TOWNSHIP OPEN SPACE PRESERVATION INITIATIVE - Attorney Garner explained the process of having a referendum placed on the November ballot concerning the possible increase in the Township earned income tax rate to fund the acquisition of open space and stated he has prepared the necessary Resolution raising the tax by 0.25%. Commissioner DeLena questioned how much the ¼ % increase in the earned income tax will generate. Commissioner Dolan stated he along with Herb Miller, Open Space Committee, will meet on Wednesday to discuss a "game plan" with regards to the open space referendum. After a brief discussion, it was agreed to defer any action until the June 22, 2006 meeting.

GILBERT DUNCAN - 72 Hanover Drive - Questioned the amount of open space left in the Township. Commissioner Dolan stated there are many parcels available within the Township. Commissioner Taylor explained there are several properties currently under negotiation.

ROBERT SLOSS - 2097 Needhammer Road - Stated that three or four years ago Montgomery County placed an open space referendum on the ballot and he voted against it; first, because it's a tax increase and secondly, because they lied to the public. Mr. Sloss further stated that when they came to this Township, they said they would only give us 80% and the Township had to come up with the other 20%. Mr. Sloss questioned – when does it end? Commissioner Taylor stated the money pent on open space saves you multiple times the amount you spend to purchase the open space. He further stated spending now on open space saves you lots of money in the long run.

APPROVAL OF MAXIMUM SPEED LIMIT ORDINANCE #395 - An Ordinance of the Upper Pottsgrove Township Board of Commissioner amending Section 3310-10, Maximum Speed Limits on Certain Streets of Article II, Traffic Regulations, of Chapter 330, Vehicles in Traffic, of the Code of Ordinances of Upper Pottsgrove, as amended, Establishing Maximum Speed Limits on Certain Additional Streets. A motion by Noll, seconded by DeLena, to adopt Ordinance #395. All aye votes.

POSSIBLE ACTION CONCERNING PROPOSED CABLE LEGISLATION – Attorney Garner provided a brief update with regards to the proposed cable legislation. After a brief discussion, a motion by Dolan, seconded by DeLena, to authorize the execution of the letters prepared by the Solicitor regarding the Board’s opposition to national cable franchising legislation. All aye votes.

DISCUSSION OF DRAFT NOISE ORDINANCE - Attorney Garner provided a detailed outline of the proposed noise ordinance and noted it is rather comprehensive; however, he tried to include some of the concerns addressed by the residents and members of the Board. It was agreed that the members of the Board would forward their comments to the Solicitor.

HENRY BEALER - 1382 Farmington Avenue - Expressed his concern with regards to the use of jake brakes.

GILBERT DUNCAN - 72 Hanover Drive - Requested a clarification with the section regarding animals within the proposed Noise Ordinance.

DARRYLE TILLMAN - 151 Rose Valley Road - Expressed his concern with regards to the use of heavy machinery and whether the proposed ordinance restricts the hours of operation.

DIANA UPDEGROVE - 1404 Farmington Avenue - Questioned whether the proposed noise ordinance has any provisions with regards to firearms.

RENOVATIONS BY DESIGN CURATIVE AMENDMENT HEARING - Attorney Garner reported the Renovations by Design Curative Amendment Hearing will be continued until June 22, 2006, at 8:00 P.M.

DISCUSSION/POSSIBLE ACTION ON AGREEMENT WITH CHURCH OF LATTER DAY SAINTS FOR DRAINAGE ISSUES - Mr. Garner reported the Church of the Latter Day Saints has agreed to contribute \$16,750 towards the drainage improvement project and is willing to work with the Township to address the ongoing problem. He further reported the Township has sent Easement Agreements to the individual property owners who are directly impacted by the project. Mr. Garner noted the project will not go forward until the Township receives the executed agreements from all the property owners concerned. Commissioner Taylor noted there is an approximate \$1500 shortfall that the Township will need to “pick up”. After further discussion, a motion by Noll, seconded by DeLena, to approve and authorize the execution of the Agreement with the Church of Latter Day Saints subject to receipt of the fully executed release and waivers of the affected property owners. All aye votes.

When **ROBERT SLOSS, 2097 Needhammer Road**, questioned the total cost of the drainage improvements, Public Works Director, Frank Quinter stated \$23,760. Mr. Sloss stated in his opinion LTL Consultants should pay for the \$1500 shortfall.

APPOINT RICHARD DILLON AS THE TOWNSHIP ZONING OFFICER - Action on this matter was tabled to a future meeting.

STATUS OF REGAL OAKS SEWER - Commissioner Taylor provided a brief update with regards to the Regal Oaks Sewer Treatment Plant. Mr. Taylor reported the Sewer Committee has discussed the possibility of the Township taking over the plant; however, it is their recommendation that the Township should not be responsible for this facility. A motion by Noll, seconded by Dolan, to allow the owner of the Regal Oaks Sewer Plant dispose of the facility with no interference from the Township. All aye votes.

GILBERT DUNCAN -72 Hanover Drive - Requested the name of the current owner of the Regal Oaks Sewer facility.

RESOLUTION AMENDING THE CONSTRUCTION STANDARDS HANDBOOK MANDATING THAT FIRE HYDRANTS PROVIDED IN THE FUTURE BE EQUIPPED WITH STORTZ CONNECTORS - A motion by Noll, seconded by Dolan, to authorize the Solicitor to draft a Resolution amending the Construction Standards Handbook mandating that fire hydrants provided in the future be equipped with Stortz connectors. All aye votes.

CONNIE SWEIGART - 991 Farmington Avenue - Expressed concern with regards to the installation of a fire hydrant at Coddington View.

APPROVAL OF AGREEMENT WITH POTTSTOWN BOROUGH AUTHORITY TO PROVIDE WATER SERVICE TO HOMES ON WILLOW STREET AND SOME OF PROPERTIES ON THE SOUTH END OF FARMINGTON AVENUE - A motion by Dolan, seconded by DeLena, to approve and authorize the execution of a Water Service Agreement with Pottstown Borough Authority. All aye votes.

ACTION ON MANAGER'S RESIGNATION AGREEMENT - Mr. Garner reported the Agreement has been executed by Mr. Cotter. A motion by DeLena, seconded by Dolan, to approve and authorize the execution of the Manager's Resignation Agreement. All aye votes.

ROBERT SLOSS - 2097 Needhammer Road - Questioned the cost involved with regards to the Manager's Resignation Agreement. Commissioner Taylor stated approximately three (3) months salary with no other benefits other than the continuation of hospitalization benefits until the end of June 2006.

DARRYLE TILLMAN - 151 Rose Valley Road - Expressed concern with regards to the continuation of health benefits. Commissioner Taylor stated it is part of the Agreement.

STATEMENT FROM COMMISSIONER TAYLOR - Board President Elwood Taylor read the following statement: "When a man is down and being kicked by the crowd, it may not be politically expedient to sing his praises, but it is not in my character to pile on. And I do believe in giving credit where credit is due. On a personal note - I respect Mr. Cotter's decision to resign as the Manager of Upper Pottsgrove Township and wish him well on his future endeavors. It was fortunate that he was here to serve us during these last two very difficult and consequential years as he facilitated successful responses to the challenges confronted by our rapidly growing community. With his expert and thorough knowledge of public policy and township governance, he crafted solutions to

STATEMENT FROM COMMISSIONER TAYLOR CONT'D - emerging conflicts, opened our eyes to unique opportunities and resources, and was a relentless advocate for the Township in any negotiation. His creative energy and advice will be missed as the Township follows through on a progressive and comprehensive agenda we have adopted under his guidance. Commissioner Taylor added - that it no way suggests that I disagree with his resignation.

AUTHORIZATION TO ALLOW LTL TO PROCEED WITH THE PREPARATION OF PAVING SPECIFICATIONS AND CONTRACT DOCUMENTS - A motion by Noll, seconded by DeLena, to authorized LTL Consultants to proceed with the preparation of paving specifications and contract documents. All aye votes.

ROBERT SLOSS - 2097 Needhammer Road - Requested a clarification with regards to the paving specifications and contract documents.

APPOINTMENT OF AD-HOC AUDIT ADVISORY COMMITTEE - Commissioner Taylor stated during the transition period the Board wanted to get a "balance" on the Township's finances. He further stated that former elected auditors Paul Hughes and Donna Swavely are willing to review the Township's financial statements and report on the current state of the township's budget. A motion by DeLena, seconded by Dolan, to appoint Paul Hughes and Donna Swavely to the Ad-Hoc Audit Advisory Committee. All aye votes.

When **DARRYLE TILLMAN, 151 Rose Valley Road**, asked if he was still a Township auditor; Commissioner Taylor responded "No, the Township does not have any elected auditors."

TCE REMEDIATION ACCOUNT - A motion by Dolan, seconded by DeLena, to open a separate bank account for the TCE remediation. All aye votes.

PUBLIC COMMENT:

CARL SPECHT - 151 Primrose Lane - Questioned whether there are any zoning regulations with regards to excessive trash on properties. Attorney Garner stated this matter would be addressed in the Property Maintenance Code.

ROBERT SLOSS - 2097 Needhammer Road - Announced that Henry Bealer recently celebrated his birthday.

JOHN BEALER - 1521 Farmington Avenue - Provided a brief update with regards to the Farmington Avenue West Sewer Project.

COMMISSIONERS COMMENTS:

COMMISSISONER DOLAN - Expressed his appreciation to Reggie Leister and noted he was very instrumental with the recent flag ceremony held at Memorial Park.

COMMISSIONER DELENA - Expressed her thanks and appreciation to all the members of the Township Staff, Mr. Layne and all the volunteers that have "stepped forward" over the last few weeks and stated the Township is moving forward in a very positive way.

COMMISSIONER NOLL - Expressed his thanks and appreciation to Mr. Layne for “coming on board” so effectively. Commissioner Noll also expressed his appreciation to Chief Ross for his involvement with the community as well as Reggie Leister for his involvement with the flag ceremony. Mr. Noll stated he spoke with a representative from the cell tower with regards to moving the external antennae and advised they will replace the flag by the end of the month.

COMMISSIONER DOLAN - Expressed his thanks and appreciation to Board President Taylor for all his hard work and dedication to the Township.

COMMISSIONER TAYLOR - Noted his interaction with the Township Staff over the past several weeks and expressed his appreciation to them for their loyalty to the community. Mr. Taylor stated he feels confident that, with the team we have in place, the Township will be able to move forward.

PAYMENT OF BILLS - A motion by Dolan, seconded by Noll, to approve the Bill List dated June 5, 2006, for General Fund in the amount of \$75,274.86; Fire Fund in the amount of \$4,607.90; Sewer Fund in the amount of \$8,935.51 and Park and Recreation in the amount of \$201.19. Total Expenditures - \$89,019.46. All aye votes.

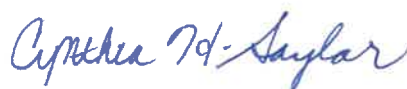
COMMISSIONER DOLAN - Expressed his concern with regards to reading and understanding the financial and audit reports.

ROBERT SLOSS - 2097 Needhammer Road - Questioned the following invoices: legal fees paid from the Fire Fund; a reimbursement to the General Fund from the Sewer Fund, an invoice from General Code, an invoice from McMahon with regards to a traffic study and a partial payment to our auditing firm.

EXECUTIVE SESSION - At 8:47 P.M. Mr. Taylor reported the Board would hold an Executive Session to discuss legal and personnel issues. The meeting reconvened at 9:45 P.M.

ADJOURNMENT - There being no further business the meeting was adjourned at 9:46 P.M.

Respectfully submitted,



Cynthia H. Saylor
Township Secretary