

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

October 2, 2006

A meeting of the Board of Commissioners was held on Monday, October 2, 2006, at the Upper Pottsgrove Township Administrative Offices, 1409 Farmington Avenue, with Commissioners DeLena, Dolan, Iatesta, Noll and Taylor present. Also present were Solicitor Charles D. Garner, Jr., Township Manager Jack P. Layne, Jr., and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:00 P.M. There were 14 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.

Mr. Sloss and Mr. Duncan both advised they were taping the meeting.

PUBLIC COMMENT:

STEVEN AILES - 1529 Meadowview Drive - Was present in the audience to discuss the referendum to increase the earned income tax by ¼% in order to help fund the purchase of open space. Mr. Ailes stated open space preserves the quality of life and property values and encouraged residents to get out to vote and to support the referendum.

COMMISSIONER NOLL - Requested a clarification with regards to the increase in the earned income tax.

GILBERT DUNCAN - 73 Hanover Drive - Stated the more property the Township owns; the more employees are needed to maintain that property as well as additional officers to provide police protection. Mr. Ailes suggested Mr. Duncan address his concerns at the next Park and Recreation meeting.

ROBERT SLOSS - 2097 Needhammer Road - Questioned whether the land will be “forever deeded” only for the use of open space. Attorney Chuck Garner stated when you acquire property through the assistance of the County they do require a deed restriction which limits the use of the property for open space.

GILBERT DUNCAN - 73 Hanover Drive - Thanked the Board for adopting the “Rules of Decorum” and noted he would do his best to abide by them. Mr. Duncan questioned the Board as to whether the former Manager has applied for unemployment benefits. Attorney Chuck Garner stated the employment agreement negotiated between the Township and the former Manager after his resignation prevents the Township from contesting his unemployment claims. Mr. Garner further stated that under the law he (Cotter) is permitted to file for unemployment compensation and he has filed. Mr. Duncan expressed his concern that the Township paid Mr. Cotter three months severance pay.

REG LEISTER 1693 Farmington Avenue - Suggested that the Halfway House be designated as a historical property.

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ZONING HEARING BOARD - CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS - It was agreed that the Board would not take any action regarding this matter.

SUMMER GROVE SUBDIVISION ESCROW RELEASE #3 - A motion by Dolan, seconded by Noll, to authorize the Escrow Release in the amount of \$192,911.45 as recommended by the Township Engineer. All aye votes.

PROPOSAL FOR VERIZON CABLE FRANCHISE - A motion by Dolan, seconded by DeLena, to authorize Dan Cohen to negotiate the Phase II proposal between Upper Pottsgrove Township and Verizon at a cost not to exceed \$1,000. All aye votes.

AUTHORIZE THE SCHEDULING AND ADVERTISING OF A SPECIAL COMMISSION MEETING ON OCTOBER 9, 2006 TO AWARD PLUMBING CONTRACT BIDS - A motion by Noll, seconded by Iatesta, to authorize the advertisement of a special meeting on Monday, October 9, 2006, to award the plumbing contract bids for the Wolf Run project. All aye votes.

ROBERT SLOSS - 2097 Needhammer Road - Expressed concern and requested a clarification with regards to the number of times the Wolf Run plumbing project has been bid.

RESOLUTION #499 - Designation of the National Incident Management System (NIMS) as the Basis for all Incident Management in Upper Pottsgrove Township, Montgomery County, Pennsylvania. A motion by DeLena, seconded by Iatesta, to adopt Resolution #499. All aye votes.

RESOLUTION #500 - A Resolution of Upper Pottsgrove Township, Establishing a Timeline for the Township to Satisfy Requirements for the National Incident Management System (NIMS). A motion by Noll, seconded by DeLena, to adopt Resolution #500. All aye votes.

TRAFFIC CALMING POLICY RECOMMENDATIONS - After a brief discussion, it was agreed that the Board would table further discussion regarding the Traffic Calming Policy to a future meeting.

HENRY BEALER - 1382 Farmington Avenue - Expressed concern with regards to speed bumps and snow plowing.

APPOINTMENT - POTTSTOWN LANDFILL CLOSURE COMMITTEE - A motion by Iatesta, seconded by DeLena, to appoint Jack P. Layne, Jr. as the Township’s representative on the Landfill Closure Committee. All aye votes.

APPOINTMENT - TRI COUNTY REGIONAL PLANNING COMMITTEE - A motion by DeLena, seconded by Noll, to appoint Kenneth L. Iatesta, as the Township’s representative on the Tri County Regional Planning Committee. All aye votes.

PAYMENT OF BILLS - Commissioner Noll questioned the expenditure for the Upper Pottsgrove Firemen's Relief Association. A motion by DeLena, seconded by Iatesta, to approve the Bill List dated October 2, 2006 for General Fund in the amount of \$51,193.97; Fire Fund in the amount of \$558.30 and Sewer Fund in the amount of \$41,965.91. Total Disbursements -\$93,718.18. All aye votes.

ROBERT SLOSS - 2097 Needhammer Road - Questioned invoices payable to Treasurer - Infrastructure Program, Lower Pottsgrove Township and Reed Smith. Mr. Sloss requested clarification with regards to the number of lawsuits currently filed against the Township.

REG LEISTER - 1693 Farmington Avenue - Thanked the members of the Board for their recent action with regards to the National Incident Management System.

COMMISSIONER IATESTA - Requested an update with regards to the flag pole. Commissioner Noll stated he has had no response from American Tower.

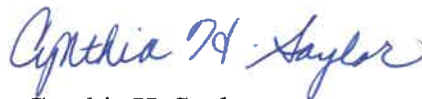
APPROVAL OF MINUTES - AUGUST 21, 2006 - A motion by Noll, seconded by DeLena, to approve the minutes of the August 21, 2006, meeting as presented. All aye votes.

APPROVAL OF MINUTES - September 5, 2006 - A motion by DeLena, seconded by Iatesta, to approve the minutes of the September 5, 2006, meeting as presented. Aye votes: DeLena, Iatesta, Noll and Taylor. Abstain: Dolan. Commissioner Dolan noted he abstained from voting due to the fact that he was not present at the meeting. Motion carried.

EXECUTIVE SESSION - At 8:08 P.M. Mr. Taylor announced the Board would meet in Executive Session to discuss potential litigation. The meeting reconvened at 8:47 P.M.

ADJOURNMENT - A motion by DeLena, seconded by Dolan, to adjourn the meeting at 8:49 P.M. All aye votes.

Respectfully submitted,



Cynthia H. Saylor
Township Secretary