

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

**September 8, 2009**

The meeting of the Board of Commissioners was held on Tuesday, September 8, 2009, at the Upper Pottsgrove Township Administrative office, 1409 Farmington Avenue, with Commissioners Dolan, Miller, Noll, Spaide and Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., Township Manager Jack P. Layne, Jr., Township Engineer John Theisen and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:00 P.M. There were 35 people present in the audience.

**MOMENT OF SILENCE** - Commissioner 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 COMMENTS:**

**REG LEISTER - 1693 Farmington Avenue** - Stated that on Friday he received a complimentary letter from the Media Manager of a National Public Relations firm who had some nice things to say regarding the Township. Mr. Leister advised that the pamphlets located on the back table are for public distribution.

**ROBERT SLOSS - 2097 Needhammer Road** - Stated he would like to obtain a legal opinion from the members of the Board and noted that on August 31<sup>st</sup> he along with another resident, who is running for office, was in the parking lot “meeting the residents” as they came in to pay their taxes. Mr. Sloss questioned if what he did was in fact illegal. Attorney Garner stated he was not aware of any ruling or law that would prohibit him from speaking with the residents. Commissioner Noll suggested Mr. Sloss contact the Board of Elections regarding the matter.

**HENRY BEALER - 1382 Farmington Avenue** - Expressed his concern regarding the junk cars in the parking lot. Mr. Layne reported that he spoke with the Fire Marshall and was told the car in the parking lot should be removed by the end of the week however; more will be coming in for Saturday’s fire training exercise. He further stated that after Saturday’s exercise the cars will be removed.

**ROBERT BEALER - 1406 Farmington Avenue** - Expressed his concern regarding oil leaking from the junk cars in the parking lot.

**ROBERT LYNYAK - 118 Birdsong Way** - Requested an update with regards to the trash proposal. Commissioner Taylor explained that at the last meeting the Board of Commissioners approved awarding of the contract to J.P. Mascaro at a payment of approximately \$76/per quarter with a 4% increase per year for a period of five (5) to seven (7) years. Mr. Lynyak expressed his concern with regards to the future handling of the sewer funding. Commissioner Taylor stated that the Township has a sewer infrastructure whereby we’re required to build and improve failures throughout the community both in the Regal Oaks subdivision as well as septic system failures. The Township is in the process of having approximately \$3.5 million in work being done in order to remedy the situation.

**ROBERT LYNIAK CONT'D** - Mr. Taylor stated the problem is that most of the work that's being done will not add any additional new customers to the so the "old customers" are the ones bearing the burden of sewer increases. He further stated the Township received grant money as well as a low interest loan from PennVest. Mr. Taylor stated the Township is currently looking into commercial development within the community in an effort to obtain additional sewer customers. He further stated that due to the economic crisis and the loss of construction within the Township we only have half as many people paying for the sewer as we should.

**JIM CAPINSKI - 1958 Yarnall Road** - Asked whether the Township is pursuing the utilization of Transferable Development Rights (TDRs) for preserving open space. Mr. Taylor stated that the Township has investigated TDRs many years ago through the Planning Commission and noted that it's a complicated system that requires a unique community in order for it to work.

**GARY EDWARDS - 2240 Broadmoore Road** - Requested clarification with regards to the quarterly trash bill and questioned if the bill would remain at \$76/per quarter. Commissioner Taylor stated there is approximately a 4% increase each year for the next 5 - 7 years; however there will be no fuel surcharges during that time.

**DAMIAN LARKIN - 1465 Heather Place** - Expressed his concern that after the seven year mark the residents who chose to opt out of the trash contract will have unfair and unjust increase in prices.

**ARMANDO JOHNSON - 236 Micklitz Drive** - Questioned whether the details of the contract will be placed on the Township's web-site.

**KEITH KEHL - 1941 Gilbertsville Road** - Stated that the Borough of Pottstown has J.P. Mascaro as their trash hauler and they always have "problems" with them. In another matter, Mr. Kehl stated that water and sewer is being installed along Gilbertsville Road and questioned why the two projects weren't coordinated.

**CHRIS LANGAN - 1451 North Hanover Street** - Stated she is all for having one trash hauler in the Township and noted that it's better for the wear and tear on the roads as well as the safety of our children. Ms. Langan further stated that she is very happy with her current hauler in that they are respectful of her property. Commissioner Taylor stated that a representative from J.P. Mascaro will be on site to address any calls or concerns. Mr. Taylor clarified that bulk items can be picked up within forty eight (48) hours notice every week if needed.

**MARIAN DUGAN - 127 Birdsong Way** - Requested clarification with regards to bulk item pick up with regards to refrigerators and air conditioners. Commissioner Taylor reiterated that bulk items will be picked up within forty eight hours notice.

When **GARY EDWARDS, 2240 Broadmoore Road**, questioned how a resident goes about opting out of the program Commissioner Taylor stated the contractor will be sending post cards out to the residents and they would choose the option to opt out and return the card to the hauler.

**STEPHANIE GRIER - 1359 Chestnut Grove Road** - Questioned who would be responsible for billing the residents. Commissioner Taylor stated the contractor will be responsible for the billing.

**ROBERT SLOSS - 2097 Needhammer Road** - Expressed his opinion and stated that once a company gets total control it's a proven fact that prices go up and the services go down. Mr. Sloss reiterated the fact that residents should have a choice as to which hauler they want to utilize. Attorney Garner stated the residents will have a choice to opt-out and noted that the contract which was awarded was for a five year term and the Board has the right to extend an additional two years if they so desire. Mr. Garner further stated that at the end of the time period, whether it is for five years or seven years the contract will go out for bid again.

**ARMANDO JOHNSON - 236 Micklitz Road** - Questioned whether provisions in the contract will include a measurement of performance in the form of a complaint system, how they get resolved and at what point does the Township say the complaints have reached the level where we're looking at terminating the contract. Attorney Garner stated there are performance standards and fines and penalties for violations and the contract as drafted will allow the Township to terminate the contract.

**MARIAN DUGAN - 127 Birdsong Way** - Questioned whether residents, if they elect to opt-out now, will have the option to opt-out again at the end of the five year contract. Attorney Garner stated it would be a new contract at the end of five years.

**ROBERT BEALER - 1406 Farmington Avenue** - Expressed his concern regarding the hauler picking up refrigerators and air conditioners with freon in them. Commissioner Taylor stated the contractor is responsible for proper disposal.

**JIM CAPINSKI - 1958 Yarnall Road** - Questioned what happens to a resident if they opt-in and then after a year they can't afford to pay their bill. Commissioner Taylor stated that would be between the resident and the hauler.

**NEW BUSINESS:**

**PRESENTATION BY MIKE PACKARD, EXECUTIVE DIRECTOR REGARDING THE POTTSTOWN PUBLIC LIBRARY** - This matter was tabled until a future meeting.

**DISCUSSION AND POSSIBLE ACTION REGARDING THE APPOINTMENT OF TWO ALTERNATES TO THE CIVIL SERVICE COMMISSION** - Commissioner Taylor reported that the Civil Service Commission has recommended that the Board of Commissioners appoints Donald Nice and Michele Jeter as two alternates to the Civil Service Commission. A motion by Miller, seconded by Spaide, to appoint Michele Jeter and Donald Nice as alternates to the Civil Service Commission. All aye votes.

**DISCUSSION AND POSSIBLE ACTION ON RESOLUTION #567 REGARDING SUMMER GROVE PHASE II ROAD DEDICATIONS** - A Resolution accepting the dedication of certain roads known as Autumn View Lane and Springhill Lane as part of the Summer Grove Subdivision, together with improvements therein or appurtenant thereto, having been constructed or provided in the Summer Grove Subdivision; and taking certain other actions with respect thereto.

**DISCUSSION AND POSSIBLE ACTION ON RESOLUTION #567 REGARDING SUMMER GROVE PHASE II ROAD DEDICATIONS CONT'D** - Attorney Chuck Garner noted that the Developer is required to post maintenance security for eighteen months. A motion by Miller, seconded by Dolan, to adopt Resolution #567 regarding Summer Grove Phase II road dedications. All aye votes.

**DISCUSSION AND POSSIBLE ACTION REGARDING SUMMER GROVE PHASE II ESCROW RELEASE #9 FOR \$ 529,877.53** - Township Engineer John Theisen stated Rouse/Chamberlin requested an escrow release in the amount of \$529,877.53 on August 25, 2009, however; he is recommending a release of \$497,570.43. Mr. Theisen explained that there are certain items i.e. sidewalks, trees, driveway aprons, etc. on approximately six lots that will be completed after dedication. Also the sediment basin in Autumn View Lane has not been completed. After discussion, a motion by Miller, seconded by Spaide, to authorize the escrow release in the amount of \$497,570.43 as recommended by the Township Engineer. All aye votes.

When **ROBERT SLOSS, 2097 Needhammer Road**, questioned the percentage of work completed in the Summer Grove Phase II Subdivision; Mr. Theisen replied 96.5%.

**DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST TO EXTEND THE CONDITIONS OF THE FINAL PLAN APPROVAL FOR THE ALTHOUSE SUBDIVISION UNTIL DECEMBER 31, 2010** - A motion by Dolan, seconded by Miller, to extend the conditions of final plan approval for the Althouse Subdivision until December 31, 2010. All aye votes.

**DISCUSSION AND POSSIBLE ACTION REGARDING ORDINANCE #437 PROVIDING FOR A FOUR-WAY STOP SIGN DESIGNATION FOR THE GILBERTSVILLE AND MOYER ROAD INTERSECTION** - An Ordinance of the Upper Pottsgrove Township Board of Commissioners Amending Section 33-22, Stop Intersections Established, of Article II, Traffic Regulations, of Chapter 330, Vehicles and Traffic, of the code of Ordinances of Upper Pottsgrove Township, as Amended, to Establish the Intersection of Gilbertsville Road and Moyer Road as a Four-Way Stop Intersection. Commissioner Miller expressed his appreciation to Chief Moffett for supplying data on the amount of accidents at this intersection and more importantly his immediate follow-thru with PennDot. Mr. Miller reported that there had been a gross weight sign installed by PennDot however it disappeared during development construction thereby permitting heavy duty trucks to bring in materials throughout the Township. Commissioner Miller noted that the gross weight sign should be replaced. A motion by Miller, seconded by Spaide, to authorize the Solicitor to advertise the proposed ordinance. All aye votes.

**DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST TO ADOPT A NON-REFUNDABLE FEE POLICY FOR THE RESERVATION OF THE HEATHER PLACE PARK PAVILION** - A motion by Dolan, seconded by Spaide, to adopt a non-fundable fee policy for the reservation of the pavilion at Heather Place Park. All aye votes.

**REG LEISTER - 1693 Farmington Avenue** - Suggested that the conditions for which fees would be refunded should be made clear on the pavilion reservation application.

**DISCUSSION AND POSSIBLE ACTION REGARDING THE BID PROPOSALS RECEIVED FOR THE PROPOSED NORTH STATE STREET TURNBACK IMPROVEMENTS** -

Commissioner Taylor reported that the Township received bids for the North State Street Turnback Improvements Project, which involves storm drainage improvements, an overlay of North State Street, and a new road loop at the intersection of North State Street and Chestnut Grove Road. Township Engineer John Theisen reported that the Township received nine (9) bids and noted that the low bid, which was submitted by Pedrick Sitework, contained several major flaws. Mr. Theisen advised he discussed the matter with the Solicitor and they are in agreement that the contract should not be awarded to Pedrick. He further advised that since the other bids were considerably higher, it was their recommendation to reject all bids and re-bid the project for construction in the spring of 2010. Mr. Theisen was questioned by Commissioner Miller concerning the loop on North State Street where it intersects with Chestnut Grove Road. Mr. Miller's concern was that the loop would destroy the barn that was designated as a historical building by the Upper Pottsgrove Township Historical Committee. Mr. Theisen assured Commissioner Miller that the barn would not be destroyed. After further discussion, a motion by Spaide, seconded by Dolan, to reject all bids. All aye votes.

**ROBERT SLOSS - 2097 Needhammer Road** - Suggested contacting the State for additional revenue.

**COMMISSIONER MILLER** - Questioned why Upland Square wouldn't be willing to share in the cost of improvements to North State Street. Commissioner Taylor they will be installing the cul-de-sac at the end of State Street and they are "chipping in" approximately \$65,000 towards road improvements.

**ARMANDO JOHNSON - 236 Micklitz Road** - Questioned whether the Township will re-issue the same bid six months from now before the Township makes any changes regarding the scope of the work. Commissioner Taylor stated the Board hasn't made that decision as of yet. There was a recommendation from the Township Engineer that we might want to reduce the scope of the work in order to get a better price. Commissioner Noll summarized Mr. Johnson's question and stated the Township can either re-bid the project "as is" to avoid additional engineering costs or are we going to pay additional engineering costs to LTL Consultants to adjust the scope of the project.

**OTHER PUBLIC COMMENT:**

In response to a question from **ROBERT LYNIAK, 118 Birdsong Way**, with regards to Township expenses; Commissioner Taylor stated the Township has a lot that we are obligated to do by law and we believe that we have demonstrated, over the years, that we are at the minimum in staff whether it be police, public works, or administrative staff. Mr. Taylor explained the Township can not do with less people and we all know that "people" is what cost the most. Mr. Taylor noted that we have multiple people wearing multiple hats. When Mr. Lyniak questioned the number of police officers on staff Commissioner Taylor stated "nine officers including the Chief." Mr. Taylor noted that Commissioner Dolan has been very influential in working with both West and Lower Pottsgrove exploring regionalization of the police department.

In response to a question from **KEITH KEHL, 1941 Gilbertsville Road**, Commissioner Taylor explained the Township has a built in infrastructure that we have to have; we have to have the sewer in the ground; we have to have the police on the streets and we have the capacity in the ground that we had to build; we have the police force that we need to have and we have the capacity to take on more development and more people. Mr. Taylor stated we need more people to help bear the costs of something that we had to build.

**COMMISSIONERS COMMENTS:**

**COMMISSIONER MILLER** - Reported that Saturday, October 3, 2009 has been designated as Community Day and activities will take place at Heather Place Park between the hours of 11:00 AM and 4:00 P.M. Commissioner Miller also emphasized that children will be fingerprinted and photographed by the CHIP program sponsored by the Masons.

**PAYMENT OF BILLS** - A motion by Noll, seconded by Spaide, to approve the Bill List dated September 8, 2009 for General Fund in the amount of \$56,520.29; Sewer Fund in the amount of \$12,012.48; Capital Fund in the amount of \$11,972.70; Open Space Fund in the amount of \$4,000.00 and State Fund in the amount of \$3,255.82. Total Expenditures - \$87,772.29. All aye votes.

**APPROVAL OF MINUTES - August 17, 2009** - A motion by Spaide, seconded by Noll, to approve the minutes of the August 17, 2009, meeting as presented. All aye votes.

**EXECUTIVE SESSION** - At 8:25 P.M. Commissioner Taylor reported the Board will hold an Executive Session to discuss matters of personnel, real estate and litigation with no decisions being made. The meeting reconvened at 9:15 P.M.

**ADJOURNMENT** - There being no further business, a motion by Miller, seconded by Spaide, to adjourn the meeting at 9:17 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor  
Township Secretary