

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

December 7, 2009

The meeting of the Board of Commissioners was held on Monday, December 7, 2009, at the Upper Pottsgrove Township Administrative Office, 1409 Farmington Avenue, with Commissioners Dolan, Noll, Miller, Spaide and Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., Township Engineer John Theisen, Township Manager Jack P. Layne and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:00 P.M. There were 3 people 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 county in the armed forces.

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

PUBLIC COMMENT: None

NEW BUSINESS:

DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST SUBMITTED BY HOPEWELL COMMUNITY CHURCH THAT THEY NOT HAVE TO PROVIDE A LAND DEVELOPMENT PLAN FOR THE PROPOSED RESURFACING OF THEIR EXISTING PARKING AREA - Commissioner Taylor explained that the Hopewell Community Church is planning to macadam their existing gravel covered parking lot and are requesting that they do not have to provide a Land Development Plan. Solicitor Garner recommended that the Board waive the requirement for Land Development and to allow the Engineer and Staff to handle this matter through the building permit process in order that all of the issues are addressed properly. After a brief discussion, a motion by Spaide, seconded by Miller, to waive the requirement for a Land Development Plan for the Hopewell Community Church and to handle the matter through the building permit process. All aye votes.

OLD BUSINESS:

DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED 2010 ANNUAL TOWNSHIP BUDGET - Commissioner Taylor noted that the proposed 2010 Annual Budget has been advertised. A motion by Noll, seconded by Spaide, to adopt the proposed 2010 Annual Township Budget. All aye votes.

DISCUSSION AND POSSIBLE ACTION REGARDING THE ADOPTION OF ORDINANCE #439 FIXING THE REAL PROPERTY TAX MILLAGE FOR 2010 - Solicitor Garner noted that the ordinance retains the existing millage from last year. A motion by Noll, seconded by Spaide, to adopt Ordinance #439 fixing the Real Property Millage Rate at 3.4 mills, the Fire Protection Millage Rate at 0.375 mills for a total Real Property Millage Rate of 3.775 mills. All aye votes.

DISCUSSION AND POSSIBLE ACTION REGARDING THE ADOPTION OF AMENDED MINIMUM MUNICIPAL OBLIGATIONS FOR THE TOWNSHIP'S UNIFORM AND NON-UNIFORMED PENSION PLANS - The Board discussed the amended Minimum Municipal Obligations for both the Uniform and the Non-Uniform Pension Plans which reflects a 2.8% member contribution for the uniform employees and a .1258% contribution for the non-uniform employees.

DISCUSSION AND POSSIBLE ACTION REGARDING THE ADOPTING OF AMENDED MINIMUM MUNICIPAL OBLIGATIONS FOR THE TOWNSHIP'S UNIFORM AND NON-UNIFORMED PENSION PLANS CONT'D - A motion by Spaide, seconded by Miller, to acknowledge the amended Minimum Municipal Obligations for the Township's Uniform and Non-Uniform Pension Plans. All aye votes.

DISCUSSION AND POSSIBLE ACTION REGARDING THE BIDS FOR THE NORTH STATE STREET TURNBACK IMPROVEMENTS PROJECT - Township Engineer John Theisen reported the Township received and opened ten (10) bids on December 2, 2009, for the North State Street Turnback Improvement Project. The bids were as follows:

Pedrick Sitework Contractors, LLC	\$230,000.00
Scholouch Incorporated	\$248,580.72
Gorecon Inc.	\$262,222.00
R.J. Sell Excavating, Inc.	\$287,866.25
N.Abbonizio Contractors, Inc.	\$291,476.00
Reading Site Contractors	\$298,988.00
EJB Paving & Materials Co.	\$305,188.00
R.L. Smith & Son Excavating	\$321,801.00
JJD Contracting, LLC	\$325,345.00
B & J Excavating, Inc.	\$338,475.85

Based on the Engineer's review it is his recommendation that the contract be awarded to the low bidder submitted by Pedrick Sitework Contractors, LLC, in the amount of \$230,000.00. Commissioner Miller expressed his opinion and stated it's not always best to go with the lowest bidder. In response to a question from Commissioner Miller regarding Pedrick Sitework Contractors; Mr. Theisen stated LTL's inspectors rate them "very high" and noted that they are currently working on the Farmington West project. Mr. Miller expressed his concern regarding the type of macadam and noted whatever type was used on the Snyder Road project was a "good mix." After further discussion, a motion by Spaide, seconded by Noll, to award the contract for the North State Street Turnback Improvements to Pedrick Sitework Contractors, LLC. Aye votes: Dolan, Noll, Spaide and Taylor. Opposed: Miller. Motion carried.

When **COMMISSIONER NOLL** questioned the condition of Farmington Avenue West and Evans Roads; Mr. Layne stated they are very close to being finished with the project. Both Commissioners Noll and Miller expressed their concern and stated the roads are not drivable. Commissioner Noll stated they need to leave the road in a better condition and expressed his concern regarding the safety of the residents. Township Engineer John Theisen stated he would look into the matter.

OTHER PUBLIC COMMENT:

KEITH KEHL - 1941 Gilbertsville Road - Expressed his concern regarding the "high shoulder" located at the upper portion of his property. In another matter; Mr. Kehl questioned if the Township is responsible for doing grading work especially along Moyer Road. Mr. Kehl expressed concern that there is water running along the ditch and it freezes in the winter. Commissioner Spaide stated she will discuss the matter with the Public Works Director.

KEITH KEHL CONT'D - Mr. Kehl stated he was told that the asphalt companies were no longer making asphalt for the year. Commissioner Spaide advised that there are different kinds of asphalt used during the winter months.

JAMES PAYNE - 115 Mapleleaf Lane - Expressed his thanks and appreciation to Mr. Layne for contacting him with regards to recent sewer issues at his property. Mr. Payne reported that his property is being affected by the work being done in connection with the Regal Oaks sewer project and expressed concerns pertaining to safety issues, quality of workmanship and overall incompetence with regards to the contractor. Mr. Payne asked the members of the Board to “step up” and “pay attention” and stated there are numerous violations at the project site. In another matter, Mr. Payne stated he owns a travel trailer that he parks along the street and within eight (8) hours was told by the Police Department that he had to move it. Mr. Payne advised that there has been equipment sitting on Mimosa Lane, between Snyder Road and Gilbertsville Road, and noted it has been there for weeks. Mr. Payne requested the Police Department to look into the matter.

COMMISSIONERS COMMENTS:

COMMISSIONER NOLL - Reported that the Police Department has a new police car that is in service and advised that soon there will be another police vehicle out on the road. He further reported that the Fire Company received their new fire truck on Saturday and encouraged the residents to stop by and take a look at it. Commissioner Noll stated this is a great accomplishment for our Township to get some new equipment without have a tax increase.

COMMISSIONER MILLER - Stated he would like to extend the curtains in order to finish the décor in the meeting room. In another matter, Commissioner Miller expressed his concern to the Mr. Theisen regarding an ongoing water issue at Coddington View. Mr. Miller asked who is responsible for seeing that the Township has reputable people completing the THP project and noted that some of the buildings are a disgrace.

PAYMENT OF BILLS - December 7, 2009 - A motion by Noll, seconded by Spaide, to approve the Bill List dated December 7, 2009, for General Fund in the amount of \$45,843.64; Fire Fund in the amount of \$1,236.88; Sewer Fund in the amount of \$42,601.69; State Fund in the amount of \$484.46; Capital Fund in the amount of \$217,979.28 and Escrow Fund in the amount of \$2,448.00. Total Disbursements - \$310,593.95. All aye votes.

APPROVAL OF MINUTES - November 16, 2009 - A motion by Noll, seconded by Dolan, to approve the minutes of the November 16, 2009, meeting as presented. All aye votes.

EXECUTIVE SESSION - At 7:30 P.M. Commissioner Taylor stated the Board would meet in Executive Session to discuss matters of real estate with no action being taken. The meeting reconvened at 8:28 P.M.

ADJOURNMENT - There being no further business, a motion by Spaide, seconded by Miller, to adjourn the meeting at 8:29 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor,
Township Secretary