

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

April 6, 2009

The meeting of the Board of Commissioners was held on Monday, April 6, 2009, at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Commissioners DeLena, Dolan, Noll, Spaide and Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., Township Manager Jack P. Layne, Jr., Township Engineer John Theisen, Public Works Director Frank Quinter and Township Secretary Cynthia Saylor. Commissioner Noll called the meeting to order at 8:02 P.M. There were 20 people and a Mercury Reporter present in the audience.

MOMENT OF SILENCE - Mr. Noll 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:

JIM CAPINSKI - 1958 Yarnall Road - Stated the Township would benefit by utilizing the TDR (Transfer of Developer's Rights) program and emphasized it would allow the Township to obtain more open space at less cost.

Commissioner DeLena arrived at 8:08 P.M.

HENRY BEALER - 1382 Farmington Avenue - Questioned how the Commissioners can discuss certain issues in Executive Session that have been previously discussed during the public section of the meeting. Attorney Garner stated that once the Township is threatened with litigation it becomes an issue to be discussed during Executive Session.

JIM CAPINSKI - 1958 Yarnall Road - Stated he wanted to go on record by saying he does not want to sue the Township; however he feels his rights have been taken away with regards to the Highview Lane issue. Commissioner Taylor stated he could not discuss the matter in public.

NEW BUSINESS:

DISCUSSION AND POSSIBLE APPROVAL OF PROPOSED MASTER PLAN FOR THE PRINCE/AUSTERBERRY PARK AREA - Eric Brinser and Lauren Zumbrun, representatives from RETTEW Associates, were to discuss the proposed Master Plan for the Prince/Austerberry Park area. Mr. Brinser stated the Prince/Austerberry Tract Master Plan has been designed to augment the Township's existing recreational facilities and provide passive recreational opportunities for residents of the Township, surrounding municipalities, and the larger region. The paved segments of the walking trail will be ADA accessible and available to persons of all ages and abilities. The park also offers a loop trail for persons who may not wish to walk as far. The Sprogels Run Trail is designed as a multi-use trail that is suitable for longer walks and bicycling, and is envisioned to extend into other parts of the Township and connect to regional trails. Also incorporated in the site are fishing for youth, an outdoor learning center and scouting area, two pavilions, parking facilities and several benches. After discussion, a motion by Dolan, seconded by Spaide, to approve the proposed Master Plan for the Prince/Austerberry Park area. All aye votes.

ROBERT SLOSS - 2097 Needhammer Road - Expressed his concern regarding wetlands and storm water run-off.

DISCUSSION AND POSSIBLE AUTHORIZATION FOR H.A. THOMSON TO PROVIDE THE TOWNSHIP WITH LIABILITY PROPERTY AND WORKERS COMPENSATION INSURANCE COVERAGE - Mr. Layne noted there would be no changes in insurance coverage for the fire vehicles. A motion by Spaide, seconded by Noll, to authorize H.A. Thomson to provide the Township with liability, property and workers compensation insurance coverage. All aye votes.

DISCUSSION AND POSSIBLE APPROVAL OF THE CONSENT ORDER AND AGREEMENT AMENDMENT WITH THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION - This matter was tabled to a future meeting.

DISCUSSION AND POSSIBLE ADOPTION OF RESOLUTION #555 RECONFIRMING UPPER POTTS GROVE TOWNSHIP FIRE COMPANY NO.1 AND AFFORDING IT THE STATUS AS THE VOLUNTEER FIRE COMPANY IN THE TOWNSHIP - A motion by Noll, seconded by Spaide, to adopt Resolution #555 reconfirming Upper Pottsgrove Township Fire Company No. 1 and affording it the status as the Volunteer Fire Company in the Township. All aye votes.

DISCUSSION AND POSSIBLE ADOPTION OF RESOLUTION #556 PROVIDING FOR AN ESCALATOR CLAUSE FOR BITUMINOUS MATERIALS - Resolution #556 - A Resolution of the Upper Pottsgrove Township Board of Commissioners authorizing the price adjustment of Bituminous Materials for Smaller Quantities. A motion by Dolan, seconded by DeLena, to adopt Resolution #556. All aye votes.

DISCUSSION AND POSSIBLE APPROVAL OF BID PROPOSAL FOR THE 2009 ROAD PROGRAM - Township Engineer John Theisen reported the Township received nine bids for the 2009 Road Program. He further reported the apparent low bidder was submitted by G. Antonini Construction at a cost of \$62,964.00 and it is his recommendation that the Township award the contract to the low bidder. Since the bid came in at a low price, it was agreed to include a portion of Chestnut Grove Road which had been previously widened and based coursed by Rouse Chamberlin at the entrance to the Summer Grove Development. A motion by Dolan, seconded by Noll, to award the base bid for the 2009 Road Program to G. Antonini at a cost of \$62,964.00 subject to review of the bid documents by the Township Manager and the Solicitor. All aye votes.

LETTER OF INTENT - REGIONALIZATION OF POLICE FORCE - Commissioner Dolan reported that representatives from Upper, Lower and West Pottsgrove were present at a recent meeting to discuss the possible interest in consolidation of the police departments. Mr. Dolan explained the consolidation study would be conducted by the Governor's Center for Local Government Services. After a brief discussion, a motion by Dolan, seconded by Spaide, to move forward with the Regionalization Study of the Police Force. All aye votes.

When **ROBERT SLOSS, 2097 Needhammer Road**, questioned whether the regionalization of the police force was discussed before; Commissioner Taylor stated the Township has been looking into opportunities for regionalization and there seems to be interest from the community. Mr. Taylor noted the study is free and there would be no cost to the Township.

DISCUSSION AND POSSIBLE ADOPTION OF RESOLUTION #557 PROVIDING REMIBURSEMENT FOR PROJECT COSTS (LETTER OF NO PREJUDICE) FOR THE PENNVEST PROGRAM - Resolution #557 - A Resolution of Upper Pottsgrove Township declaring its intent for reimbursement for certain project costs. A motion by Spaide, seconded by DeLena, to adopt Resolution #557. All aye votes.

ROBERT SLOSS - 2097 Needhammer Road - Expressed his concern that the Township would be doubling its debt.

RICHARD BALL - 1371 Chestnut Grove Road - Questioned whether construction would begin prior to the Township's knowing if we were awarded the grant.

DISCUSSION AND POSSIBLE APPROVAL OF THE PROPOSED ACT 537 SEWAGE FACILITIES PLAN - Resolution #558 - A Resolution of the Upper Pottsgrove Township Board of Commissioners Amending its Act 537 Sewage Facilities Plan to Respond to Recent Regulatory Actions and Plan for Sewage Disposal Within the Township for the Next Ten (10) Years. A motion by Spaide, seconded by Noll, to approve the proposed Act 537 Sewage Facilities Plan. All aye votes.

DISCUSSION AND POSSIBLE APPROVAL OF ADVERTISING OF PROPOSED BIDS FOR A SINGLE TRASH HAULER - Attorney Garner explained the revisions in the language exempting active Homeowners Association that presently provide for trash collection services as part of their dues. He further explained that in this instance, the successful bidder will contact the governing body of the Homeowners Association directly and they will have the ability opt-out, rather than the individual members. There was a brief discussion about a minor change in the language with regards to Holidays.

KEITH KEHL - 1941 Gilbertsville Road - Asked what if everyone chooses to opt out. Mr. Kehl stated he feels that the Township is taking away his rights and suggested the matter be placed on the ballot.

ROBERT SLOSS - 2097 Needhammer Road - Asked how you opt-out of something you never signed and stated it sounds like a case of "identity theft." Commissioner Taylor addressed Mr. Sloss's concern and advised him that since he has the choice to opt-out the Township is not binding him to anything.

JIM CAPINSKI - 1958 Yarnall Road - Expressed his concern as to whether he can be guaranteed that his garbage will be picked up at the end of his driveway. Commissioner Taylor stated that would be determined by the trash hauler.

After discussion, a motion by Dolan, seconded by DeLena, to approve the advertisement of proposed bids for a single trash hauler for the Township. All aye votes.

When KEITH KEHL, 1941 Gilbertsville Road, questioned whether the Township would refuse other trash haulers from coming into the community; Commissioner Taylor said “no”.

STEPHANIE KAMINSKI - 1369 Chestnut Grove Road - Expressed concern regarding added administrative costs if the Township generates the billings “in house” as opposed to the haulers doing their own billing.

COMMISSIONERS COMMENTS:

COMMISSIONER NOLL - Discussed a proposed bill that would increase sales tax by 1% and the revenue generated would be used to reduce property taxes.

COMMISSIONER TAYLOR - Reported the Township Manager was approached by an individual with regards to the placement of a cell tower on the Hoffman fields and polled the members of the Board as to their interest regarding the matter. In another matter, Mr. Taylor expressed concern in regards to trash pick up at the Hillside ball fields. Mr. Layne stated he would look into the matter. After a brief discussion, with regards to the closure of State Street, Commissioner Taylor requested an analysis and recommendations from the Township Engineer regarding the matter.

HENRY BEALER - 1382 Farmington Avenue - Stated that at one time the Township did plow and maintain Highview Lane.

PAYMENT OF BILLS - A motion by Spaide, seconded by DeLena, to approve the Bill List dated April 6, 2009, for General Fund in the amount of \$119,284.15; Fire Fund in the amount of \$6,530.71; Sewer Fund in the amount of \$4,159.31; Open Space Fund in the amount of \$12,363.61 and State Fund in the amount of \$625.80. Total Disbursements - \$142,963.58. All aye votes.

APPROVAL OF MINUTES - March 16, 2009 - A motion by Spaide, seconded by DeLena, to approve the minutes of the March 16, 2009, meeting as presented. All aye votes.

EXECUTIVE SESSION - At 9:55 P.M. Commissioner Taylor reported the Board would be holding an Executive Session to discuss matters of personnel, litigation and real estate; however no decisions would be made. The meeting reconvened at 11:03 P.M.

ADJOURNMENT - There being no further business a motion by DeLena, seconded by Spaide, to adjourn the meeting at 11:05 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor,
Township Secretary