

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

January 4, 2010

The reorganizational meeting of the Board of Commissioners was held on Monday, January 4, 2010 at the Upper Pottsgrove Administrative Offices, 1409 Farmington Avenue, with Commissioners Spaide and Taylor present. Also present were Solicitor Paul Bauer, Township Manager Jack P. Layne and Township Secretary Cynthia Saylor. Commissioner Taylor explained that the meeting could not be gavelled to order until Judge Palladino arrived to administer the oath of office to Messrs. Dolan, Miller and Noll. He further noted that the Judge is currently at West Pottsgrove Township's meeting. Mr. Taylor stated that while the members of Board could take no official action they would listen to any public comments from the audience.

GEORGE MIKLICH - 176 Snyder Road - Stated that he never received any correspondence regarding the upcoming trash collection and he doesn't want to utilize J. P. Mascaro's service or get stuck in a five year contract. He further stated that this is the first he has learned about the Township's contract with Mascaro. Commissioner Taylor suggested that Mr. Miklich call J.P. Mascaro and stated that the "opt-out" card specifically states that the residents had thirty days from receipt of the notice to officially opt out of the program and the deadline has passed. Commissioner Taylor provided a brief overview of the contract with J.P. Mascaro and noted that the Board has been discussing it for over a year and noted that the Township was able to get trash collection for the residents at a much cheaper rate than residents could get it for themselves. Mr. Taylor stated that, unlike any other community, the Township was able to get the hauler to agree to an opt out option. When Mrs. Miklich questioned why phone calls weren't made to the residents who didn't choose to opt out; Commissioner Taylor stated it was discussed at public meetings, there was an article in the newspaper, a brochure was mailed out from Mascaro, there was information on the Township's website and there was an article in the Township Newsletter. Mrs. Miklich expressed her concern that she spoke with representatives from J.P. Mascaro and experienced poor customer service from them. Mr. Layne provided Mrs. Miklich with two contacts from J.P. Mascaro in order to help resolve the matter.

KEITH KEHL - 1941 Gilbertsville Road - Expressed concern regarding vacant homes and noted it is impossible for their owners to opt out of the program. Mr. Layne reported that the staff is handling those issues and the totters will be removed by Mascaro. Mr. Kehl referenced the December Public Works Report and questioned the recent activity at the Cherrytree pump station.

OATH OF OFFICE - Judge Palladino administered the oath of office to newly elected Commissioners Dolan, Miller and Noll. Commissioner Taylor extended his congratulations to the newly elected members of the Board.

APPOINTMENT OF THE PRESIDENT OF THE BOARD OF COMMISSIONERS - Nominations were opened for President of the Board of Commissioners. A motion by Spaide, seconded by Miller, nominating Elwood Taylor as President of the Board. All aye votes. Nominations were closed.

APPOINTMENT OF THE VICE PRESIDENT OF THE BOARD OF COMMISSIONERS - Commissioner Taylor opened nominations for Vice President of the Board of Commissioners. A motion by Miller, seconded by Dolan, nominating Renee Spaide as Vice President of the Board of Commissioners. Aye votes: Dolan, Miller and Spaide. Motion carried. Nominations were closed.

CALL TO ORDER - Mr. Taylor called the meeting to order at 7:32 P.M. There were 12 people present in the audience.

MOMENT OF SILENT PRAYER - Mr. Taylor requested a moment of silent prayer 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 COMMENT:

DENNIS ELLIOTT - 576 Evans Road - Addressed the members of the Board and provided pictures as well as a detailed summary of events with regards to the Farmington Avenue West Sewer Project and the damage that has occurred to his property. Mr. Elliott referenced a letter he received from Josh Pedrick, CEO and President of Pedrick Site Contractors, stating the work was to be done with minimal damage during the excavation and installation of the new sewer lines and grinder pumps. Mr. Elliott stated he spoke with Bob Bowen, Cite Foreman, regarding the use of a Ditch Witch to drill the holes where the grinder pump was to be installed thereby reducing the amount of damage caused by the backhoe; however he (Bowen) refused. Mr. Elliott requested a copy of the Agreement between the Township and Pedrick Site Contractors as well as the minutes from recent meetings noting that the contract was awarded to Pedrick. He further requested that all property owners should be allowed to sign off with a three (3) year window with regards to their property restoration. Among Mr. Elliott's concerns was the lack of inspections and testing by LTL Consultants to ensure a proper connection was made to the main and lateral line. Mr. Elliott reported that on New Year's Eve his drain field was breached and contaminated water came gushing into the pipe ditch. He further noted that DEP was not called and the quick fix to the problem was to fill in the trench which did not stop the flow of water. The only thing keeping the water in check now is the freezing temperatures. Mr. Elliott advised that he called Commissioner Miller on New Year's Day and he came right over to look at the excessive damage done to his property. With regards to LTL Consultants, Mr. Elliott stated he is appalled that they would overlook this type of "hatchet job" being done to the people of Upper Pottsgrove. Commissioner Taylor requested a copy of Mr. Elliott's concerns in order for them to be properly addressed with the Township Engineer.

When **COMMISSIONER MILLER** asked if anyone from the Township's Sewer and Water Committee went out to look at the problems with Mr. Elliott's property; **GILBERT DUNCAN** stated "it's not their job." Mr. Miller addressed Mr. Duncan and stated that there are Committees in the Township that take their responsibility seriously and visit the projects under consideration. Mr. Duncan noted his agreement with Commissioner Miller.

When **ARMANDO JOHNSON, 236 Micklitz Road**, questioned where the responsibility lies; Commissioner Taylor responded that LTL Consultants is the Township's official Engineer and Inspector and they are obligated and responsible for making the proper inspections.

COMMISSIONER DOLAN expressed his concern that the Township has awarded the North State Street project to Pedrick Site Contractors, the same contractor who is working on the Farmington Avenue West sewer project. Commissioner Taylor stated the Township will wait to hear from the Engineer with regards to the concerns expressed by Mr. Elliott.

COMMISSIONER NOLL requested a written report rather than a verbal reply from LTL Consultants with regards to Mr. Elliott's concerns.

COMMISSIONER MILLER - Referenced a comment he made at a previous meeting with regards to macadam and reiterated that it is not always best to take the lowest bidder when awarding a contract - sometimes the lowest bidder doesn't always provide the best quality of work.

When **COMMISSIONER TAYLOR** asked Mr. Elliott if he had anything else for the Board; he stated "yes" and thanked the members of the Board for not raising taxes this year.

ROD HOSTETLER - Evans Road - Reiterated everything Mr. Elliott said with regards to the Farmington Avenue West Sewer Project.

REG LEISTER - 1693 Farmington Avenue - Stated he would like to make an observation with regards to Mr. Elliott's concerns. Mr. Leister stated when the project first started he spoke with the superintendent at the job site because one of the first things they did was to destroy two (2) mature trees outside the easement on his property. Mr. Leister noted that was back in October and we're still hearing the same excuses that the superintendent has "very little control over his crew." He further noted that he never saw the inspector from LTL Consultants test anything; he just made sure that the connections were "clean." Mr. Leister expressed his concern regarding the restoration along the properties along Farmington Avenue and stated all the residents are going to get is pulverized red shale and clay. After further discussion, Mr. Leister stated he is in agreement with Mr. Elliott whereby the residents should have a longer window to sign off with regards to the restoration of their properties.

NEW BUSINESS:

APPROVAL OF DESIGNATED 2010 TOWNSHIP APPOINTMENTS - The following positions were up for reappointment as of December 31, 2009: Gilbert Duncan/Civil Service Commission, Russell Noll/Fire Committee, Dennis Elliott/Open Space Committee, John Bealer/Planning Commission, Renee Spaide/Regional Planning Commission, Elwood Taylor/Planning Commission, John Bealer/Sewer & Water Committee, Dennis Elliott/Vacancy Board, Henry Shontz/Zoning Hearing Board, Stanley Hildenbrand/Fire Marshal, Jon Daywalt/Animal Control Officer, Jack P. Layne, Jr./Township Manager, Cynthia H. Saylor/Township Secretary, Garner & Bauer/Township Solicitor, Reinsel, Kuntz & Leshner/Appointed Auditors and LTL Consultants/Township Engineers. A motion by Dolan, seconded by Miller, to approve the designated 2010 Township appointments as presented. All aye votes.

DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE ADVERTISING OF ORDINANCE #440 PROVIDING FOR PROPOSED REVISIONS TO CHAPTER 275 SEWERS AND SEWAGE DISPOSAL - Commissioner Taylor outlined the following proposed revisions to Chapter 275 of the Township Codification. Mr. Taylor reported a minor change to the definition of connection charges; changes so that the Township would have the legal authority to impose the connection charges on properties after notice has been provided to connect and additional language changing the option of water meter allocation method. A motion by Spaide, seconded by Dolan, to authorize the advertisement of Ordinance #440. All aye votes.

OLD BUSINESS:

APPROVAL OF PROPOSED 2010 COMMITTEE/BOARD MEETING SCHEDULE - A motion by Noll, seconded by Spaide, to approve the 2010 Committee/Board meeting schedule as presented. All aye votes. Commissioner Dolan suggested the possibility of having the Open Space Committee meet as required.

PUBLIC COMMENT:

GILBERT DUNCAN - Expressed concern that he pays the same quarterly sewer bill and there are only two (2) members in his household as opposed to a residence that has eight (8) people living there. Mr. Duncan suggested the Township implement the water meter method whereby the residents pay for the amount of water usage. Commissioner Taylor reported the Sewer and Water Committee have not made any recommendations pertaining to Mr. Duncan's suggestion.

COMMISSIONER NOLL - Addressed Mr. Duncan and suggested he attend the next Sewer and Water Committee meeting and make a recommendation to them regarding the water meter method. Mr. Noll reported the next Sewer and Water Committee meeting will be held on Monday, January 25, 2010.

ARMANDO JOHNSON - 236 Micklitz Road - Expressed his concern that the latest Board of Commissioners meeting minutes have not been posted on the Township's website. Mr. Layne explained that there was a computer problem in December and a lot of information was lost; however it has been corrected.

In response to a question from **KEITH KEHL, 1941 Gilbertsville Road**, regarding sewer debt and sewer rates; Commissioner Taylor stated a decrease in sewer rates is not likely due to the fact that the Township is growing and we will be required to install additional public sewer. When Mr. Kehl questioned whether the Township received a grant for the Regal Oaks Sewer Project; Commissioner Taylor stated we received approximately \$400,000 in grant money; however the total project costs \$3.5 million.

ROD HOSTETLER - Evans Road - Stated he lives next door to an abandoned house with a sand mound and asked what will happen to it when the property is hooked up to public sewer. Mr. Layne stated he would look into the matter.

COMMISSIONER COMMENTS:

COMMISSIONER MILLER - Stated that at the last meeting he requested that the Police Chief break down the types of vandalism on his monthly report and noted that there is no real pattern that predominates throughout the Township. When Commissioner Miller questioned Mr. Elliott whether there was any seepage coming from his drain field; Mr. Elliott stated the only thing keeping the water in check right now is the freezing temperatures. Mr. Miller questioned whether the contractor placed any bales of hay at the site in an effort to contain the runoff.

GILBERT DUNCAN - 72 Hanover Drive - Questioned whether anyone contacted DEP regarding contaminating the land. Mr. Duncan noted that he operates numerous sewer plants and if there is ever any sewer spillage on the ground he is required by federal law to contact the DEP. He further noted that if the DEP gets involved they will fine the people responsible for the spill.