

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

**May 3, 2010**

The meeting of the Board of Commissioners was held on Monday, May 3, 2010, 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 Engineer John Theisen, Township Manager Jack P. Layne, Police Chief William Moffett and Township Secretary Cynthia Saylor. Mr. Taylor called the meeting to order at 7:02 P.M. There were 8 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:** None

**NEW BUSINESS:**

**DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION #578 DOCUMENTING THE ADOPTION OF THE EMERGENCY OPERATIONS PLAN BY THE TOWNSHIP** - A Resolution acknowledging the adoption of an Emergency Operations Plan by the Upper Pottsgrove Township Board of Commissioners. A motion by Dolan, seconded by Spaide, to adopt Resolution #578. All aye votes.

**DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR PERCAPITA TAX EXONERATION** - Commissioner Taylor reported the Township received a request for a per capita tax exoneration from an Upper Pottsgrove Township resident. After a brief discussion, a motion by Spaide, seconded by Miller, to grant the request for a per capita tax exoneration. Aye votes: Miller, Noll, Spaide and Taylor. Opposed: Dolan. Commissioner Dolan stated he was opposed to the request because he felt additional information was needed. Motion carried.

**DISCUSSION AND POSSIBLE AWARDED OF A CONTRACT FOR PROVIDING 2010 ROAD IMPROVEMENTS** - Commissioner Taylor reported that five (5) bids were received and opened on April 27, 2010 for the 2010 Road Program. He further reported that the Township Engineer is recommending that a contract be awarded to the low bidder Couzins, Inc in the amount of \$106,745.45. Commissioner Miller noted that there is approximately \$51,000 difference between the proposal from Couzins, Inc and the second contractor and expressed concern regarding the quality of work they will provide to the Township. He further noted that there should be an inspector on the job throughout the entire project in order to ensure that the proper specifications are met. Commissioner Miller referenced the current oil spill in Louisiana and the fact that gasoline prices are increasing almost daily and expressed concern as to what effect it may have on the project.

**DISCUSSION AND POSSIBLE AWARDING OF A CONTRACT FOR PROVIDING 2010 ROAD IMPROVEMENTS CONT'D** - After discussion, a motion by Spaide, seconded by Noll, to award the contract to Couzins, Inc. in the amount of \$106,745.45 for the 2010 Road Program subject to review by the Township Solicitor and Manager. Aye votes: Dolan, Noll, Spaide and Taylor. Abstain: Miller. Motion carried.

**DISCUSSION AND POSSIBLE ACTION REGARDING THE AWARDING OF ITEMS LISTED VIA THE MUNICIBID AUCTION** - Commissioner Taylor reported that the Township recently participated in a computerized auction endeavor coordinated by Municibid. He further reported that the following items were listed for sale: traffic signal heads, control enclosure box, traffic controller, sewage flow meter, 1992 Chevrolet truck and a 1995 Chevrolet Caprice. Attorney Garner explained that two identical bids were received for the 1992 Chevrolet truck in the amount of \$3,500 and suggested that the Board take action on the items listed with the exception of the 1992 truck. A motion by Dolan, seconded by Noll, to award the bids for the traffic signal heads, the control enclosure box, the traffic control, the sewage flow meter and the 1995 Chevrolet Caprice. All aye votes. With respect to the 1992 Chevrolet truck; Attorney Garner stated the two bids received are legitimate and valid. Mr. Garner advised the members of the Board that they have the right to reject both bids and have the truck re-bid due to the tie or they can establish a fair way as to who should receive the bid and suggested flipping a coin. Bids were received from "kaiser1 – Robert/Larry Strobeck" in the amount of \$3,500 and "rascal – Robert Powell" for \$3,500. A motion by Dolan, seconded by Noll, to award the 1992 Chevrolet truck to the highest bidder in the amount of \$3,500 pursuant to a coin flip. All aye votes. The coin was flipped in favor of "kaiser1 – Robert/Larry Strobeck."

**DISCUSSION AND POSSIBLE ACTION REGARDING THE CF POTTS GROVE ASSOCIATES LAND DEVELOPMENT PROPOSAL** – Commissioner Taylor explained that the Developer determined it was too costly to move forward with the project. After discussion, a motion by Dolan, seconded by Miller, to reject the preliminary plan of the Sonic Land Development Plan due to the reasons outlined in LTL Consultants' letter dated January 26, 2010. All aye votes.

**DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION #579 REGARDING PROPOSED NEW STORM WATER POLICIES** - A Resolution regarding proposed new Storm Water Policies supporting the March 12, 2010 Resolution adopted by the Montgomery County Association of Township Officials (MCATO). A motion by Miller, seconded by Spaide, to adopt Resolution #579. All aye votes.

**DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED EXTENSION OF THE NORTH STATE STREET CONTRACT ENDING DATE** - Engineer John Theisen reported that Pedrick Site Work Contractors has requested a contract extension with regards to the North State Street project with a completion date of May 28, 2010. He further reported the contractor (Pedrick) noted a significant weather delay during the month of February due to snow and has encountered a number of utility conflicts. A motion by Miller, seconded by Noll, to grant the extension request until May 28, 2010, for the North State Street project. All aye votes.

**DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED DONATION OF A RETIRED POLICE VEHICLE TO THE FIRE COMPANY FOR UTILIZATION BY THE FIRE MARSHALL** - There was a brief discussion with regards to the donation of a retired police car to the Fire Company to be utilized by the Fire Marshall. Attorney Garner clarified that once the car is donated to the Fire Company it is theirs to use at they want and they will be responsible for providing insurance and maintaining the vehicle. A motion by Miller, seconded by Spaide, to donate the retired 1992 police vehicle to the Fire Company. All aye votes.

**DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED EXTENSION OF THE COMMERCE CORNER LOT CONSOLIDATION REVIEW** - A motion by Dolan, seconded by Miller, to grant a ninety (90) day extension for the Commerce Corner Lot Consolidation review from May 9, 2010. All aye votes.

**DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR AN ESCROW RELEASE FOR CODDINGTON VIEW** - A motion by Spaide, seconded by Dolan, to authorize an escrow release for Coddington View in the amount of \$3,200.00. All aye votes.

**OTHER PUBLIC COMMENT:**

**AUSTIN COALE - 1409 North Charlotte Street** - Expressed concern that he and his wife were unable to access their driveway because a police car was parked in the drive. Mr. Coale stated that there was a minor accident at Orlando Road and Route 663. He further stated that when he asked the Officer to move his vehicle he refused. Chief Moffett addressed Mr. Coale and stated he would discuss the matter with him in private.

**KEITH KEHL - 1941 Gilbertsville Road** - Addressed Commissioner Miller and stated that he spoke with Chris Pelka, LTL Consultants, regarding the old oak trees. Mr. Miller had previously stated that he would like for the contractor to save the old trees if at all possible. In another matter; Mr. Kehl expressed his concern regarding the silt that is washing down from the basin on the Crossroads project into Sprogels Run and noted that it has completely destroyed any aquatic life that was once present. Over a year ago, the Montgomery County Conservation District requested that certain things be done in order to keep the silt from entering the stream; however, more attention needs to given to this matter as the situation has not been remedied. Mr. Kehl addressed Commissioner Noll and thanked him for coming to his house; sitting at his kitchen table and lying to him with respect to the sewer project. Mr. Kehl explained that his property used to belong to his grandfather and stated that the way things are currently being handled is affecting his health. Mr. Kehl stated the way the contractor is working is "disgusting" and noted there are big rocks in his driveway. He further stated he signed the waiver under duress and noted he was not in favor of it. Mr. Kehl explained that he works hard to keep his property like his grandfather used to and the sewer project is going to destroy it. Mr. Kehl addressed Commissioner Taylor and stated the real reason the sewer line is being installed is to accommodate the Prout Farm and the Crossroads project. Commissioner Taylor stated that coming to a public meeting and telling a public official that they are lying to them is a pretty low thing to do. Commissioner Taylor clarified that the sewer line being installed behind Mr. Kehl's property will be taking all the sewage that drains from Crossroads, Ming Drive, Moyer Road, all the properties in Cherrytree Farms and Woodbrook and it will be consolidated at the new Regal Oaks pump station that is being built.

**KEITH KEHL CONT'D** - Mr. Taylor stated the sewer line is where it is because that's where it has to be in order to serve all those residents and nothing different was ever said about it.

**COMMISSIONERS COMMENTS:**

**COMMISSIONER MILLER** - Expressed his appreciation to all those who volunteered with the recent "clean up" throughout the Township. Commissioner Taylor expressed his thanks to Commissioner Miller for spearheading the project.

**COMMISSIONER TAYLOR** - Reported that there was a Regional Planning Committee Meeting last week and they reviewed the Master Plan for Commerce Corner with no significant commentary that would affect the plan. Mr. Taylor stated the Township is up to date with everything that needs to be done with regards to Commerce Corner. He further stated that all of the municipalities involved approved the map change as well as the Implementation Agreement.

**PAYMENT OF BILLS** - A motion by Noll, seconded by Dolan, to approve the Bill List dated May 3, 2010, for General Fund in the amount of \$32,059.33; Fire Fund in the amount of \$393.99; Sewer Fund in the amount of \$64,117.64; Capital Fund in the amount of \$235,993.00; State Fund in the amount of \$98.14 and Open Space Fund \$4,300.00. Total Disbursements - \$336,962.10. All aye votes.

**APPROVAL OF MINUTES - April 19, 2010** - A motion by Spaide, seconded by Noll, to approve the minutes of the April 19, 2010, meeting as presented. All aye votes.

**COMMISSIONER SPAIDE** - Provided a brief update pertaining to the PAL ball fields. Commissioner Spaide reported that the Grand Opening is planned for Saturday, May 15, 2010 and they are currently working on a lighting plan. Attorney Garner explained that there are lights installed at the field but there is no power to the lights. He further explained that PECO will not provide power to the lights until a permit is secured.

**COMMISSIONER TAYLOR** - Reported that the PADEP approved the Discharge permit for the Regal Oaks Treatment Plant. In another matter, Mr. Taylor reported that Lower Pottsgrove Township has decided not to participate in the Regionalization Plan for the Police. He further noted that West Pottsgrove Township will vote on Wednesday.

**EXECUTIVE SESSION** - At 7:50 P.M. Commissioner Taylor advised the Board would be meeting in Executive Session to discuss one matter of collective bargaining and two matters of real estate; however no decisions would be made. The meeting reconvened at 8:18 P.M.

**ADJOURNMENT** - There being no further business, a motion by Spaide, seconded by Miller, to adjourn the meeting at 8:20 P.M. All aye votes.

Respectfully submitted,

Cynthia H. Saylor,  
Township Secretary