

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

**May 16, 2011**

The meeting of the Board of Commissioners was held on Monday, May 16, 2011, at the Upper Pottsgrove Administrative Offices, 1409 Farmington Avenue, with Commissioners Dolan, Noll, Spaide and Taylor present. Also present were Township Solicitor Charles D. Garner, Jr., Township Manager Jack P. Layne, Jr., Township Secretary Cynthia Saylor and Police Chief William A. Moffett. There were 15 people present in the audience. Mr. Taylor called the meeting to order at 7:00 P.M. Commissioner Miller was absent.

**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

**EMERGENCY SERVICES REPORT** - Commissioner Noll read the monthly Police Report and noted a copy would be posted on the bulletin board. Mr. Noll stated the Fire Committee will meet on Thursday, May 19, 2011 at 7:00 P.M.

**PLANNING & ZONING REPORT** - Commissioner Taylor reported that the Planning Commission did not meet this month.

**PUBLIC WORKS REPORT** - Commissioner Spaide reported that the street sweeping was completed the week of April 25<sup>th</sup> thru April 29<sup>th</sup> and noted that vegetation control will begin within the next few weeks. The Highway Department patched and compacted potholes on Ming Drive, Horseshoe Drive, Bruce Drive and in the Regal Oaks Development; repaired sink hole on North State Street; continued mowing and trimming of all Township owned properties and provided maintenance to police vehicle and township owned equipment. When Commissioner Spaide asked who is responsible for maintaining the curbs along Horseshoe Drive; Mr. Layne responded he and the Solicitor would look into the matter.

**PARKS, RECREATION AND OPEN SPACE** - Commissioner Dolan reported that he would be meeting with Representative Tom Quigley prior to the next Township meeting.

**TOWNSHIP ENGINEER'S REPORT** - A copy of the monthly Engineer's report will be posted on the bulletin board.

**TOWNSHIP SOLICITOR'S REPORT** - Attorney Garner reported that he along with Township Manager Jack Layne and Engineer Chris Hannum met with representatives from the Pottstown Borough Authority with regards to the increased inflow and infiltration into the sanitary sewer system. He further reported that due to the costs of the recent construction projects along Farmington Avenue West and Regal Oaks and as a result of those improvements the Township hasn't done much in the way of inflow and infiltration prevention and maintenance.

**TOWNSHIP SOLICITOR'S REPORT CONT'D** - Mr. Garner noted that due to the extremely rainy spring the flows have been high and the Township is looking into ways to reduce the flows and determine whether it's a function of the wet weather or there are other issues that need to be corrected that are not too costly. When Commissioner Noll noted the importance of having the sewer meters calibrated; Commissioner Spaide advised that the Public Works Department reads the meters on a weekly basis. Attorney Garner advised that he along with the Township Manager have been working on the concept of having the Township do the in house billing for both sewer and trash. Mr. Garner explained that the contract with J.P. Mascaro permits the Township to do in house billing and the contractor has allocated a dollar figure per year for billing and collection. Mr. Garner advised that if the Township does take the billing function from the contractor we will also take the collection of the trash bill and it will require a change in process as well. When Commissioner Spaide asked "why we're doing this" Attorney Garner explained that there is a component of the charge that has to do with savings and we can do that component cheaper in house which will result in saving both the Township and the residents' money. Commissioner Taylor stated it is an effort to explore a savings opportunity. Commissioner Noll expressed concern that both the sewer and trash billing is more than the Township can handle at one time and suggested we do it in steps.

**ROBERT SLOSS - 2097 Needhammer Road** - Requested clarification with regards to the current sewer and trash billing and collection process.

In response to a question from **JOHN WEST, 1611 Applegate Lane**, Attorney Garner stated that if the Township would only perform the billing function we would not experience any savings.

**TOWNSHIP MANAGER'S REPORT** - Mr. Layne reported he assisted in coordinating efforts regarding ongoing Police Department contract negotiations; assisted in coordinating efforts for the Township's participation in the April 30<sup>th</sup> Comcast Cares Day and the Litter Brigade endeavors; coordinated efforts with the bankruptcy attorney and Township staff with respect to THP's efforts to complete additional units at Coddington View to insure that the interests of the Township and the Coddington View residents are properly protected; met with East Pikeland Township Environmental Action Committee representative per their request to discuss Upper Pottsgrove's existing trash contract with J.P. Mascaro; assisted in efforts to obtain revenue from digital billboards and assisted in coordinating exploratory efforts for the Township to take over billing for the sewer and trash services provided to the residents. Mr. Layne expressed his thanks and appreciation to both Commissioner Miller and Commissioner Noll for their efforts with respect to Comcast Cares Day and the Litter Brigade endeavors. He also expressed his appreciation to the Public Works Department for their participation and noted that the volunteers and staff picked up thirty nine (39) bags of trash. Mr. Layne reported that the Township received proposals from Marathon Floor Prep in the amount of \$3,950.00; MRM Construction in the amount of \$4,966.40 and Stronghold Floors in the amount of \$4,515.00. He further reported that the quotes were reviewed by the Township Engineer and it is his recommendation that the Township go with the quote from Marathon in the amount of \$3,950.00; however, if we opt to coat the other bay floor there is an additional cost of \$2,100.00. Commissioner Noll stated he would like to coat the entire floor at one time rather than in stages.

**MANAGER'S REPORT CONT'D** - A motion by Noll, seconded by Spaide, to accept the proposal of Marathon. Commissioner Dolan suggested that we only coat the bays that hold the tanker trucks and questioned the necessity of coating the entire floor. Commissioner Noll advised that the Fire Company recently purchased an additional vehicle to be used by the Fire Police and it's possible that they may have to shift some of the trucks around.

**ROBERT SLOSS - 2097 Needhammer Road** - Stated that the entire firehouse floor needs to be done and questioned whether there will be any type of warranty when the work is finished. Mr. Sloss also questioned the time frame needed for the work to be completed. After a brief discussion, the motion was amended to read: A motion by Noll, seconded by Spaide, to accept the proposal of Marathon; the final form of which will be acceptable to the Township Manager and Solicitor. Aye votes: Noll, Spaide and Taylor. Opposed: Dolan. Motion carried.

**MONTHLY FINANCIAL REPORTS** - Mr. Layne reported that the Township has received 47.4% of its budgeted revenue and has disbursed 32.2% of its expenditures to date.

**OLD BUSINESS:**

**DISCUSSION AND POSSIBLE ACTION REGARDING THE P.A.L. LIGHTING PROPOSAL** - Jamie Otaviano, President of the Athletic League, was present to discuss the lighting proposal for the fields located on Chestnut Grove Road. Attorney Garner noted that Engineer John Theisen's concern was that the lights would shine onto the neighboring properties. Mr. Otaviano explained that the lights would only be used during football practice when the sun goes down and practice is still in session and advised that the lights would probably be out by 9:00 P.M. After discussion, a motion by Spaide, seconded by Noll, to approve the amended Land Development Plan to permit the proposed lighting for the P.A.L. fields as recommended by the Township Engineer. All aye votes.

**ROBERT SLOSS - 2097 Needhammer Road** - Questioned whether P.A.L. is the exclusive user of the fields and expressed his concern that if other entities use the fields they may not be aware that the lights are to be out by 9:00 P.M.

**JOHN WEST - 1611 Applegate Lane** - Noted there are a lot of young children living in this area and suggested that before the Board takes any action regarding the proposed lighting they talk to the residents who live along Chestnut Grove Road with respect to the increase in traffic flow, noise and trash.

**COMMISSIONER DOLAN** - Stated in his opinion 9:00 P.M. is too late.

**DISCUSSION AND POSSIBLE ACTION REGARDING THE MEMORANDUM OF UNDERSTANDING SUBMITTED BY MONTGOMERY COUNTY LANDS TRUST** - A motion by Dolan, seconded by Noll, to approve a \$5,000 contribution from Upper Pottsgrove Township to the Montgomery County Lands Trust. All aye votes.

When **ROBERT SLOSS, 2097 Needhammer Road**, stated he was under the impression that Open Space funding was only to be used for the purchase of open space; Attorney Garner stated the contribution is part of the acquisition costs associated with the Conservation Easements on the Grim property.

**NEW BUSINESS:**

**DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION #595 DENOTING THE WORK PROVIDED BY THE COMCAST CORPORATION DURING COMCAST CARES DAY** - A Resolution denoting the work provided by the Comcast Corporation employees and volunteers on Saturday, April 30, 2011. A motion by Noll, seconded by Spaide, to adopt Resolution #595. All aye votes.

**DISCUSSION AND POSSIBLE ACTION REGARDING THE ADOPTION OF A RESOLUTION TO REVISE THE TOWNSHIP FEE SCHEDULE - RESOLUTION # 596** - A Resolution of the Upper Pottsgrove Township Board of commissioners Amending and/or Re-Establishing Certain Township Fees Associated With General Contractor Registration, Sewer Certification and Charges for Checks Returned for Non-Sufficient Funds - A motion by Dolan, seconded by Spaide, to adopt Resolution #596. All aye votes.

**RICHARD KUMMERER - 1303 Farmington Avenue** - Requested clarification with regards to contractor registration/licensing requirements by the Township.

**COMMISSIONER COMMENTS:** None

**TOWNSHIP MANAGER** - Mr. Layne reminded those in the audience that Tuesday is Primary Election Day and encouraged everyone to come out and vote.

**PAYMENT OF BILLS** - Commissioner Spaide requested a clarification regarding the invoice from Greg Maynard as depicted on the Bill List. A motion by Noll, seconded by Dolan, to approve the Bill List dated May 16, 2011, for General Fund in the amount of \$99,612.20; Fire Fund in the amount of \$6,474.16; Sewer Fund in the amount of \$78,864.75; Capital Fund in the amount of \$6,542.85; State Fund in the amount of \$465.00; Open Space Fund in the amount of \$4,562.92 and Escrow Fund in the amount of \$150.00. Total Expenditures ~ \$196,671.88. All aye votes.

**APPROVAL OF MINUTES** - **April 18, 2011** - A motion by Spaide, seconded by Dolan, to approve the minutes of the April 18, 2011, meeting as presented. All aye votes.

**EXECUTIVE SESSION** - At 8:05 P.M. Commissioner Taylor reported the Board would be meeting in Executive Session to discuss matters regarding collective bargaining; however no decisions would be made. The meeting reconvened at 8:49 P.M.

**ADJOURNMENT** - There being no further business the meeting adjourned at 8:50 P.M.

Respectfully submitted,

Cynthia H. Saylor, Township Secretary