LOWER POTTSGROVE TOWNSHIP BOARD OF COMMISSIONERS
November 17, 2011

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled work session meeting on Thursday, November 17, 2011 at the Lower Pottsgrove Township Municipal Building, 2199 Buchert Road, Pottstown, Pennsylvania. Meeting was called to order at 7:00 p.m. The following attended:

Board of Commissioners: Jonathan H. Spadt, President; James C. Phillips; Michael McGroarty and James D. Kaiser.

Solicitor R. Kurtz Holloway; Rodney P. Hawthorne, Township Manager; Alyson Elliott, Assistant Manager; Michele Christman, Finance Director; Jane Smale, Finance Clerk and Michele Cappelletti, Secretary.

Commissioner Bruce L. Foltz, Vice President was absent.

CORRESPONDENCE AND INFORMATION:
Request for Reconsideration of Vote to Reject all Trash Bids of Lower Pottsgrove Township from J. P. Mascaro & Sons

William F. Fox, Jr., General Counsel, J. P. Mascaro & Sons, appeared before the Board and discussed the following:

1. J. P. Mascaro's request for reconsideration of rejection of the trash bids.
2. A Memorandum of Law stating that a municipality has the authority to vote to reconsider or rescind an earlier vote to reject all bids on a proposed contract.
3. The le gal basis for J. P. Mascaro's request for consideration.

Commissioner Phillips asked Mr. Fox for J. P. Mascaro's fiscal year. Mr. Fox stated that their fiscal year ends March 31; he said their latest financial statement is for the fiscal year ending March 31, 2010.

Mr. Fox presented his argument on what constitutes a material and a nonmaterial bid defect. He cited Gaeta v. Ridley School District.

Mr. Pat Mascaro of J. P. Mascaro & Sons thanked the Board for the opportunity to work in Lower Pottsgrove Township. He felt J. P. Mascaro gave Lower Pottsgrove Township the best bid it could. It was his belief that a one-day per week collection is best for the community.

Commissioner Spadt thanked Mr. Mascaro for his comments and made it clear that no one was questioning the quality of service J. P. Mascaro has given to Lower Pottsgrove Township. He said they all agree the service has been excellent.

Solicitor Holloway felt that Mr. Fox did an accurate and eloquent job presenting his argument; however, Solicitor Holloway was still of the opinion that there are material

defects with the bid. He said the other two bidders, Waste Management and Republic Services, also had material defects in their bid submissions.

Ken Anderson of Republic Services also addressed the Board regarding the bids.

Commissioner Spadt asked if the Commissioners had any questions. There being none, he requested that the Board take official action.

Commissioner Kaiser made a motion to affirm the rejection of all bids and the re-bidding of the trash contract. Commissioner McGroarty seconded the motion. Vote was as follows:

Commissioner Spadt	Aye
Commissioner McGroarty	Aye
Commissioner Kaiser	Aye
Commissioner Phillips	Nay

Motion carried by a vote of 3-1.

Commissioner-elect Steve Klotz requested that no further bids be opened until the new Board of Commissioners is seated in January and that the current contract be extended past its expiration date of December 31, 2011. Mr. Klotz is a former Commissioner and he served on the trash committee during his term of office. He felt there could be legal problems associated with the trash bid. Mr. Fox assured the Board that there will be no legal problems.

COMMENTS FROM VISITORS:

Buchert Ridge Community—Buchert Ridge Community residents Fred Serfass and Ben Walters were present at the meeting. Mr. Serfass requested that the Board grant Wil Hallman permission to finish the Prizer house to be used as a community center for the Buchert Ridge Community residents.

Wil Hallman asked why he has not been granted a permit to finish the inside of the Prizer house. John McMenamin, in-house engineer for Wil Hallman Retirement Development, apologized if he appeared to be malicious in his phone calls and emails, but explained he is passionate about helping the people in Buchert Ridge Community. Ms. Elliott responded that in land development there are no hard feelings; we are trying to work through the regulations. She was not opposed to healthy debate on how to make things work.

Commissioner Spadt said there are hard feelings and recommended that the Prizer house be #1 priority. He recommended that John McMenamin, Scott Exley and Keith Place meet and come out with things resolved. Mr. Hawthorne will set up the meeting. The Board supported Commissioner Spadt's recommendation.

APPROVAL OF MINUTES:

Commissioner Kaiser made a motion to approve the minutes of the November 3, 2011 Board of Commissioners meeting. Commissioner Phillips seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

RESOLUTIONS AND ORDINANCES:
None.

SUBDIVISION AND LAND DEVELOPMENT:
None.

OLD BUSINESS:
Diesel Fuel Bids – Mr. Hawthorne reported that sealed bids submitted for bulk diesel fuel were opened and read aloud at 2:00 p.m. on November 17, 2011. Bid results are as follows:

Contractor	Bulk price per gallon at 4:00 P.M. on November 16, 2010	Discount
Penn Petroleum T/A William R. Gift	$3.268 per gallon	-0-
Automotive Service, Inc.	$3.346 per gallon	-0-
Farm and Home Oil Company	$3.5310 per gallon	-0-
Isobunkers DBA Atlantic Coast Energy	$3.3854 per gallon	-0-
Superior Plus Energy	$3.4572 per gallon	-0-
Price is subject to an Escalator and/or De-escalator Clause to be determined by the market price on the day of delivery.		

Mr. Hawthorne reported that Penn Petroleum T/A William R. Gift is the low bidder. All bids were given to the Solicitor for review.

Tentative Budget for the Year 2012—Commissioner Kaiser thanked Township staff, Michele Christman and Jane Smale for their work on the 2012 budget. He reported that there will be a .25 mill Township tax increase to cover expenses. This is approximately a 12% increase and on a property assessed at $125,000, the increase will result in an additional $31 in Township tax.

Commissioner Phillips asked the Commissioners to keep in mind that they were approving a tentative budget and it is not yet final. He noted that the Commissioners could still change the budget within 10%.

Commissioner Kaiser made a motion to approve the Lower Pottsgrove Township 2012 Tentative Budget. Commissioner Phillips seconded the motion and it was unanimously approved. Vote was 4-0 in favor. Commissioner Spadt thanked Township staff, Commissioner Kaiser and Commissioner Phillips for the tremendous amount of work they put into preparing the 2012 budget.

Commissioner Kaiser made a motion to approve the advertisement of the public notice stating that a tentative budget for the year 2012 is available for public inspection on November 23, 2011. Commissioner Phillips seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

2012 Tax Enabling Ordinances—Commissioner Kaiser made a motion to advertise all tax enabling ordinances and resolutions for the year 2012. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Snow Plow Proposals-- Mr. Hawthorne reported that the Township received the following proposals for snow plowing for the 2011-2012 season:

Contractor	40+/- hours ¾ ton pick up truck w/minimum 8 ft. power angle blade	40+/- hours dump truck (33,000 # or 5 ton equivalent) w/ 9 ft. or 10 ft. power angle blade	40+/- hours 80,000 # maximum triaxle dump truck	40+/- Super Duty 350 or 3500 Series Truck (or above)	Other Equipment
	2011	2011	2011	2011	2011
Sacks & Sons	$125/hr.	$125/hr.	$200/hr.	$125/hr.	$150/hr. rubber tire loader 3 yd.
Haines & Kibblehouse	Haines & Kibblehouse did not submit a proposal for the 2011-2012 snow plowing season.				
Howard Lynch	$85/hr.	No proposal	No proposal	No proposal	No proposal
Charles I. Stout & Son	Charles I. Stout & Son did not submit a proposal for the 2011-2012 snow plowing season.				

Mr. Hawthorne advised that John Fogel will only use the contractors when we have a bigger snow. He recommended that the Board accept all proposals.

Commissioner Phillips made a motion to accept the proposals, as listed above, submitted by Sacks & Sons and Howard Lynch, for snow plowing for the 2011-2012 season. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Planning Commission Vacancy—Commissioner Spadt said the Township has received several applications for the vacancy on the Township's Planning Commission. He asked that the Commissioners let him know their choices and, based on the consensus, the Board will interview the top 3 or 4 candidates. The Board supported Commissioner Spadt's recommendation.

NEW BUSINESS:
None.

Warrant #794— Commissioner Phillips made a motion to approve Warrant #794 for the month of October 2011. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Acceptance of Treasurer's Report—Commissioner McGroarty made a motion to accept the Treasurer's Report for the month of October 2011, as presented by Jennifer Marsteller. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

COMMISSIONERS' COMMENTS:

Commissioner McGroarty thanked Commissioner Phillips, Commissioner Kaiser, Michele Christman, Jane Smale and staff for the work done on the 2012 budget. He said the process becomes more difficult as we move forward and he appreciated all the hard work done to date.

Commissioners Spadt, Phillips and Kaiser had no comments.

There being no further business, the public meeting adjourned at 8:00 p.m.

Next meeting will be held on Monday, December 5, 2011 at 7:00 p.m.

Respectfully submitted,

Michele M. Cappelletti

Michele M. Cappelletti
Township Secretary