

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
June 18, 2009

The Board of Commissioners of Lower Pottsgrove Township held their regularly scheduled work session meeting on Thursday, June 18, 2009 at the Lower Pottsgrove Township Municipal Building, 2199 Buchert Road, Pottstown, PA. Meeting was called to order at 7:00 p.m. The following were in attendance:

Board of Commissioners: Bruce L. Foltz, President; Jonathan H. Spadt, Vice President; Stephen M. Klotz; Anthony A. Doyle; and James C. Phillips.

Rodney P. Hawthorne, Manager; Alyson Elliott, Assistant Manager, Scott Exley, Township Engineer and Michele Cappelletti, Township Secretary.

R. Kurtz Holloway, Solicitor was absent from the meeting.

COMMENTS FROM VISITORS:

None.

APPROVAL OF MINUTES:

Commissioner Phillips made a motion to approve the minutes of the June 1, 2009 regularly scheduled Board of Commissioners meeting and June 4, 2009 duly advertised Special Meeting. Commissioner Doyle seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

RESOLUTIONS AND ORDINANCES/AGREEMENTS:

Resolution No. 816—Commissioner Klotz made a motion to approve **Resolution No. 816**, extending a conditional offer of promotion to Sergeant Michael Foltz to the rank of police lieutenant of the Lower Pottsgrove Police Department. Commissioner Phillips seconded the motion and it was approved by a vote of 4-0 in favor. Commissioner Foltz recused himself from the vote because of a conflict of interest.

The Board offered congratulations to Sergeant Foltz on his promotion to lieutenant.

Resolution Nos. 819 and 820—Mr. Hawthorne explained that the Township is under a consent order with the Department of Environmental Protection, which requires Board of Commissioners' approval of sewage facilities planning modules.

Commissioner Phillips made a motion to approve **Resolution No. 819**, the Sewage Facilities Planning Module for the Pruss Hill Road (Gambone) Subdivision and **Resolution No. 820** the Sewage Facilities Planning Module for the Falls at Pruss Hill (Sukonik) Subdivision. Commissioner Spadt seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Resolution No. 815—Mr. Hawthorne said that **Resolution No. 815**, Occidental Chemical Corporation /BCW Associates, Ltd. Minor Subdivision Plan would be approved at a future meeting. He advised that the Motion of Approval did not contain the appropriate language to

allow for a sewer easement through the property. Mr. Hawthorne estimated that approval of the resolution would take place at the July 6, 2009 Board of Commissioners meeting.

The following were in attendance representing Occidental Chemical: Michael Viscuso, Esq. of Ballard, Spahr, Andrews & Ingersoll, LLP, Shaun Higgins of Langan Engineering and David Madeira of Glenn Springs Holdings. Mr. Viscuso delivered a presentation to the Board explaining the minor land development. He advised that co-applicants Occidental Chemical and BCW Associates, Ltd. applied for zoning relief which was granted by the Lower Pottsgrove Zoning Hearing Board on May 12, 2009. Robert Zimmerman, Esq., legal counsel for BCW Associates, Ltd., was not present at the meeting.

Resolution No. 817—Mr. Hawthorne requested approval of **Resolution No. 817**, authorizing Lower Pottsgrove Township to become a member of the Montgomery County Consortium of Communities. Participation in the Consortium allows the Township to share the cost of professional services with more than 40 other municipal members. Mr. Hawthorne felt membership in the Consortium would be particularly beneficial to the Township when it is required to adopt a new model storm water ordinance being introduced by the Department of Environmental Protection.

Commissioner Klotz made a motion to approve **Resolution No. 817**, endorsing the articles of agreement of the Montgomery County Consortium of Communities; authorizing the execution of said agreement; and the participation in Consortium affairs by the appropriate officials of Lower Pottsgrove Township and to authorize the payment of the \$250.00 yearly membership fee. Commissioner Phillips seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

CORRESPONDENCE AND INFORMATION:

Recycling Grant Award—Commissioner Foltz reported that the Township recently received notification that the Department of Environmental Protection approved its Act 101 Recycling Grant in the amount of \$72,167.00 for the calendar year 2007. The grant application was prepared and submitted by Township employee Jennifer Corley.

Commissioner Foltz congratulated Ms. Corley on a job well done. Mr. Hawthorne explained that the \$72,167.00 award is a result of Ms. Corley's record-keeping and communication with the DEP. Commissioner Phillips commented that the recycling grant award is a good example of the good work that Township staff does. It was the consensus of the Board that Mr. Hawthorne should write a letter to be placed in Ms. Corley's file recognizing this achievement.

The following information was included in the Commissioners' packets:

1. Letter of Resignation from Dave Marsteller, Chair of the Zoning Hearing Board
2. H₂O Grant Job Description and Alternate Costs Memorandums
3. Letter of appreciation from the Tyson family. Re: Township Employees
4. Letter from Charles D. Garner, Jr. and Bradley B. Fuller. Re: Pottstown Area Seniors Center/Relocation to Lower Pottsgrove Township
5. Correspondence from Keith Place. Re: Gas Station at 1258 N. Charlotte Street (Charlotte and Mervine Streets)
6. Correspondence from Delaware Valley Regional Planning Commission. Re: Bus Tour of 422 Corridor Master Plan Recommendations

SUBDIVISION AND LAND DEVELOPMENT:

None.

OLD BUSINESS:

PennDOT Settlement Statement and Temporary Easement—Commissioner Phillips made a motion to grant a Temporary Easement for Construction and to accept final settlement from PennDOT in the amount of \$500.00 for tax parcel no. 42-00-04432-00-8. Commissioner Spadt seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Mr. Hawthorne noted that the temporary easement is granted to the Commonwealth for the purpose of undertaking the construction/improvement of the East High Street Bridge.

Restored Funding—Commissioner Foltz reported that the Township has determined there is sufficient money in the budget to restore funding to the Historical Society, Senior Citizens and the Visiting Nurse Association. Mr. Hawthorne advised that the Township usually distributes additional funds in September; however, the Board indicated that the funds should be sent immediately.

Commissioner Doyle made a motion to restore funding to the Historical Society, Senior Citizens and the Visiting Nurse Association in the amount of \$2,000.00 each (\$6,000.00 total) as soon as possible. Commissioner Spadt seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

NEW BUSINESS:

Request for Reimbursement for Tuition and Books—Commissioner Klotz motioned to approve Det. Joseph Campbell's request to enroll in one (1) course, *Seminar Disaster Planning*, provided he meets the criteria for tuition reimbursement as set forth in the police contract. Cost for this course is \$1,608.75, which includes tuition and textbooks. Commissioner Spadt seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Seminar Disaster Planning is a core course for the Master of Science Program in Public Safety Det. Campbell is pursuing at Saint Joseph's University, Philadelphia, PA.

Agricultural Security Area Application—Commissioner Phillips made a motion to acknowledge and advertise the Agricultural Security Area Application of Richard and Cora Spare, 2700 Schaffer Road, Pottstown, Pennsylvania. Commissioner Spadt seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Warrant—Commissioner Spadt motioned to approve Warrant No. 765 for the month of May 2009. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

COMMISSIONERS' COMMENTS:

Commissioner Doyle referred to a letter in the Commissioners' packets from Charles D. Garner, Jr. legal advisor to the Pottstown Area Seniors' Center, and Brad Fuller, Pottstown Area Seniors' Center Executive Director, expressing their concerns with respect to the WHRD Evergreen Ridge proposal. He asked if the Township should respond to this letter, where we are with the proposal and what the hold-up is.

Mr. Hawthorne said he will call Mr. Garner tomorrow (June 19, 2009) to discuss the matter. He explained that the Township is currently working with Peter Simone and Limerick Township on the Sanatoga Interchange District. Ms. Elliott advised that infrastructure (roads and sewer) is the biggest factor in that area and we can't put a time on it. Mr. Hawthorne added that the reason the Township hired McCullough is to help us get money through the H₂O grant.

Commissioner Doyle noted that David Marsteller submitted a letter of resignation from the Zoning Hearing Board. Mr. Hawthorne advised that Mr. Marsteller's resignation should be accepted by the Board and a new member will need to be appointed.

Commissioner Spadt made a motion to accept, with regret, David Marsteller's resignation as Chair of the Lower Pottsgrove Township Zoning Hearing Board. Commissioner Phillips seconded the motion and it was unanimously approved. Vote was 5-0 in favor. Mr. Hawthorne will send a letter to Mr. Marsteller.

Commissioner Phillips had no comments.

Commissioner Klotz thanked Chief Shade on the lieutenant position and said he and Commissioner Spadt set up to get rank and file in the Police Department. He felt there were two good candidates for the lieutenant promotion and it was great for the department. Commissioner Klotz thanked Det. Sgt. Michael Foltz and Sgt. Timothy Walters for taking the test and doing well on it. Commissioner Spadt said the department is very pleased with the overall process.

Commissioner Klotz asked for the status of the baseball and soccer fields at Sanatoga Park. Mr. Hawthorne said they should be ready next year. He advised that tournaments cannot be held at Sanatoga Park because of parking.

Commissioner Spadt commented on the "great letter" from the Tyson family crediting John Fogel and Matt Price with saving the family's cat. He said getting feedback like this was a reflection on the entire Township.

Commissioner Foltz asked if there has been any response to the letters sent by Keith Place to the owner of the gas station at Charlotte and Mervine Streets. Mr. Hawthorne said three letters were sent to the owner's three known addresses. There has been no response from the owner; however, the property has been announced for Sheriff's Sale. Mr. Hawthorne noted there is now a real estate sale sign on the property. Mr. Hawthorne will have Mr. Place continue to follow up on this matter.

Commissioner Foltz asked about the Bruster's Ice Cream sign on Buchert Road. Mr. Hawthorne said we might be getting one (Bruster's) yet.

MANAGER'S COMMENTS:

Equipment Rental Bid—Mr. Hawthorne requested approval to advertise the equipment rental bid.

Commissioner Spadt made a motion to advertise the Notice to Bidders for the Equipment Rental Proposal and Contract. Commissioner Phillips seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Ms. Elliott announced that the annual Fishing Derby will be held on Saturday, June 20, 2009 from 7:30 a.m. to 11:00 a.m. Wells, Hoffman, Holloway and Stauffer, LLP is the sole sponsor for the Derby. Participants will be given gift certificates for \$5.00 each from Dick's Sporting Goods. Also, a retired ranger from the Fish and Game Commission will be on hand to conduct a seminar for first-time anglers.

Commissioner Doyle asked how much was needed to fund the Fishing Derby. Ms. Elliott said the donation will cover stocking the pond and other supplies. Jen Corley can provide the exact figures.

At 7:50 p.m., Commissioner Spadt announced that pursuant to the provisions of the Open Meeting Act, the Board would be recessing into an executive session to discuss a contract matter. The Board reserved the right to reconvene into public session to take any official action deemed necessary following the executive session.

The Board reconvened into public session at 8:02 p.m. There being further action, the public meeting adjourned.

Next meeting will be held on Monday, July 6, 2009 at 7:00 p.m.

Respectfully submitted,

Michele M. Cappelletti
Township Secretary