

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
March 7, 2011

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Monday, March 7, 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 were in attendance:

Board of Commissioners: Bruce L. Foltz, Vice-President; James C. Phillips, Michael McGroarty and James D. Kaiser.

R. Kurtz Holloway, Solicitor; Rodney P. Hawthorne, Manager; Alyson E. Elliott, Assistant Manager; Jennifer V. Marsteller, Treasurer; Lew Babel, Fire Marshal and Michele Cappelletti, Secretary.

Jonathan H. Spadt, President, Michael Shade, Chief of Police and Scott Exley, Township Engineer were absent from the meeting.

COMMENTS FROM VISITORS:

Tony Doyle, 1745 Kepler Road, wanted to thank whoever is responsible for putting articles in the Mercury about police-related incidents in the Township. He feels it is important for the people of the Township to realize what is going on in their community. Mr. Doyle said these articles show the Township needs its Police Department and he thanked the police for their good work. Commissioner Foltz said the Mercury calls the different Police Department and runs articles from each municipality on a rotating basis.

Joe Zlomek of The Sanatoga Post said that credit should go to Mercury reporter Brandi Kessler. She calls the Police Department every week and has been handling the articles.

Steve Klotz, 1114 New Kepler Road, referenced the Board of Commissioners meeting held on February 7, 2011, when residents informed the Commissioners of a drug problem in Lower Pottsgrove Township. Mr. Klotz said at this meeting, he got adamant and emotional when discussing kids on drugs. He did not realize his actions were offensive and offered his apologies to Chief Shade, the Police Department and staff. Mr. Klotz's intention was not to demean the Police Department; instead he wanted to get everyone's attention about this serious problem. He said his intended result did happen--Mr. Klotz received phone calls from many residents thanking him for speaking up at the meeting and informing him that the Police are being proactive and patrolling the area every morning.

Also at the February 7, 2011 meeting, Mr. Klotz discussed another business matter that was handled promptly by Mr. Hawthorne. Mr. Klotz met with Mr. Hawthorne and staff they had a good meeting.

Mr. Klotz also stated that this winter has been especially bad and, he doesn't know how they do it with only 4 guys, the road crew keeps the Township's roads clean. He offered kudos to the road crew for doing a great job.

APPROVAL OF MINUTES:

Commissioner Phillips made a motion to approve the minutes of the February 17, 2011 Board of Commissioners meeting. Commissioner Foltz proposed the following amendments:

OLD BUSINESS (Page 1241)

As stated:

Mr. Hawthorne said a separate bid will be completed to paint the pillars at the front of the building and purchase new blinds for the meeting room.

As amended (change noted in bold):

Mr. Hawthorne said a separate bid will be completed to **replace and** paint the pillars at the front of the building and purchase new blinds for the meeting room.

As stated:

Mr. Spadt said there has been a request to update the class in front of the reception area.

As amended (change noted in bold):

Mr. Spadt said there has been a request to update the **glass** in front of the reception area.

Commissioner McGroarty seconded the motion and it was approved by a vote of 4-0 in favor.

REPORTS:**Police**

Chief Shade was absent from the meeting. All statistics and information for the month of February were included in Chief Shade's written report. Mr. Hawthorne advised the Commissioners to contact Chief Shade if they had any questions or comments.

Fire Marshal

Mr. Babel reported the following statistics for February 2011:

Station	Total Calls	Total Hrs. of Service	Total Personnel Hrs.	Total Personnel Training Hrs.	Total Fundraising Hrs.
	February 2011	February 2011	February 2011	February 2011	February 2011
Sanatoga (Station 58)	32	25	232	292	Not provided
Ringling Hill (Station 59)	25	143	20	60	250

(Hours are approximate)

Mr. Babel reported that all developments in the Township were checked to ensure that snow had been removed around the hydrants. All the hydrants were shoveled out and some communities marked their hydrants with stakes so fire personnel could easily locate them. Mr. Babel offered his appreciation to whoever shoveled out the hydrants.

Emergency Management

Commissioner Foltz reported that Lt. Michael A. Foltz, Emergency Management Coordinator, is out of town. He read highlights from the Emergency Management Report for the month of February 2011, which was prepared and submitted by Chris Wilcox and Michele Cappelletti.

Highway—Public Works Department: Commissioner Foltz read aloud the Public Works Report for the month of February 2011. Much of the month was spent plowing, salting and removing ice due to severe winter weather conditions. The report will be posted on the bulletin board.

C.O.G.—Commissioner Phillips had no report. Next meeting will be held on March 8, 2011 at Pottstown Borough Hall.

Engineering—No report. Mr. Exley was absent from the meeting.

Treasurer—Ms. Marsteller delivered the Tax Collector's Monthly Report to Taxing Districts for the month of February 2011 for review. She reported that all real estate bills were mailed in the beginning of March.

Solicitor—See **SUBDIVISION AND LAND DEVELOPMENT**.

Parks and Recreation—Ms. Elliott had no report. The February meeting was cancelled due to a light agenda.

Delaware Valley Regional Planning Commission—Ms. Elliott has one (1) copy of the Tri-County Transportation Study for PA Route 100 available for review. Ms. Elliott also reported that she is on the taskforce to interview consultants to complete the market impact analysis.

CORRESPONDENCE AND INFORMATION:

Renaming of Armand Hammer Boulevard—Newstell Marable, Sr., President, NAACP Pottstown Branch, sent an email asking the Board to consider the renaming of Armand Hammer Boulevard to Dr. Martin Luther King, Jr., Boulevard.

The Board received a similar request from Mr. Marable in September 2008. Commissioner Phillips asked if anything has changed since that time and Mr. Hawthorne said nothing has changed. Commissioner Kaiser said he does not think it is the time to do this, considering the expense businesses would incur as a result of the name change. Mr. Hawthorne will send a letter to Mr. Marable advising him that the Board took no action.

The following information was included in the Commissioners' packets:

1. Note from Michael Hays, Spring City Councilor regarding support for tolls on Route 422.
2. Letter from PennDOT Bureau of Planning and Research. Subject: Traffic Counting on Municipally Owned Roads.

3. Letter from Public Financial Management (PFM) to Securities and Exchange Commission and email from Gordon Walker of PFM regarding SEC Proposed Rules for registration of firms and individuals as “municipal advisors.”

SUBDIVISION AND LAND DEVELOPMENT:

Buchert Ridge Community Phase II Planning Module—Mr. Hawthorne advised that the Township is under a DEP consent order; as a result, all Sewage Facilities Planning Modules must be approved by the Board of Commissioners.

Mr. Hawthorne recommended that the Board approve Resolution No. 894, a new sewage planning module for eight (8) additional proposed units for Buchert Ridge Community II. Mr. Hawthorne advised that the applicant still has to finish the Township’s land development process and has to resolve some zoning issues.

Commissioner Kaiser made a motion to approve Resolution No. 894, a sewage planning module for eight (8) additional proposed units for Buchert Ridge Community II. Commissioner Phillips seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Sunnybrook C-3—Ms. Elliott explained that Sunnybrook C-3 (Sunnybrook Village) was formerly approved as a restaurant pad site and a residential office building. Pottstown Oral Surgery Associates (Smith Lignelli, LLC) has submitted an amended site plan for a one-story medical office building on this site. Ms. Elliott recommended approval of draft Resolution No. 892, granting Preliminary/Final approval of the Smith Lignelli, LLC land development plan. The applicant presented a rendering of the office building for the Board’s consideration.

Commissioner Phillips made a motion to approve Resolution No. 892, granting Preliminary/Final approval of a land development called Pottstown Oral Surgery Associates (Smith Lignelli, LLC). Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Accent on Health—Ms. Elliott reported that the land development process for Accent on Health, 2871 E. High Street, started in 2005. The project has been completed for some time but the as-builts show that the storm water requirements were not completed as per plan. There are also other minor issues regarding the close-out of this project. Mr. Hawthorne advised that staff has met with the applicant several times but the matter has not been resolved. Ms. Elliott requested authorization to take the next step to close out this project. She would like to send the applicant a letter to complete the project within 45 days; if he does not comply, she would like to tap into the applicant’s financial security.

After discussion, Commissioner Kaiser made a motion to authorize Township staff to send a letter to the applicant of the Accent on Health land development advising him to complete the project, as per plan, within 45 days and, if no action is taken by the applicant within that time, to authorize staff to utilize funds from the applicant’s financial security to resolve the outstanding issues. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Special Counsel—Solicitor Holloway said that last month he mentioned, in connection with the Smith Lignelli land development, that his law firm (Wells, Hoffman, Holloway & Stauffer, LLP)

had a conflict of interest. At that time, the Solicitor did not recommend special counsel; he now asked if the Board would consider appointing David Allebach, Esquire, for this project. Mr. Allebach will provide his services at Solicitor Holloway's hourly rate.

Commissioner McGroarty made a motion to appoint David Allebach, Esquire as special counsel for the Smith Lignelli land development project, at Solicitor Holloway's current rate of \$130.00 per hour. Commissioner Phillips seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

OLD BUSINESS:

None.

NEW BUSINESS:

Srogels Run Boardwalk—Mr. Hawthorne reported that the Township has funds from Occidental Chemical and a grant from the Pottstown Wellness Foundation to develop this Park. He requested authorization to advertise for bids to install boardwalks, observation areas, signs, furniture and other work related to the Srogels Run Park project.

Commissioner Foltz asked if the donations would cover the cost of the project. Mr. Hawthorne said they would easily cover it.

Commissioner Phillips made a motion to advertise for bids for the Srogels Run Nature Trail project. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

RESOLUTIONS AND ORDINANCES:

Resolution No. 893—Commissioner Phillips made motion to approve Resolution No. 893, reappointing Rich Wood to the Lower Pottsgrove Township Parks and Recreation Commission. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Resolution No. 895—Commissioner McGroarty made a motion to approve Resolution No. 895, reappointing Jacob Dailey to the Lower Pottsgrove Township Civil Service Commission. Commissioner Phillips seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Ordinance No. 264-A—Commissioner Phillips made a motion to approve Ordinance No. 264-A, amending Section 40-3D of the Uniformed Employees Pension Plan Ordinance – Disability benefits and deleting, in its entirety, Section 40-3F of the Uniformed Employees Pension Plan Ordinance – Killed-in-service benefit. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Warrant—Warrant No. 786 for February 2011 was distributed via email for the Commissioner review.

COMMISSIONERS COMMENTS:

Commissioner Kaiser had no comments.

Commissioner McGroarty had no comments.

Commissioner Phillips advised that he and Mr. Hawthorne attended an MS4 meeting at Montgomery Township. The Township is actively trying to work with the State and the EPA to make the proposed storm water ordinance/regulations fair. He noted an interesting juxtaposition—the DEP is now siding with the Stormwater Coalition in opposition to the EPA. The deadline has now been pushed from May/June 2011 to June 2012. Commissioner Phillips said the stormwater issue is a real problem and the Township is on top of it.

Commissioner Foltz referred a letter and survey from UGI regarding the gas pipeline that runs through Lower Pottsgrove to Mr. Hawthorne.

MANAGER'S COMMENTS:

Mr. Hawthorne had no comments.

There being no further business, the meeting was adjourned at 7:33 p.m.

Next meeting will be held on Thursday, March 17, 2011 at 7:00 p.m.

Respectfully submitted,



Michele M. Cappelletti
Secretary