

## LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS

April 21, 2011

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled work session meeting on Thursday, April 21, 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 and Michele Cappelletti, Secretary.

Bruce L. Foltz, Vice President, was absent from the meeting.

**COMMENTS FROM VISITORS:**

None.

**APPROVAL OF MINUTES:**

Commissioner Kaiser made a motion to approve the minutes of the April 4, 2011 Board of Commissioners meeting. Motion was seconded by Commissioner McGroarty and unanimously approved. Vote was 4-0 in favor.

**RESOLUTIONS AND ORDINANCES:**

**Resolution No. 898**—Commissioner Phillips made a motion to approve Resolution No. 898 approving and authorizing the execution of a cooperation agreement between Lower Pottsgrove Township, The Redevelopment Authority of the County of Montgomery and The Sunnybrook Foundation. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Wil Hallman of The Sunnybrook Foundation thanked the Board for its help in getting Sunnybrook one step closer to what it once was.

**CORRESPONDENCE AND INFORMATION:**

**Simone Collins Request for Additional Funds**—Ms. Elliott reported that Peter Simone of Simone Collins has requested an additional \$5,000 to complete the master site plans for Gerald Richards and Pleasantview Parks. Mr. Simone cited additional work for phasing of the improvements to the parks, generating alternative scenarios and including site planning for Coventry Christian, all added to the amount of time required to complete the project.

Commissioner Spadt said the plans were extensive. Commissioners McGroarty and Kaiser have been to several of the public meetings and noted that the plans have undergone quite a few changes. Commissioner Kaiser said it was good to see all of the public support at the meetings and Commissioner Spadt agreed. Commissioner Phillips

said he received a telephone call from Commissioner Foltz and, in absentia, he asked Commissioner Phillips to deliver his opposition to the request for additional funds.

Commissioner McGroarty made a motion to authorize an additional \$5,000 to the Simone Collins contract to permit the completion of the master site plan for Gerald Richards Park and Pleasantview Park. Commissioner Phillips seconded the motion and it was unanimously approved. Vote was 4-0.

Commissioner Spadt is very impressed with this project and complemented Ms. Elliott for her work on the park plans.

**Coventry Christian**—Ms. Elliott reported that because of the master site plan project for Gerald Richards and Pleasantview Parks, Coventry Christian Schools has been able to submit a grant to DCNR for a soccer field. They are looking for the Township's support on this project, which will be very beneficial to the community. Commissioner Spadt noted that Coventry Christian Schools has been a very cooperative neighbor.

Commissioner Phillips authorized staff to write a letter supporting Coventry Christian Schools' plans for a soccer field. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

The following information was included in the Commissioners' packets:

1. Editorial published in The Mercury on April 11, 2011. **Local Government Week starts today: Thank a supervisor.**
2. Pottstown Metropolitan Region Comprehensive Plan Census Information.
3. Memo from Bursich Associates, Inc. Subject: Pottstown Area Traffic Group February Meeting.
4. Memo from Bursich Associates, Inc. Subject: Pottstown Area Traffic Group March Meeting.

#### **SUBDIVISION AND LAND DEVELOPMENT:**

**None.**

#### **OLD BUSINESS:**

**Carpet Replacement Project**—At its April 4, 2011 meeting, the Board of Commissioners approved the bid submitted by Smith Flooring, Inc. as the low bid for the carpet replacement project, subject to the Solicitor's review.

The Solicitor's office reviewed all bids submitted for the carpet replacement project with Township staff. As a result of this review, a determination has been made that the bid submitted by Smith Flooring, Inc. for the carpet replacement project is non-responsive. The terms of the estimate dated March 16, 2011 submitted with the Township's approved bid form by Smith Flooring, Inc. conflicts with the terms of the Scope of Work set forth in the Specifications of the Bid Package; namely, Smith's bid added as a condition the requirement that the Township empty desks and filing cabinets before the work would be performed. The bid also had technical deficiencies.

The lowest responsive bid was submitted by Farkosh Floor Covering in the amount of \$13,289.00 for Option 1 and \$11,946.00 for Option 2.

Commissioner Phillips made a motion to rescind the April 4, 2011 decision of the Board of Commissioners to approve the bid submitted by Smith Flooring, Inc. based on the Solicitor's review and comments. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Commissioner Phillips further moved to accept the lowest responsive bid for the carpet replacement project submitted by Farkosh Floor Covering in the amount of \$13,289.00 for Option 1. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**National Penn Bank Sign Application**—Mr. Hawthorne reported that initially, the Board of Commissioners voted to oppose the National Penn Bank (NPB) zoning hearing application for a proposed internally lit, LED sign at their Sunnybrook office. Solicitor Holloway and Township staff met with NPB's staff and solicitor regarding the sign. As a result, NPB has withdrawn the LED, internally lit aspects of the sign and now need zoning relief for the square footage and height of the sign. Based on NPB's cooperation with the Township, Mr. Hawthorne requested that the Board withdraw its opposition to their zoning application.

Based on the information provided by Mr. Hawthorne, Commissioner Phillips made a motion to withdraw the Board of Commissioners' opposition to National Penn Bank's zoning hearing application for signage. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Rupert Road Bridge**—Solicitor Holloway announced that at 6:15 p.m., immediately prior to tonight's meeting, he requested an executive session to discuss a legal matter regarding the Rupert Road Bridge.

Solicitor Holloway explained that the developer of Raven's Claw, DHLP LLP, was required to complete a number of improvements to the development, including the repair or replacement of the Rupert Road Bridge. The Township appointed Mike Furey of Furey & Baldassari, PC, as special counsel to handle this matter. The Township has been in negotiations with the developer for years; however, Mr. Furey has advised that recently the developer has been non-responsive. Based on this non-responsiveness, Mr. Furey recommended that the Board institute legal action against DHLP LLP and any entities with legal responsibility to the Township for work which has not been completed relating to this development. Solicitor Holloway supports the recommendation of special counsel.

For the record, Commissioner Phillips stated that the developer has agreed, on numerous occasions, to pay for the Bridge improvements. The Solicitor advised that the developer set aside \$375,000 and agreed to pay for that particular item.

Commissioner Phillips motioned to authorize special counsel Mike Furey of Furey and Baldassari, PC to take whatever legal steps deemed necessary to institute legal action against DHLP LLP and any entities with legal responsibility to the Township for work which has not been completed relating to this development including improvements to or replacement of the Rupert Road Bridge. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

After the motion, Solicitor Holloway answered several questions posed by Joe Zlomek of the Sanatoga Post.

Tom Troutman, E. High Street, asked if the Rupert Road Bridge matter goes back to Heritage Homes, the original developer. The Solicitor said it does, but Heritage sold part of the development to DHLP. Mr. Troutman asked if the developer did, at one time, offer to give the Township \$300,000, knowing that it would cost more than that to replace the Bridge. Solicitor Holloway said Mr. Troutman's recollection was correct.

**Sprogel's Run Nature Trail**—Ms. Elliot reported that on April 19, 2011 sealed bids for the Sprogel's Run Nature Trail project were publicly opened and read aloud at the Township office. The following three contractors bid on the project:

<b>CONTRACTOR</b>	<b>BID AMOUNT</b>
SMJ Contracting, Inc.	\$129,596.00
Salata Construction	\$170,840.00
Land-Tech Enterprises	\$198,550.00

Ms. Elliott advised that all three bids were much higher than budget. She recommended that the Board reject all bids and re-bid the project with changes to the specifications.

In a memo dated April 21, 2011, Deborah Roesener, Project Engineer, Bursich Associates, Inc. stated that in order to receive bid amounts resulting in overall reduced project costs, the following suggestions should be taken under consideration before putting the project out for bid again.

- Remove the Bench line item from the bid form
- Remove the Trash Can line item for the bid form
- Remove the Nature Trail Sign line item from the bid form

The above items can be purchased and placed by the Township and Township personnel at a reduced cost to the Township if they are not included in the contract.

- Consider having the pedestrian bridge designed to the Township specifications and include that design as part of the contract documents. This may be handled in several different ways, which should be discussed prior to rebidding.

- The Township has indicated a particular type of product it would like incorporated into the construction of the boardwalks and observation areas. It is suggested that the Township give the contractor several acceptable types of products to reference in order to get the most cost effective result.
- Provide specific locations for the boardwalks and observation areas to allow the contractors to better estimate the work that will be involved for each location. Only general locations have been shown on the plans and coordination with the Township would have been required prior to installation.

Commissioner Kaiser made a motion to reject the three (3) bids received on April 19, 2011 for the Sprogel's Run Nature Trail project and to rebid the project incorporating the suggestions, as stated above, in the bid specifications. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Commissioner Spadt commented that this is another notable example of Ms. Elliott and Township staff showing good judgment.

**NEW BUSINESS:**

**Equipment Bid**—Commissioner McGroarty made a motion to authorize staff to advertise the equipment bid. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Mr. Hawthorne said that the bid is for paving and related equipment.

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

**Warrant #787** — Commissioner Kaiser made a motion to approve Warrant #787 for the month of March 2011. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**COMMISSIONERS' COMMENTS:**

There were no comments.

There being no further business, the public meeting adjourned at 7:35 p.m.

Next meeting will be held on Monday, May 2, 2011 at 7:00 p.m.

Respectfully submitted,



*Michele M. Cappelletti*

Michele M. Cappelletti  
Township Secretary