

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
May 2, 2011

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Monday, May 2, 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: Jonathan H. Spadt, President; Bruce L. Foltz, Vice President; James C. Phillips, Michael McGroarty and James D. Kaiser.

R. Kurtz Holloway, Solicitor; Alyson E. Elliott, Assistant Manager; Jennifer V. Marsteller, Treasurer; Michael Shade, Chief of Police; Lew Babel, Fire Marshal; Scott Exley, Township Engineer and Jennifer Corley.

Township Manager Rodney P. Hawthorne and Township Secretary Michele Cappelletti were absent from the meeting.

COMMENTS FROM VISITORS:

Tony Doyle; 1745 Kepler Road, Pottstown, PA 19464: Mr. Doyle mentioned prior conversation about the Warrant being posted on the Township website. Commissioners had discussion about being transparent with expenditures and he feels this is the best way to do so.

Mr. Doyle also asked about the Manager's contract. Commissioner Spadt commented that was put on hold recently.

Mr. Doyle commented about the street lights being converted to solar powered. He commented that he has seen many areas of New Jersey converting their street lights and wondered if there was potential grant money available for this conversion. Commissioner Spadt said that at present the commissioners are looking at a zoning amendment. They could potentially roll the solar panels for street lights in as a green initiative.

Mr. Doyle asked about the trash survey and what the response has been. Ms. Elliott commented that the response was overwhelming and it may take time to compile the results. Mr. Doyle asked if the results of the survey would impact how the commissioners request the bid. Commissioner Spadt said that the Board may make the considerations based on the survey results, but it had not yet been discussed.

Mr. Doyle then asked why in 2011 two employees were laid off. He inquired as to why it was not done concurrent with the budget process. Commissioner Spadt indicated that this had been discussed previously and Commissioner Kaiser said that just because an item is budgeted, does not mean the funds will be spent.

APPROVAL OF MINUTES:

Commissioner Phillips made a motion to approve the minutes of the April 21, 2011 Board of Commissioners meeting. Commissioner McGroarty seconded the motion and it was approved by a vote of 5 - 0 in favor.

REPORTS:**Police**

Chief Shade highlighted the comments from his May 2011 report. He reported that the countywide radio network is in need of being updated as it is 14 years old. There have been several options presented to the County Commissioners for consideration:

- Re-band the radios as directed by the FCC (little or no cost to county)
- Upgrade the system (preferred solution w/ cost of \$50 million +/-)
- New system that would take several years to come online (\$100 -\$120 million)

Chief Shade said that re-banding does not appear to be the solution as it would be a temporary fix.

All statistics and information are included in Chief Shade's written report. Chief Shade asked the Commissioners to contact him if they had any questions or comments.

Emergency Management

The Emergency Management report is attached for the Commissioners to review.

All statistics and information are included in Lt. Foltz's written report. Chief Shade asked the Commissioners to contact Lt. Foltz if they had any questions or comments.

Fire Marshal

Commissioner Foltz reported the following statistics for April 2011 as reported by Fire Marshal Lew Babel.

Station	Total Calls	Total Hrs. of Service	Total Personnel Hrs.	Total Personnel Training Hrs.	Total Fundraising Hrs.
	June 2010	June 2010	June 2010	June 2010	June 2010
Sanatoga (Station 58)	23	14hrs1min	198hours	253hours	Not provided
Ringling Hill (Station 59)	22	15hrs14min	145hours	158 hours	

(Hours are approximate)

Highway—Public Works Department: Commissioner Foltz reported the Public Works Report for the month of April 2011 will be posted on the bulletin board.

C.O.G.— Commissioner Phillips stated he had nothing to report on COG and the next meeting is in June.

Engineering— Mr. Exley reported on the continuing problem of the guiderail along the Pruss Hill Rd Bridge. This guiderail and its anchors are repeatedly damaged in vehicular accidents.

Bursich staff has met with Township staff regarding the problem. The engineer's suggestion is to place stop signs and warning signs on both sides of the bridge to stop traffic in each direction. Discussion regarding other potential resolutions to the problem ensued. Commissioner Foltz made a motion to authorize a traffic study of the area. The motion was seconded by Commissioner Phillips and carried with a vote of 5 – 0.

Mr. Camburn reported on the NPDES MS4 General Permit. At present PaDEP has a revised draft permit that was presented to the public at the Water Resources Advisory Council conference in Harrisburg on April 13, 2011 with DEP and EPA present. It is expected that the current draft version of the permit will be published as the final document expected in June 2011. Mr. Camburn explained that there are two main components to the new permit. First is the Stormwater Management Program (SWMP) composed of six Minimum Control Measures (MCM's) and the second is the MS4 Total Maximum Daily Load (TMDL) plan for Discharges to Impaired Waters. The difference is that the MCM's will be measured more quantitatively rather than qualitatively. Instead of reporting on measures taken, municipality will have to report on what measures they will take to meet the MCM's and then report the following year that the tasks have been completed.

The TMDL section of the permit is new and the Coalition did not have a measurable impact on changing DEP and EPA standards. Two levels of compliance: one for streams with an approved TMDL and one for streams with impairments but no approved TMDL. Mr. Camburn added that the planning and construction of the TMDL's must be done in first two years so the municipality has time in year 3 to measure. This will be the most costly section of the permit and an area of concern because of the timing restraints.

Mr. Camburn also reports that the permit will allow for joint municipal applications. This may be worth considering. He said the current permit ends on June 12 and that the Township has until December to list their intentions of what improvements they will work on.

Commissioner Phillips commented that in Lower Pottsgrove Township the sediment / pollutant loads are mostly coming from outside the Township. We have filed requests with both PaDEP and EPA to alleviate the Township's responsibility. To date no response has been received.

Mr. Exely commented that he believes the Township is well prepared for the upcoming permit.

Treasurer—Ms. Marsteller will deliver her report at the May 19, 2011.

Solicitor— Solicitor Holloway commented he had nothing to report, but has an agenda item for New Business.

Parks and Recreation—Ms. Elliott reported on the Master Plan for Gerald Richards Park and Pleasantview Park. She is looking forward to bringing the concept plan to the Board. At present she is waiting for DCNR's review of the report before wrapping it up. As a gesture of thanks to Sunnybrook Foundation for donating the use of their facility for the public meetings, Ms. Elliott suggested that the Board approve a donation to the Sunnybrook Foundation. The commissioners concurred that this would be a nice gesture. Mr. Foltz made a motion to donate \$500 to Sunnybrook Foundation. Mr. Phillips seconded the motion and it carried with a vote of 5-0.

Ms. Elliott also reported that the Regional Planning Commission met with Pottstown Health and Wellness Foundation. The Foundation in implementing the goals of its Recreation Study, would like to apply to DCNR for a circuit rider Recreation Coordinator to serve some or all of the municipalities in the region. The idea is in its infancy and there is nothing solid yet. She distributed a memorandum with more detail for the Commissioners to review.

CORRESPONDENCE AND INFORMATION:

There were no agenda items for correspondence and information.

SUBDIVISION AND LAND DEVELOPMENT:

There were no agenda items for Subdivision and Land Development.

OLD BUSINESS:

There were no agenda items for Old Business.

NEW BUSINESS:

KMART assessment appeal -

Solicitor Holloway reported on the stipulation received to settle a tax assessment appeal for the E. High Street location. He explained what the stipulation covered and what the impact is on the tax base and that the refund amount is \$4745.16. Commissioner Phillips asked what the alternative would be if they did not approve the refund. Solicitor Holloway responded that if it was not approved the school district would approve anyway and the funds would have to be paid. Commissioner Kaiser asked if a credit towards taxes could be issued in lieu of a check being issued. Solicitor Holloway responded that may not be an option because the court stipulated it must be paid within 90 days. Commissioner Phillips commented on the length of time this has taken to appeal 2005/2006 taxes. Solicitor Holloway responded that KMART has met all deadlines for filing and this has just been lingering in court for that long. Commissioner Kaiser asked Solicitor Holloway to find out if the credit can be extended beyond 2011.

Commissioner Kaiser made a motion to approve the stipulation to settle the tax assessment appeal for the KMART property, 2200 E High Street, Lower Pottsgrove Township, for the tax years 2005 and 2006. Upon the Township receiving notice of court approval of the settlement, the Township Treasurer is directed to credit the taxpayer's taxes for 2011 or 2012 if authorized by the stipulation in an amount of up to \$4745.16. If a credit cannot be given, then a refund of the appropriate amount should be sent to the taxpayer pursuant to the Stipulation. A copy of the Stipulation shall be provided to the Township Treasurer so that she can determine the correct amount of the final credit or refund. The motion was seconded by Commissioner McGroarty and carried with a vote of 5 – 0.

2011 Township Road Overlay List-

Commissioner Foltz made a motion to approve the 2011 Township Road Overlay list subject to available funding. The motion was seconded by Commissioner Phillips and carried with a vote of 5 – 0.

RESOLUTIONS AND ORDINANCES:

There were no agenda items for Resolutions and Ordinances.

Warrant—Warrant No. 778 for April 2011 was distributed via email for Commissioner review.

COMMISSIONERS COMMENTS:

Commissioner Kaiser - Commissioner Kaiser thanked the Police Department for sponsoring the Trout Rodeo. He commented that in spite of the weather many kids had a great time.

Commissioner McGroarty – Commissioner McGroarty thanked the Parks and Recreation staff for their work on the Annual Easter Egg Scramble.

Commissioner Phillips – Commissioner Phillips commented that if anyone had any questions regarding the MS4 coalition he would provide assistance for them. He also echoed Commissioners Kaiser and McGroarty’s thanks to the Police and the Parks and Recreation staff for the Trout Rodeo and the Easter Egg Scramble. He commented it is good to showcase what programs the Township provides.

Commissioner Foltz - Commissioner Foltz inquired about the Bassett Industries project and where the Township stands with that project. Ms. Elliott responded that the Township is waiting for the submission of an application for land development, but we are doing our best to help them through the process and keep the business in the Township. Mr. Camburn commented that he has met with their engineers to assist. Commissioner Phillips added that much of it has to do with State and County issues that are prevalent in PA and have caused a lot of industry to leave PA. Commissioner Foltz would like to see the Township and staff to assist Bassett Industries as much as possible.

Commissioner Foltz then inquired about the project for a pizzeria in the Township. Mr. Camburn said we are waiting for resubmitted plans and Ms. Elliott commented that at present the DEP is reviewing the Sewer Planning Module for the project, and we are waiting for their response.

Commissioner Foltz inquired about a past audit finding that said that Township employees are not authorized to use their personal vehicles for work related seminars and Township errands such as taking bank deposits and mail. He questioned why the Township Manager’s vehicle was left at his home while he was out of town. He did not think staff should have to retrieve the vehicle if they needed it for these purposes.

Commissioner Spadt - Commissioner Spadt read a prepared statement:

I would like to recognize with appreciation our United States Armed Forces. Yesterday our Special Forces, notably Navy SEAL Team 6, executed a successful mission that the entire civilized world now celebrates. We will almost certainly never know the identities of the actual members of Team 6 who executed this successful and courageous mission, but I urge everyone to remember their actions and honor all Veterans of the U.S. Armed Forces as if each that you

meet is a member of this elite team. Their actions demonstrate the commitment and efficacy of the greatest military on earth.

MANAGER'S COMMENTS:

The Township Manager was not present at this meeting.

There being no further business, the meeting was adjourned at 7:52 p.m.

Next meeting will be held on Thursday, May 19, 2011 at 7:00 p.m.

Respectfully submitted,


Jennifer J. Corley