

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS

May 19, 2011

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled work session meeting on Thursday, May 19, 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: Bruce L. Foltz, Vice 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.

Commissioner Jonathan H. Spadt, President was absent.

COMMENTS FROM VISITORS:

Jerry Gorski of Gorski Engineering represented Bassett Industries, Inc. ("applicant"), a manufacturing plant located on Sanatoga Station Road. Dave Milks, President of Bassett Industries, Inc. and Brett Milks also attended the meeting.

Mr. Gorski explained that the plan for the Bassett Industries manufacturing plant was approved for land development twenty years ago. According to the plan, the building was to be completed in phases and it is now in the last phase of development. Mr. Gorski showed the Board the existing recorded plan and said the current property matches the total impervious coverage and the building is actually smaller. Mr. Gorski stated that the applicant now wants to add a driveway and retaining wall which, according to the Township ordinance, do not require a grading permit.

Mr. Gorski said they have met with Township staff regarding this project. He asked for clarification on where Bassett Industries stands and what they need to do to move forward. The Commissioners had several questions regarding the project. Commissioner McGroarty asked who met, what are the outstanding issues and if the Township's Planning Commission had any comments.

Ms. Elliott reported that staff met with the applicant on April 12, 2011. Staff determined that adding the driveway changes the site and it will impact the slopes. This would require a re-recording of the plan and going through the Planning Commission as a new submission. Bassett Industries formally submitted a new plan one week before the Planning Commission meeting and the Planning Commission did not have time to review the plans. The Township Engineer met with the applicant to help with the technical issues.

Ms. Elliott stated that the plan needs to go through the planning process, with final approval by the Board of Commissioners. At this time, the Planning Commission does

not have a recommendation and does not want to waive its rights and have the issues worked out at the staff level.

Commissioner Foltz asked what the applicant has to do to move forward. Ms. Elliott advised the following outstanding issues:

- **Grading** – Access to the steep slope area, which could require conditional use approval.
- **Stormwater** – Regulations have changed. Working with Township Engineer to update.
- **Plans** – Plans that show the information the Township needs to review in accordance with its ordinances.

Mr. Gorski said the Township Engineer, Bursich Associates, is also the design engineer for the recorded plan. According to Mr. Gorski, Bursich will not provide the information to Bassett Industries and they are requiring a re-surveying of the site. Today Bassett was notified that the Township would re-survey the site, and the fees would be paid out of the applicant's escrow. Mr. Gorski said time and money are at stake and they did not plan on re-surveying the site.

Dave Milks' said they are not constructing a building; they are putting a driveway on the site. Mr. Gorski said the ordinance defines "building" as a structure with a roof. There was further discussion regarding the steep slopes, the retaining wall and landscaping requirements.

Mr. Gorski said the applicant went through the total land development process with the original plan. He agreed to do an amended recorded plan but was then told by the Township Engineer that he has to pay to have the survey redone. Commissioner Phillips asked where the original survey is. Mr. Gorski said it is recorded at the County and they usually just mark up the original plan, not resurvey the lot.

The Board asked Mr. Gorski to explain his outstanding issues with the plan. Mr. Gorski replied:

- Are we doing a revised recorded plan or a minor land development? If it is a revised recorded plan, it does not require all the information that the engineer is asking for. He said that the engineer is on both sides of this project – they are working for the Township and they are the preparer of the existing plan.
- They feel they have submitted adequate plans for an amended recorded plan submission.

Solicitor Holloway said staff believes it is a land development and this is the procedure that has been followed in the past. The Township needs at least the minimum information the engineer has requested, which takes us back to the applicant providing the information requested on the plan. Commissioner Phillips asked if there is a legal determination as to whether or not they can do an amended recorded plan. The Solicitor

advised that the applicant could be relieved from going through the land development process; however, the only way for the engineer to determine the level of change is to see the detail on the plan.

Commissioner Phillips said Mr. Milks needs to know if it is land development. Solicitor Holloway said that staff has already made a determination that it is a land development and the applicant is asking the Board to reverse this decision. Solicitor Holloway said he can review the matter and noted that conditional use is another component. Ms. Elliott said staff will make a determination and Mr. Milks asked what is used to make that determination. Ms. Elliott said a list of criteria, including the parking area. Mr. Gorski said their frustration is that this isn't what they were told. Commissioner Kaiser said the applicant needs to hear why it is a land development and Commissioner Foltz agreed.

Mr. Milks told the Board that when Bassett's original plan was approved, they paid \$3,500 for improvements to the intersection. He said there hasn't been a thing done with that and they also paid for easements, which isn't allowed anymore. Mr. Milks said his business could move out of the Township to Virginia or Kentucky. He felt they should (move) because it is too hard to get things done here.

Commissioner Foltz thanked Mr. Milks and Mr. Gorski. He said the Board will review the matter with staff and the engineer and someone will get back to them.

APPROVAL OF MINUTES:

Commissioner McGroarty made a motion to approve the minutes of the May 2, 2011 Board of Commissioners meeting. Motion was seconded by Commissioner Phillips and unanimously approved. Vote was 4-0 in favor.

RESOLUTIONS AND ORDINANCES:

Resolution No. 899—Commissioner Phillips made a motion to approve Resolution No. 899, confirming the appointment of special fire police officer Robert F. Miller. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0.

CORRESPONDENCE AND INFORMATION:

H₂O Grant—Mr. Hawthorne reported that he received notification that the Lower Pottsgrove Authority was approved for a \$455,333.00 H₂O grant. The Authority will sign off on this grant.

The following information was included in the Commissioners' packets:

1. Letter to Dr. Glenn Waldt from Alyson Elliott. Re: 2871 East High Street/Notice to Cure – Extension.
2. Letter to J. Wilmer Hallman from Alyson Elliott. Re: Gerald Richards Park and Pleasantview Park/Master Site Planning Process.
3. Letter to Jonathan Spadt, President from James R. Matthews, Chairman of Montgomery County Commissioners regarding a meeting at the Fire Academy on upgrading the public safety communications system.

SUBDIVISION AND LAND DEVELOPMENT:

None.

OLD BUSINESS:

Settlement Agreement between the Union and Lower Pottsgrove Township—For consideration at a later date.

Township Building Upgrades—Mr. Hawthorne referred to a memo from Keith Place regarding the purchase of an office system and heat panels for the Township building. The cost of the office system is \$6,405.50 (state contract price) and the heat panels will cost \$870.00. With the addition of these items, the total cost for all Township building upgrades is \$64,484.41, which is under the \$75,000.00 that was budgeted for the upgrades.

Commissioner Kaiser supported the purchase of the items; however, he pointed out that the budgeted \$75,000.00 was based on an estimate of what we thought we needed for the upgrades. He felt we should be cautious and not keep spending until we hit that number. He would like to see how expenditures overall are doing.

Commissioner McGroarty said that the new office system will increase storage and filing, which were issues mentioned by staff when he and Commissioner Kaiser did their walk-through. Mr. Hawthorne did not think the new system would significantly improve storage; Commissioner Kaiser said it would provide for a more efficient layout for the employees.

Regarding other expenses, Commissioner Foltz said the Township has been working on getting a generator for emergency management purposes and Commissioner Kaiser was aware of a leak in the building. Commissioner McGroarty said the very few things that staff wanted were needs, not wants. Not much has been done to the Township building in twenty years and if the improvements make it more efficient, he felt the Board should follow through.

Commissioner Phillips made a motion to authorize the purchase of an office system file room, State Contract #4400004345, in the amount of \$6,405.50 and heat panels in the amount of \$870.00. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

NEW BUSINESS:

Approval of Engagement Letter—The Township's special counsel, Ryan Cassidy, has left Reed Smith and is now at Eckert Seamans Cherin & Mellott, LLC. Mr. Hawthorne said Ryan has proven himself for ten years and requested that the Township continue to use Mr. Cassidy as special counsel.

Mr. Hawthorne advised that on Friday, May 13, 2011, he, along with Michele Christman, Joe Duda and Ryan Cassidy met with James McAneny of the Commonwealth of Pennsylvania, Public Employee Retirement Commission in Harrisburg to discuss the

Township's pension issues. Before Ryan Cassidy could represent the Township at this meeting, it was necessary for Mr. Hawthorne to sign, on behalf of the Township, an engagement letter with Eckert Seamans Cherin & Mellott, LLC. Mr. Hawthorne requested that the Board ratify this action.

Commissioner Phillips made a motion to ratify Mr. Hawthorne's action of signing of an engagement letter, on May 12, 2011, between Lower Pottsgrove Township and Eckert Seamans Cherin & Mellott, LLC, at a billing rate of \$325.00 per hour for partners (including Ryan Cassidy) and \$250.00 per hour for associate attorneys. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Warrant #788— Commissioner Phillips made a motion to approve Warrant #788 for the month of April 2011. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

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

Trash Survey—Ms. Elliott reported that May 10 was the deadline for trash surveys. The Township received an overwhelming response (approximately 800 surveys) and we are not set up to process these responses in a timely manner. As a solution, Ms. Elliott proposed hiring an intern from Montgomery County Community College to manually input the data into an online survey analysis tool, Survey Monkey. She estimated that the intern would be needed for approximately 40 to 80 hours at a wage of \$8.00 to \$10.00 per hour. She estimated that we would need to subscribe to Survey Monkey for one or two months, at a cost of \$25.00 per month.

Commissioner Phillips made a motion to hire an intern at a wage of \$8.00 to \$10.00 per hour to manually input data from the trash surveys into Survey Monkey and to authorize staff to subscribe to Survey Monkey for one or two months at a cost of \$25.00 per month.

COMMISSIONERS' COMMENTS:

Commissioners Kaiser, McGroarty and Foltz had no comments.

Commissioner Phillips stated he was pleased that the Township was awarded the \$455,333.00 H₂O grant. He said when the Board was asked to join with Limerick Township and Delta Group to pursue this grant, the Commissioners did not feel it was prudent to go with Delta. To date, Limerick has paid Delta Group over \$300,000 and has received \$0. Mr. Phillips felt being awarded the grant justified the Board's decision to go with McCullough Group instead of Delta Group.

MANAGER'S COMMENTS:

None.

At 7:53 p.m., Solicitor Holloway announced that pursuant to the provisions of the Open Meeting Act, the Board would be recessing into an executive session to discuss a litigation matter concerning DHLP Limerick Golf. 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. There being no further business, the public meeting was adjourned at 7:55 p.m.

Next meeting will be held on Monday, June 6, 2011 at 7:00 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Michele M. Cappelletti".

Michele M. Cappelletti
Township Secretary