

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
September 28, 2011

The Board of Commissioners of Lower Pottsgrove Township held its work session meeting (rescheduled from September 22, 2011) on Wednesday, September 28, 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 and Michael McGroarty.

Solicitor R. Kurtz Holloway; Rodney P. Hawthorne, Township Manager and Michele Cappelletti, Secretary.

Commissioner Bruce L. Foltz, Vice President, Commissioner James D. Kaiser and Alyson Elliott, Assistant Manager, were absent.

COMMENTS FROM VISITORS:

Tony Doyle, 1745 Kepler Road, asked if the Board was going to discuss the trash contract at tonight's meeting. Commissioner McGroarty said it was discussed at the last meeting.

Solicitor Holloway stated that the bid package is out and a pre-bid meeting will be held on Monday, October 3, 2011. The Township has not received any bids.

Mr. Doyle was concerned about price. Commissioner Spadt said some options were included in the bid specifications to try to keep the cost down. The intent was to try to keep the cost as close as possible to the current cost.

Mr. Doyle asked Mr. Hawthorne if Chief Shade had gotten back to him concerning an additional speed limit sign on Keim Street. Mr. Hawthorne said that Chief Shade advised that the spacing of signs has to be done according to state regulations. The signs have to be "x" number of feet apart; therefore, an additional sign cannot be installed on Keim Street.

Mr. Doyle asked if the Township is cutting Sanatoga Ball Park. Mr. Hawthorne replied that we are.

Mr. Doyle asked how the individual Commissioners felt about 422 tolling and asked Commissioner McGroarty for his opinion. Commissioner McGroarty said he was more concerned about what the residents want. He is here to look after the best interest of the Township and his recommendation will be based on feedback from the constituents. Depending on what the majority wants, that's the way Commissioner McGroarty will lean. He felt that what the community wants is more important than what he wants personally.

Mr. Doyle said that a number of years ago, former commissioner Tom Troutman suggested 401(k) retirement accounts for Township employees. Mr. Doyle felt it was an ideal time to start thinking about this option and felt it would save the Township money. Commissioner Phillips asked if Mr. Doyle meant in lieu of or in addition to the employee's municipal pension plan. Mr. Doyle said in lieu of. He stated the Township is involved with stocks and questioned why the taxpayers should have to pay for the losses.

Mr. Doyle noted that Colleeville, Spring City, Royersford, Trappe, Hatfield and other municipalities are getting streetscape grants. He asked for the status of Lower Pottsgrove's streetscape grant application and if we are still trying to get it. Mr. Hawthorne said Lower Pottsgrove is working with Limerick on a streetscape plan for Evergreen Road. Mr. Doyle asked about High Street. Mr. Hawthorne said the Township had a grant for High Street but Montgomery County did not have the funds. Mr. Hawthorne said whenever the funds become available and we have the matching funds, the Township will pursue the grant.

Mr. Doyle said the Board changed the dates of two meetings and asked if it was because of absenteeism and lack of a quorum. He asked if there were going to be 3 commissioners absent from each of those 2 meetings. Commissioner Spadt replied yes.

PRESENTATION BY JOSEPH W. DUDA:

2012 Minimum Municipal Obligations (MMO)—Mr. Joseph Duda of Duda Actuarial Consulting presented the calculations of the 2012 Minimum Municipal Obligations (MMO) for the Lower Pottsgrove Township Uniformed and Non-Uniformed Pension Plans.

After discussion, Commissioner McGroarty made a motion to approve the calculations, as presented by Joseph W. Duda of Duda Actuarial Consulting, for the 2012 Financial Requirement and Minimum Municipal Obligations (MMO) for the Lower Pottsgrove Township Uniformed (Police) Pension Plan in the amount of \$167,389 and for the Lower Pottsgrove Township Non-Uniformed Pension Plan in the amount of \$191,722. Commissioner Phillips seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

APPROVAL OF MINUTES:

Commissioner McGroarty made a motion to approve the minutes of the September 6, 2011 Board of Commissioners meeting. Commissioner Phillips seconded the motion and it was unanimously approved by a vote of 3-0 in favor.

RESOLUTIONS AND ORDINANCES:

Resolution No. 909 Sunnyslope Drive Extension—Solicitor Holloway explained in 1985, the Board of Commissioners approved a four-lot subdivision along an extension of the existing Sunnyslope Drive. It had come to Mr. Hawthorne's attention that while the Township approved the extension of Sunnyslope Drive, no Deed of Dedication was given for the road. He noted that the Township has been maintaining this section of road since the completion of the improvement.

The Township has been corresponding with Mr. Hart, the current owner of the premises now forming part of the Sunnyslope Drive Extension. Mr. Hart signed the deed and Solicitor Holloway recommended that the Board accept dedication of this road.

Commissioner Phillips made a motion to approve Resolution No. 909, for the acceptance of dedication of the Sunnyslope Drive Extension. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

Solicitor Holloway advised that the Deed of Dedication will be recorded at Montgomery County.

CORRESPONDENCE AND INFORMATION:

Consideration of a Potential Conflict Disclosure—Solicitor Holloway explained a potential conflict of interest: Robert L. Brant of Robert L. Brant & Associates serves as Solicitor to the Lower Pottsgrove Township Zoning Hearing Board. An attorney from Robert L. Brant & Associates, Blake E. Dunbar, Jr., has been asked by Lower Pottsgrove Township Police Officer Matthew Meitzler to represent him in his Appeal of Discipline to the Civil Service Commission. Although the Township is not paying Mr. Dunbar to represent Officer Meitzler, the same law firm will be representing the Zoning Hearing Board and Officer Meitzler. Both Special Counsel Ryan Cassidy and Solicitor Holloway thought it was appropriate for Mr. Brant to come to the Board of Commissioners and request that the Board waive any conflict of interest in Mr. Dunbar's representation of Officer Meitzler.

Commissioner Spadt did not see a problem, since no one in the firm is representing the Township on anything relating to Officer Meitzler. He also stated that Mr. Cassidy and Mr. Dunbar have a good working relationship. Commissioner McGroarty agreed. He felt there are two separate issues here and he did not see a problem.

Commissioner McGroarty made a motion to grant the waiver requested by Robert L. Brant regarding any conflict of interest in Blake E. Dunbar, Jr.'s representation of Officer Matthew Meitzler. Commissioner Phillips seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

The following information was included in the Commissioners packets:

1. Email from Mike Misiak of Sanatoga Fire Co. regarding past due invoices.
2. Copy of check received from PennDOT for purchase of property.
3. Email from Rita Mandik regarding the status of KenCrest greenhouse.
4. Email from PA Stormwater Coalition Chairman Mike Fox.
5. Email from Larry Gregan, Township Manager of Montgomery Township, regarding stormwater.
6. Inter-Regional Planning Cooperative News Notes.
7. Invitation to Fifteenth Annual Domestic Violence Awareness Dinner.

8. Informational Notice from United States Postal Service regarding an Area Mail Processing (AMP) study of mail processing facilities.
9. Lower Pottsgrove Historical Society Octoberfest Membership Drive.

SUBDIVISION AND LAND DEVELOPMENT:

None.

OLD BUSINESS:

Ford F-550 Truck—Commissioner Phillips felt it was time to take a vote on the Ford F-550 truck. John Fogel was authorized to put together the specifications for the truck and got price quotations from two separate Costars vendors, one for the truck chassis and one for upfitting the vehicle. Commissioner Phillips also got quotations for the chassis and upfitting and the prices were almost identical to John's original quotations. Commissioner Phillips recommended that the Board authorize ordering the truck now, using the original price quotations provided by John Fogel. The new truck will be replacing a 1997 truck.

Commissioner Phillips made a motion to authorize, by resolution, the purchase of a 2012 Ford F-550 truck chassis from Fred Beans Ford Lincoln Mercury of West Chester, a Costars vendor, in the amount of \$41,017 and authorized the upfitting of this vehicle by Triad Truck Equipment, Inc., a Costars vendor, in the amount of \$36,755 for a total cost of \$77,772, using funds from the 2012 budget. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

McCullough Consulting Group—Commissioner Phillips stated that Lower Pottsgrove Township hired McCullough Consulting Group to handle its application for the H2O Grant. The Board decided not to go with Delta Group, who was hired by Limerick to handle their grant application. To date, Limerick has paid Delta Group over \$300,000 and has gotten nothing; we hired McCullough and have been awarded \$534,000.

Commissioner Phillips said that Shelly Corwell, Project Manager for McCullough contacted Mr. Hawthorne regarding another funding opportunity called the BOS (Business in our Sites) Program. Funding can be either grants or loans. Commissioner Phillips made the Board aware of this program but felt it needed to be further discussed with the full Board. Commissioner McGroarty said that the program is for "shovel ready" projects and asked if the Sanatoga Interchange area qualified. Commissioner Phillips said yes and this was the impetus for Ms. Corwell contacting the Township about this opportunity. Commissioner Spadt asked about if the Occidental Chemical site. Mr. Hawthorne said the plan for the Sanatoga Interchange area is just about ready to go and that is why Shelly approached us about the BOS program.

NEW BUSINESS:

Diesel Fuel Bids – Commissioner McGroarty made a motion to advertise for bids for bulk diesel fuel. Commissioner Phillips seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

The contract will commence on October 31, 2011 and expire on October 30, 2012.

Warrant #792— Commissioner Phillips made a motion to approve Warrant #792 for the month of August 2011. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

Acceptance of Treasurer's Report—Commissioner Phillips made a motion to accept the Treasurer's Report for the month of August 2011, as presented by Jennifer Marsteller. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

COMMISSIONERS' COMMENTS:

None.

MANAGER'S COMMENTS:

Lower Pottsgrove Historical Society—Mr. Hawthorne announced that the Lower Pottsgrove Historical Society will be holding its Octoberfest Membership Drive on October 30 from 1 till 4 pm at the Chapel. Membership to the Historical Society is \$10.00 per year.

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

Next meeting will be held on Monday, October 3, 2011 at 7:00 p.m.

Respectfully submitted,



Michele M. Cappelletti
Township Secretary