LOWER POTTSGROVE TOWNSHIP BOARD OF COMMISSIONERS
October 3, 2011

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Monday, October 3, 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; Michael Shade, Chief of Police; Lew Babel, Fire Marshal; Scott Exley and Chad Camburn, Township Engineers and Michele Cappelletti, Secretary.

Jonathan H. Spadt, President was absent from the meeting.

COMMENTS FROM VISITORS:
P. J. McGill, 953 Rivendell Lane, distributed and read a prepared statement addressing the closure of the Pruss Hill Road Bridge. Mr. McGill stated that it took 18 days for the Township to post the bridge closure on its website. He felt that the Township should have posted an "intent to close" before the actual closure took place. Mr. McGill also presented several questions and comments posted by Mr. Ed Cox on the Sanatoga Post.

Mr. Hawthorne advised that he gave the engineering report to Roadmaster John Fogel, who just returned from vacation. There could be a possibility that the Bridge could be reopened with certain weight restrictions; however, this option would have to be discussed with Traffic Planning & Design. After Mr. Hawthorne meets with the Roadmaster and engineer, he will report back to the Board of Commissioners. He could have a recommendation to either open the bridge or keep it closed by the October 24, 2011 Board of Commissioners meeting.

In response to one of Mr. Cox's recommendations, Mr. Hawthorne said some damage to the bridge is from hit and run drivers. If the Township catches up with them, they are charged.

In his statement, **Mr. McGill** congratulated the Township for being selected to host the MCATO Fall Conference. Mr. McGill stated that the conference was being held at a facility at the other end of the County and questioned why it could not have been held at Sunnybrook, since Lower Pottsgrove Township was hosting the event.

Tony Doyle, 1745 Kepler Road, said he was disappointed with the sign at the Sunnybrook Ballroom. He said the sign cost quite a few dollars (he recalled $80,000) and felt that the height is too short and the lettering should be bigger.

Mr. Doyle said there are often reports in the paper that Limerick is having problems at the Philadelphia Premium Outlets. He asked Chief Shade if he had a report on Lower Pottsgrove's assists to Limerick Township, as well as Limerick's assists to us. Chief has the statistics. They

are not broken down but he can provide Mr. Doyle with a report detailing the Limerick statistics. Mr. Doyle requested that Chief Shade give the report to Michele Cappelletti.

Mr. Doyle asked for the status of the County radio upgrade. Chief reported that the County Commissioners voted and the upgrade is not moving forward. Therefore, the Township does not have to buy the radios at this time.

Mr. Doyle asked for the status of the sewer authority employees taking vehicles home. Mr. Hawthorne replied that this was never discussed and there is nothing on the table to do that.

Mr. Doyle asked Mr. Hawthorne when he would like the Board to review his retirement and benefits package. Mr. Hawthorne said Commissioner Spadt has his Memorandum of Understanding (MOU) and he is working with special counsel on it. Commissioner Spadt will bring it forward but Mr. Hawthorne was not sure when this would occur. Mr. Doyle asked if this would be open to the public and Mr. Hawthorne said it would.

Commissioner Foltz said we are all disappointed with Sunnybrook's sign but the Township had no control over it. He agreed it was not as big as what they thought it would be.

Regarding Mr. Doyle's comments about assists to Limerick Township, **Commissioner Foltz** said the Township depends heavily on all of our surrounding municipalities to provide mutual aid for fire services. He felt we should be careful on that one. Mr. Doyle said he is not saying not to do it; he just wants to see the numbers.

Joe Zlomek of the Sanatoga Post asked Commissioner Phillips if the Township has signed mutual aid agreements. Commissioner Phillips said the Township has agreements with Limerick and Upper Pottsgrove Townships and the Borough of Pottstown.

APPROVAL OF MINUTES:
Commissioner Phillips made a motion to approve the minutes of the October 3, 2011 Board of Commissioners meetings. Commissioner McGroarty seconded the motion and it was approved by a vote of 4-0 in favor.

REPORTS:
Police
Chief Shade highlighted the following from his September 2011 report—

1. **Calls for Service/Departmental Activities:** Assisted the NRC with a meeting at Sunnybrook Ballroom on September 22, 2011. There were no problems. The Department will be reimbursed for the overtime.

2. **Criminal Investigations/Arrests:** There were several residential burglaries in Walnut Ridge Estates. Det. Campbell is moving forward with good leads.

Student Resource Officer (SRO) Agreement—Chief Shade requested approval of the 2012-13 SRO Agreement between Lower Pottsgrove Township and the Pottsgrove School District. Exhibit A states the daily rate the school District has agreed to pay. The rates have gone up for

2012 but Chief Shade is comfortable with the rates. Officer Wil James will continue in the role of SRO.

Solicitor Holloway recommended that if the Commissioners were to approve the SRO agreement tonight, that they approve it conditioned upon his review. If the 2012-13 agreement is identical to the previous agreement, there will be no issue.

Commissioner Phillips made a motion to approve, by resolution and conditioned upon the Solicitor's review, the 2012-13 Student Resource Officer Agreement between Lower Pottsgrove Township and the Pottsgrove School District and to authorize the execution of the Agreement and resolution after tonight's meeting. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

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 for the month of September 2011, prepared by Lt. Michael A. Foltz, Emergency Management Coordinator, was distributed with Chief Shade's police report.

Chief Shade announced that there will be a required training for the November Limerick Generating Station drill held on October 13, 2011 at 9:30 a.m. in the Township Board Room. All essential EOC staff and department personnel from Police Township Administration, Finance, and Public Works are requested to attend.

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

Mr. Babel reported the following statistics:

Station	Total Calls	Total Hrs. of Service	Total Personnel Hrs.	Total Personnel Training Hrs.	Total Fundraising Hrs.
	August 2011	**August 2011**	**August 2011**	**August 2011**	**August 2011**
Sanatoga (Station 58)	35	34	424	235	Not provided
Ringing Hill (Station 59)	38	47	235	48	192

(Hours are approximate)

Mr. Babel reported that October will be a full month including Fire Prevention Week. Both fire companies and Mr. Babel will be visiting all schools (daycare, private and public) in our Township the week of October 9th – 15th, 2011. On Saturday, October 1, the Fire Department was at Home Depot and had a good reception.

Highway—Public Works Department: Commissioner Foltz read the Public Works Report for the month of September 2011. The report will be posted on the bulletin board.

Commissioner Foltz reported that Mr. Hawthorne sent out a letter to residents on Welsh Drive and Sunnyslope Drive, requesting that they cut back their trees. This is necessary so the snow plows can get through.

C.O.G.—Commissioner Phillips had nothing new to report.

Engineering—Mr. Exley reported on the following:

1. **FEMA Schuylkill Watershed Discovery Meeting**—Bursich representatives attended FEMA's Schuylkill Watershed Discovery Meeting on September 14, 2011. FEMA is currently updating its Flood Insurance Rate Maps (FIRMs) based on more recent studies and information obtained since its last updates. As budget allows, FEMA will prepare more accurate FIRMs and data regarding areas of flooding concern.

2. **Pottstown Area Traffic Group Meeting**—Meeting was held on September 28, 2011. Two areas are of interest to Lower Pottsgrove Township.
   a. **Keim Street Bridge**—Montgomery County and the Borough of Pottstown now agree that the project is important and it should proceed.
   b. **US 422 Reconstruction**—Contract letting has been postponed. The next meeting is tentatively scheduled for November 29, 2011. The meeting may not be held if there aren't any issues.

Treasurer—Ms. Marsteller delivered the Tax Collector's Monthly Report to Taxing Districts for the month of September 2011.

Commissioner Kaiser motioned to accept the Tax Collector's Monthly Report to Taxing Districts for the month of September 2011, as prepared by Jennifer Marsteller. Commissioner Phillips seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Ms. Marsteller attended the Montgomery County Earned Income Tax Association meeting. Everyone in the County is on track to meet the requirements of Act 32.

Solicitor—
Senate Bill 898—Solicitor Holloway reported on Senate Bill 898, an Act amending the act of December 19, 1984 (P.L.1093, No.219), known as the Noncoal Surface Mining Conservation and Reclamation Act, further providing for temporary cessation and for local ordinances.

Solicitor Holloway advised that the amendment adds a provision that the Act would supersede local ordinances in all respects except for the local zoning ordinance. He explained that the Board would then have no ability to regulate the quarry in accordance with the Township's Subdivision and Land Development Ordinance (SALDO). He said H&K owns a tremendous amount of land that could be developed in many ways and the Board would lose all regulation of it. The State would have the power to regulate it, only the Township's zoning ordinance would stand.

Solicitor Holloway stated that Senate Bill 898 could have adverse consequences for the Township if it is passed. The Pennsylvania Association of Township Supervisors (PSATS) is urging municipalities to contact their local Senator and oppose Senate Bill 898.

Commissioner Kaiser asked if the Act was just for quarries or did it include fracking as well. The Solicitor was not sure and Mr. Hawthorne said it was everything covered by the Noncoal Surface Mining Conservation and Reclamation Act. Commissioner McGroarty commented that it could include fracking or any other operation. Commissioner Kaiser noted that the Board recently voted to support the Pottstown Metropolitan Regional Planning Commission's opposition to Senate Bill 898.

Commissioner Kaiser made a motion to authorize Solicitor Holloway to draft a letter on behalf of the Board of Commissioners opposing Senate Bill 898. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Parks and Recreation—Ms. Elliott reported that the Parks and Recreation Board did not meet in September, due to scheduling conflicts. The October 24, 2011 regularly scheduled P&R Board meeting was cancelled and rescheduled for October 25, 2011. This meeting was changed to accommodate the rescheduled Board of Commissioners meeting that will be held on October 24.

Pottstown Metropolitan Regional Planning Commission—Ms. Elliott reported that DCNR spoke to the group about hiring a Regional Recreation Coordinator. DCNR is very interested in funding this position; however, the individual municipalities are apprehensive about jumping in. A RecTop grant would bring in a recreation professional who would look at what this region has to offer. Regional Planning would like its member municipalities to commit to see if regional recreation would work. DCNR and the Pottstown Health and Wellness Foundation have pledged their support.

Mr. Hawthorne requested that Ms. Elliott keep the Board of Commissioners updated on this matter so if and when a vote is needed, our Board will be informed.

CORRESPONDENCE AND INFORMATION:

McCullough Consulting Group Proposal—At the previous Board meeting, Commissioner Phillips made the Board aware of a potential funding opportunity called the BOS (Business in our Sites) Program. Funding can be either grants or loans. Since that meeting, Commissioner Phillips has not been able to get in touch with Shelly Corwell of McCullough Consulting Group to discuss several questions raised by him and the Commissioners.

For the benefit of those who were not at the previous meeting, Commissioner Foltz asked Commissioner Phillips to provide a history of the McCullough Group's involvement with the Township.

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. Out of the $534,000, the Township will pay McCullough Group $80,000 for its services.

Commissioner Phillips requested that the Board defer taking action on the BOS program until October 24, 2011 to allow him time to find out if the funding will be a grant or a loan and to make sure the Sanatoga Interchange and Occidental Chemical sites qualify as "shovel ready" projects. Commissioner Foltz thanked Commissioner Phillips for the time he has spent on this proposal and the Board agreed to postpone taking action.

The following information was included in the Commissioners' packets:

1. "Looking for Mandate Relief." Article from Summer/Fall 2011 Municipal Reporter.
2. Funding request from Visiting Nurse Association (VNA).
3. Sample letter to Welsh Drive/Sunnyslope Drive residents requesting that they cut back tree limbs.

SUBDIVISION AND LAND DEVELOPMENT:

Sunnybrook Ballroom Land Development—Mr. Hawthorne reported that this matter has been deferred to the October 24 meeting.

OLD BUSINESS:

Discussion on Trash Contract Bidding—Solicitor Holloway reported that the pre-bid meeting for this contract was held today. A number of interested bidders attended. It was the opinion of several of the haulers in attendance that if the Township would allow more than one day for collection, they could cut costs and manpower. The Township's current hauler, J. P. Mascaro, stated that wasn't the case with them.

Solicitor Holloway asked for direction from the Board of Commissioners. He asked if the Board would like him to amend the bidding specifications to allow for collection on more than one day of the week. Commissioner Foltz said the Township could be split half and half. Mr. Hawthorne said in the past contracts, the Township was divided by voting districts for collection on four days. There were also contracts with collection on two days, using Buchert Road as the dividing line.

Commissioner Kaiser asked if collection had to be on consecutive days. Mr. Hawthorne said it was just stated as more than one collection day. Commissioner Phillips asked if there was any indication on how much they would save by doing this. Solicitor Holloway said we cannot get that information ahead of time, that's the bid process; however, he did not see any reason why we couldn't include one day collection as an option in the bid specifications.

Commissioner McGroarty asked the Solicitor and Mr. Hawthorne if they got a sense of how many other haulers would be eliminated if we did not open it up to collection on more than one day per week. Solicitor Holloway said there was an extremely strong opinion voiced by three of the haulers that we would be lucky to get their bids with a one day a week pick up.

Mr. Hawthorne asked if J. P. Mascaro, the hauler who has the contract now, would be permitted to do the collection in one day. Solicitor Holloway said one day collection could be a bidding option, in addition to a two day collection option. The Solicitor said the bid specifications would spell everything out. He also recommended that the Township not specify how to divide the

Township into collection areas and to allow those details to be settled later between the Township and the successful bidder.

Commissioner Kaiser made a motion to authorize the Solicitor to amend the bid documents to include options for a one day per week collection and a two day per week collection of municipal waste and recycling. Commissioner Phillips seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

NEW BUSINESS:
None.

RESOLUTIONS AND ORDINANCES:
None.

Warrant—Warrant No. 793 for September 2011 will be distributed via email for the Commissioner review.

COMMISSIONERS COMMENTS:
Commissioner Kaiser had no comments.

Commissioner McGroarty has no comments.

Commissioner Phillips said because of the recent flooding, the MS4 stormwater initiative is back on the front burner. The Stormwater Coalition is a group of 50 municipalities throughout southeastern Pennsylvania that have banded together to fight the way the stormwater regulations are being administered. The group is not against the principle but it is concerned about how implementation of the regulations will cost the municipalities and the residents. Commissioner Phillips will keep the Board and public informed.

Commissioner Foltz had no comments.

MANAGER'S COMMENTS:
Mr. Hawthorne said he included the article **"Looking for Mandate Relief"** from Summer/Fall 2011 Municipal Reporter in the Commissioners' packets. The article addresses unfunded mandates.

There being no further business, the meeting was adjourned at 7:55 p.m.

Next meeting will be held on Monday, October 24, 2011 at 7:00 p.m.

Respectfully submitted,
Michele M. Cappelletti
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Secretary