

**LOWER POTTS GROVE TOWNSHIP    BOARD OF COMMISSIONERS**  
**December 5, 2011**

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Monday, December 5, 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; 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; Scott Exley and Chad Camburn, Township Engineers; Michael Shade, Chief of Police and Lew Babel, Fire Marshal; Michele Christman, Finance Director and Michele Cappelletti, Secretary.

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

**CONSIDERATION OF TRASH CONTRACT BIDS:**

Commissioner Spadt stated all Commissioners reviewed the new bid proposals for the trash contract.

Commissioner Phillips made a motion to accept the low bid and award the contract to J. P. Mascaro & Sons for one (1) day per week curbside collection and disposal of municipal waste and recycling in Lower Pottsgrove Township for:

- A base contract period of three (3) years, commencing on January 1, 2012 and expiring on December 31, 2014, including the curbside collection and disposal of yard waste/leaves one (1) day per month for six (6) months of the year, with dates to be determined by Lower Pottsgrove Township;
- Optional Year #4, commencing on January 1, 2015 and expiring on December 31, 2015, including the curbside collection and disposal of yard waste/leaves one (1) day per month for six (6) months of the year, with dates to be determined by Lower Pottsgrove Township and
- Optional Year #5, commencing on January 1, 2016 and expiring on December 31, 2016, including the curbside collection and disposal of yard waste/leaves one (1) day per month for six (6) months of the year, with dates to be determined by Lower Pottsgrove Township.

Commissioner Kaiser seconded the motion and it was unanimously approved. Motion carried by a vote of 4-0 in favor.

Commissioner Kaiser made a motion to authorize the use of Arborganic Acres, LP, 901 Cherry Hill Lane, Pottstown, PA 19465 as a yard waste/leaf collection facility for Lower Pottsgrove Township residents. Commissioner Phillips seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Commissioner Kaiser made a motion to accept the following bulk trash options, to be paid directly by Lower Pottsgrove Township residents to J. P. Mascaro & Sons, for the Base Contract Period, Optional Year #4 and Optional Year #5:

Bulk trash, as described in bid specifications	\$	25.00 per item
Auto Tire	\$	25.00 per item
Small CFC Item	\$	35.00 per item
Large CFC Item	\$	45.00 per item

Commissioner Phillips seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

#### **PRESENTATION:**

On behalf of the Board of Commissioners, President Spadt presented Commissioner Jim Phillips with a plaque of appreciation, recognizing his years of outstanding service to Lower Pottsgrove Township and its residents. In addition to the Board of Commissioners, Commissioner Phillips served on the Finance Committee, Economic Development Committee, the Zoning Hearing Board (Chairman) and as the Township's representative on both the Southeastern PA Stormwater Coalition and Council of Governments (C.O.G.). Commissioner Spadt also presented Commissioner Phillips with a personal token of his appreciation.

Commissioner Kaiser thanked Commissioner Phillips for helping him when he was a new commissioner and guiding him through unfamiliar territory. Speaking as a Board member and a resident, Commissioner McGroarty also thanked Commissioner Phillips for helping him learn what goes on the Board's "side of the table."

#### **COMMENTS FROM VISITORS:**

**Buchert Ridge Community**—Buchert Ridge Community residents Fred Serfass, Ben Walters and Jack Lupas were present at the meeting. Mr. Serfass requested that the Board grant Wil Hallman permission to finish the Prizer house to be used as a community center for the Buchert Ridge Community residents. Commissioner Spadt said the Prizer house is first priority and Mr. Hawthorne, Mr. Exley and Mr. Hallman will meet to discuss this and other issues relating to Buchert Ridge Community. Mr. Hawthorne confirmed that the Prizer house is one of the topics that will be discussed at the meeting scheduled for Wednesday, December 7.

**Allison Drive Retaining Wall**—Stephen Knepp, 2608 Allison Drive, stated that the retaining wall behind the homes in the 2600 block of Allison Drive is falling down. He distributed photographs to the Board showing the condition of the wall. Residents Cherelle Cutting, 2612 Allison Drive and Herminder Sidu, 2604 Allison Drive, were also present at the meeting.

Mr. Knepp said he brought the matter to the Board's attention because Township staff has intimated that the retaining wall is the homeowner's responsibility. Mr. Knepp felt that there is culpability on the part of the Township. Mr. Hawthorne said he would rather not discuss the particulars at this time and he will discuss the matter with Keith Place and the Township's attorney. Commissioner Spadt advised Mr. Knepp that the Township will follow up and get back to him. Mr. Knepp asked for a timeframe for a response but Mr. Hawthorne could not provide one at this time.

**William Wolfgang**, Pruss Hill Road, asked for the status of the Pruss Hill Road Bridge. Mr. Hawthorne said he had a meeting with John Fogel and a letter was sent to the Pennsylvania State Police regarding the Bridge re-opening. The Township is trying to work out a date with the company that will fix the Bridge and the timeframe is three weeks to a month, at the earliest.

**Mr. Wolfgang** also commented on the 2012 budget and tax increase. He said the amount of the percentage Township employees were granted was more than generous. He asked if the employees were asked if they would consider a wage freeze. Commissioner Spadt said the uniformed employees have a contract and there will be new contract negotiations early next year. Regarding the non-uniform employees, they were not asked if they would consider a wage freeze. This year, the Township is requiring its non-uniform employees to contribute towards health benefits and since this is the first year, the Board wanted to help offset the impact of this additional expense with a 2% raise.

**Mr. Wolfgang** said everybody is using the same thinking and somebody has to say enough is enough and consider those of us who are paying you. Commissioner Spadt said Mr. Wolfgang's comments are legitimate and the Board did consider no raises but wanted to try to lessen the burden of the contribution. He said the Township has a phenomenally good staff and wants to keep them. Commissioner Spadt noted that the trash fee will be going down with the new contract. Mr. Wolfgang asked if one could opt out the municipal trash contract. Commissioner Spadt explained that the only residents who are excluded from the contract are those who live on private streets/roads and members of private developments and homeowners' associations.

**P. J. McGill**, 953 Rivendell Lane, said resident Ed Cox commented on the Sanatoga Post about the "S" curve on Pruss Hill Road being slippery and icy. Mr. McGill also said that the utility pole at Pruss Hill Road and Snell Road has been knocked down and asked if something could be put in front of the pole to protect it. Mr. Hawthorne will look into this matter.

**Don Woodley**, President of Sanatoga Fire Company, extended an invitation to the Board of Commissioners, Mr. Hawthorne, Mr. Babel and Chief Shade to the Sanatoga Fire Company's annual election for next year's officers and monthly meeting. Meeting will be held on Monday, December 12, 2011 at 7:30 p.m. Mr. Woodley also reported that the new fire police truck has been delayed. On behalf of the Board, Commissioner Spadt thanked Mr. Woodley for the invitation.

**Cherelle Cutting** 2612 Allison Drive, said it is pitch black at the intersection of High Street and Shelly Lane. She asked about the installation of street lights on High Street at this intersection. Mr. Hawthorne will check into it.

**Steve Klotz**, 1114 New Kepler Road, said he knows where the wall is falling down on Allison Drive and asked if there were still homes for sale that back up to the wall. Mr. Knepp said 2600 Allison was not for sale and he did not know if any other properties were for sale.

**Mr. Klotz** thanked Commissioner Phillips for his service to the Township. Mr. Klotz said Commissioner Phillips does a great job and he will be leaning on him for support when he (Mr. Klotz) serves on the Board of Commissioners.

**Tony Doyle**, 1745 Kepler Road, also thanked Commissioner Phillips for his four years on the Board of Commissioners. He said being a commissioner is demanding and there is a lot more work involved than just attending the meetings.

Mr. Doyle had several questions about the 2012 Tentative Budget:

1. **Hospitalization:** Mr. Doyle thought that the hospitalization for the Police Department, \$17,000 per patrolman, sounded high. Finance Director Michele Christman advised that the cost varies for each employee and depends on the coverage. Commissioner Kaiser advised that the cost of health insurance is going up.

Mr. Doyle asked if the non-uniform benefits were through the same insurance company as the Police Department. Ms. Christman replied yes, but the non-uniform plan has a higher co-pay and reduced premiums.

2. **Trash Fee:** Mr. Doyle said an article published in the Mercury reported that the trash fee is \$71.00, twice a year (\$142.00 annually). Mr. Doyle recalled that the fee started out at \$100.00 per year. From his calculations, Mr. Doyle felt that \$350.00 per year per resident sounded right for trash.

Mr. Hawthorne stated that the Township paid \$823,000 in 2011 for trash collection services. The assessed trash fee paid by residents covers approximately \$400,000 of that amount. Commissioner Spadt said the cost of municipal waste/recycling/yard waste collection used to come out of the General Fund. The fee was initiated for and is paid by the number of taxpayers who use the service. It does not cover the entire cost of trash/recycling/yard waste collection.

3. **Non-Uniform 5% Contribution towards Healthcare Benefits:** Commissioner Spadt explained that the percentage paid depends on the individual employee's coverage. Commissioner Kaiser said the contribution is 5% of the cost of the coverage.
4. **Reserves Fund:** Mr. Doyle had concerns about the Reserves Fund. He said assuming the Township did not take ½ mill from Reserves, what would it have done to increase the taxes? Commissioner Kaiser explained that every millage nets us \$600,000. We would have to go up a whole mill to get that.

Commissioner Kaiser also stated that having the Reserves Fund allows us to have a good bond rating. He said the Township wants to keep \$1.2 million in the Emergency Fund. If the state stops funding us, or passes another unfunded mandate onto the Township, the Emergency Fund gives the Township a cushion and allows us to plan.

5. **Sewer Rates:** Mr. Doyle asked if the sewer rate was going up in 2012. Mr. Hawthorne responded that it is going up \$3.00 per quarter and Pottstown is not raising the water rates.

Mr. Doyle felt that the problem is that more and more of the budget is going to be shared with sewer. He asked if ½ of Mr. Hawthorne's salary and 1/3 of Ms. Elliott's salary was always paid by sewer. Mr. Hawthorne said several employees salaries are partially paid

from the sewer fund because those employees also perform sewer-related duties. Mr. Doyle said the salary percentages seemed like more in this year's budget.

**Stephen Knepp** asked if there was any type of program that would allow the Township to join a larger group for health insurance benefits. Commissioner Spadt said the Township is already part of a health insurance trust.

**William Wolfgang** asked if the Pruss Hill Road Bridge needs to be replaced, has money been set aside for capital expenditures. Commissioner Spadt said next year, the Township intends to initiate a five-year plan that will allow the Township to plan for such expenditures. The plan will be updated every year.

Commissioner Phillips said when he came on the Board four years ago, the Reserves Fund was \$775,000. The fund has almost doubled and is now approximately \$1.6 million. Commissioner Phillips said all the commissioners were elected to be stewards of taxpayers' dollars and they are cognizant of putting money aside.

Mr. Doyle said according to the article in the Mercury, interest was down to \$6,000. Mr. Hawthorne stated that \$300,000 was taken out of Reserves and the interest dropped from \$150,000 to \$6,000.

#### **APPROVAL OF MINUTES:**

Commissioner McGroarty made a motion to approve the minutes of the November 17, 2011 Board of Commissioners meeting. Commissioner Phillips seconded the motion and it was approved by a vote of 4-0 in favor.

#### **REPORTS:**

##### **Police**

Chief Shade highlighted the following from his October and November 2011 reports—

1. **Calls for Service/Departmental Activities:** Calls for service increased for both the month of October and November compared to the same months in 2010.
2. **Criminal Investigations/Arrests:**
  - a. **Residential Burglaries**—Det. Campbell and Lt. Foltz investigated numerous burglaries. The suspects were followed by police, found to commit another burglary and arrested thereafter.
  - b. **Thefts from Vehicles**—There have been thefts from vehicles throughout the Township. All reports of thefts involve vehicles left unlocked during the overnight hours.
3. **Unit Commendation:** A Unit Commendation from Pottstown PD was awarded to Off. Ryan Smith for his assistance at a burglary in progress call in the borough.

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, prepared by Lt. Michael A. Foltz, Emergency Management Coordinator, was distributed to the Board for its review as part of the Police 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.	Community Service
	Oct. 2011	Oct. 2011	Oct. 2011	Oct. 2011	Oct. 2011	Oct. 2011
<b>Sanatoga (Station 58)</b>	40	27.5	245	331	Not provided	Not Provided
<b>Ringing Hill (Station 59)</b>	38	30.5	224	226	288	154

(Hours are approximate)

Mr. Babel reported that he covered one call in Pottstown Borough for Fire Marshal Richard Lengel.

**Highway—Public Works Department:** The Public Works Report for the month of November 2011 will be posted on the bulletin board.

**C.O.G.**—Commissioner Phillips reported that the C.O.G. meeting scheduled for Election Day was cancelled. C.O.G. will hold its reorganization meeting in January 2012.

**Engineering**

Mr. Exley reported on the following key topics from the Pottstown Area Traffic Group November meeting:

1. **US 422 Reconstruction/Armand Hammer Interchange Area:** Scheduled for bidding in May 2012 with construction estimated to start in late summer/early fall.
2. **Keim Street Bridge:** On hold. Cost sharing agreement between Montgomery and Chester Counties has not been reached.

**MS4:** Chad Camburn is on the subcommittee. Commissioner Phillips said this is an ongoing issue and he is glad Chad is involved.

Mr. Exley will take a look at the pole on Snell Road and report back to the Board.

**Treasurer**—Ms. Marsteller delivered the Tax Collector's Monthly Report to Taxing Districts for the month of November 2011. The Board took the report under advisement.

**Solicitor**—No report.

**Parks and Recreation**—Ms. Elliott reported that Parks and Recreation Board held its last meeting of the year in November. At the meeting, some design work was done using modern playground equipment for the tot lot in Gerald Richards Park. This type of equipment has been used in other local municipal parks. The Township received approval to re-purpose the Sprogels' Run funds for the playground. The equipment can be ordered on state contract and installation of the equipment may be simple enough to have the Public Works crew install it.

**Pottstown Metropolitan Regional Planning Commission**—Commissioner Spadt asked Ms. Elliott for an update on regional parks and recreation. She reported that Regional Planning was not quite ready to do a circuit rider grant; they have some money from DCED to bring in a parks and recreation expert to help members decide what would work best.

#### **CORRESPONDENCE AND INFORMATION:**

**Transfer of Restaurant Liquor License**—Commissioner Phillips made a motion to hold a public hearing on Thursday, December 15, 2011 at 7:00 p.m. at the Lower Pottsgrove Township Municipal Building, 2199 Buchert Road, Pottstown, PA to receive public comment and will conduct a public meeting immediately thereafter to consider the adoption of a proposed resolution to approve the transfer of a restaurant liquor license into Lower Pottsgrove Township from the Borough of Norristown, both in Montgomery County, Pennsylvania. The license applicant is 2209, Inc. and is located at 2209 East High Street, Lower Pottsgrove Township, Montgomery County, Pa. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

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

**None.**

#### **OLD BUSINESS:**

**Award of Diesel Fuel Contract**—Mr. Hawthorne reported the Township received the following proposals for the 2011-2012 diesel fuel contract:

<b>Contractor</b>	<b>Bulk price per gallon at 4:00 P.M. on November 16, 2011</b>	<b>Discount</b>
<b>Penn Petroleum T/A William R. Gift</b>	<b>\$3.268</b>	<b>\$0</b>
<b>Automotive Service, Inc.</b>	<b>\$3.346</b>	<b>\$0</b>
<b>Inergy Propane, LLC DBA Farm and Home Oil Company</b>	<b>\$3.5310</b>	<b>\$0</b>
<b>Isobunkers DBA Atlantic Coast Energy</b>	<b>\$3.3854</b>	<b>\$0</b>
<b>Superior Plus Energy Services</b>	<b>\$3.4572</b>	<b>\$0</b>
<b>Price is subject to an Escalator and/or De-escalator Clause to be determined by the market price on the day of delivery.</b>		

Commissioner McGroarty made a motion to accept the low bid in the amount of \$3.268 per gallon and to award the 2011-2012 contract for bulk diesel fuel to Penn Petroleum T/A William R. Gift. Commissioner Phillips seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**NEW BUSINESS:**

**Consideration of Montgomery County Planning Commission Contract**—Ms. Elliott requested authorization to enter into a three-year Planning Assistance Contract with the Montgomery County Planning Commission (MCPC). The MCPC provides reviews of the Township's land development proposals and also offers work/advice on other planning related projects.

Commissioner Kaiser made a motion to authorize Mr. Hawthorne to enter into a three-year contract for 2012-2014 with the Montgomery County Planning Commission at a cost of \$11,000.00. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Gerald Richards Park/Pleasantview Park Master Site Plan**—Ms. Elliott reported that the Gerald Richards Park/Pleasantview Park Master Site Plan was completed with money left over from the Snell/Norton Park Master Site Plan grant. She requested approval and adoption of the Plan as the official Master Site Plan of the Parks.

Commissioner Kaiser made a motion to approve Resolution No. 917, approving and adopting the Gerald Richards Park and Pleasantview Park Master Site Plan as the official Master Site Plan of the Parks. Commissioner Phillips seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**RESOLUTIONS AND ORDINANCES:**

**Resolution No. 917**—See **NEW BUSINESS: Gerald Richards Park/Pleasantview Park Master Site Plan**

**Warrant**—Warrant No. 795 for November 2011 will be distributed via email for the Commissioner review.

**COMMISSIONERS COMMENTS:**

**Commissioner Kaiser** thanked Commissioner Phillips for his service and the help he provided to the Township.

**Commissioner McGroarty** said unfortunately he would not be at the Close-Out meeting on December 15. He welcomed Steve Klotz and reiterated what a valuable asset Commissioner Phillips was to the Township.

**Commissioner Phillips** said the Township has a great group of Commissioners and, with Steve Klotz coming on board, that will not change. He also complimented staff on doing a great job and was grateful for the opportunity to participate in effectively running a local government.

**Commissioner Spadt** had no further comments.

**MANAGER'S COMMENTS:**

**MCATO Seminar**—Mr. Hawthorne announced a MCATO Seminar on "How to Talk About Difficult Issues" will be held on Monday, January 30, 2012. Mr. Hawthorne will email additional information to the Board.

**COMMENTS:**

**Mr. Exley** commented that it has been a pleasure to know Commissioner Phillips prior to his time on the Board, while he served on the Board and in the future. He would like to see Commissioner Phillips stay involved with the Township.

**Solicitor Holloway** reiterated appreciation to Commissioner Phillips for serving on the Board. He applauds Board members who take the job seriously and said it's been a pleasure to serve with Commissioner Phillips.

Ms. Elliott said it's been a pleasure working with Commissioner Phillips the past four years.

There being no further business, the meeting was adjourned at 8:05 p.m. Next meeting will be held on Thursday, December 15, 2011 at 7:00 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michele M. Cappelletti".

Michele M. Cappelletti, Secretary