

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
May 24, 2012

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled work session meeting on Thursday, May 24, 2012 at the Lower Pottsgrove Township Municipal Building, 2199 Buchert Road, Pottstown, Pennsylvania. Meeting was called to order at 7:00 p.m. and the Pledge of Allegiance was recited. The following attended:

Board of Commissioners: Jonathan H. Spadt, President; James D. Kaiser and Stephen M. Klotz.

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

Bruce L. Foltz, Vice President and Commissioner Michael McGroarty were absent from the meeting.

EXECUTIVE SESSION:

Solicitor Holloway announced that an executive session was held on May 7 and tonight, May 24, at 6:15 p.m., to discuss the incoming police chief's contract.

POTTSTOWN REGIONAL PUBLIC LIBRARY:

Susan E. Davis, M.L.S., Executive Director of the Pottstown Regional Public Library (PrPL) distributed the Library's 2011 Annual Report and current program information to the Board of Commissioners.

COMMENTS FROM VISITORS:

Tony Doyle, 1745 Kepler Road, asked about the dates on the Township Manager's MOU. He said the MOU was dated October 24, 2011 but was effective October 1, 2011. Commissioner Spadt said the Agreement was retroactive and reaffirmed by the new Board in January 2012. It is the Agreement that is in place.

Mr. Doyle received Mr. Hawthorne's response to his Right to Know request and asked if the 30-day extension was because his request is being referred to the Solicitor. Mr. Hawthorne confirmed that is the reason for the extension.

Mr. Doyle said the attorney was credited for getting the \$375,000 from the developer for the Rupert Road Bridge. Mr. Doyle asked what the Township paid the attorney in legal fees to settle the dispute. Mr. Hawthorne said he would have to look at the records. Mr. Doyle will submit a Right to Know request for this information.

Mr. Doyle asked when Rupert Road is going to be paved. Mr. Hawthorne said it is on the master list but it won't be paved until we get the contract to do this part. Mr. Doyle thought the developer was supposed to do it. Solicitor Holloway advised that there is a legal dispute and the contractor has been unresponsive. Joe Zlomek of the Sanatoga Post asked how long ago pending legal action was filed. Solicitor Holloway stated there are

two actions pending – discovery against the contractor and a demand letter is out to the bond company.

Mr. Doyle asked who was responsible for writing Mr. Hawthorne’s MOU. Commissioner Spadt said he worked with labor counsel from Eckert Seamans Cherin & Mellott, LLC on behalf of the Board of Commissioners.

Mr. Doyle asked Ms. Elliott if she has been able to get the Soccer Association to respond in writing as to what they are donating to the Township. Ms. Elliott said Jen Corley is working with the Soccer Association to get that information. Mr. Doyle asked if the Township is asking for financial statements; Ms. Elliott replied the Township is requesting receipts.

Commissioner Kaiser said the Soccer Association is a non-profit organization and their financial statements may be posted. He said the Township is working with them, and all the sports organizations, on how to grow their organizations in a coordinated way. Commissioner Kaiser would like to see receipts for everything that is being donated.

Mr. Doyle said the Soccer Association is a great organization and he just wants to see what they’re giving. Ms. Elliott said it is a fact that they are donating quite substantially; we just don’t have the receipts. Commissioner Klotz said the Soccer Association is a non-profit and it is giving as much as they can give. He would love football and baseball to do the same thing. Ms. Elliott noted that the Soccer Association does not have exclusive use and other organizations can and do use the fields.

APPROVAL OF MINUTES:

Commissioner Klotz made a motion to approve the meeting minutes of the May 7, 2012 Board of Commissioners meeting. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

RESOLUTIONS AND ORDINANCES:

Resolution No. 931— Ms. Elliott presented the amended site development plan of Berean Bible Church, Application #2011-03A, to the Board of Commissioners for approval. The new proposal calls for construction of a gymnasium, three bay garage and pavilion on East High Street. Ms. Elliott advised that staff and the Lower Pottsgrove Planning Commission have reviewed the plan and recommend approval.

Regarding the applicant’s request for a waiver from landscape buffer requirements, Commissioner Spadt said the Board was satisfied with the notice requirements that have been pursued and recommended striking Paragraph 13 from Resolution No. 931.

Commissioner Klotz made a motion to approve Resolution No. 931, a resolution regarding a land development called Berean Bible Church Minor Amended Site Plan, and to strike the requirements of Paragraph #13 (a), (b) and (c) from the resolution. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

Ms. Elliott explained several waivers that were requested by the applicant. Commissioner Klotz had questions about the parking lot landscaping and Ms. Elliott stated that the applicant is retrofitting the parking lot.

Regarding as built drawings, John McMenamin, the applicant's engineer, offered to mark up and redline a drawing instead of reproducing the drawing. The motivation for his request was to save the Church money. It was the consensus of the Board that Mr. McMenamin should submit the as built drawings for the project.

Mr. McMenamin also asked for direction on recording the plan. Ms. Elliott explained the recording procedure and advised that the financial agreements still need to be finalized. Solicitor Holloway advised that these documents are currently with the applicant's attorney.

CORRESPONDENCE AND INFORMATION:

None.

SUBDIVISION AND LAND DEVELOPMENT:

None.

OLD BUSINESS:

Township Email Accounts—Solicitor Holloway referred to a memo he circulated to the Board of Commissioners regarding Township email accounts for Lower Pottsgrove Township officials. He asked the Commissioners to contact him with any questions relating to his recommendations.

NEW BUSINESS:

None.

Warrant #800— Commissioner Klotz made a motion to approve Warrant #800 for the month of April 2012. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

Acceptance of Treasurer's Report—Commissioner Klotz made a motion to accept the Treasurer's Report for the month of April 2012, as submitted by Jennifer Marsteller. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

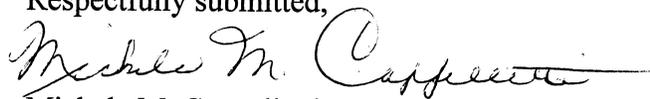
COMMISSIONERS' COMMENTS:

None

There being no further business, the public meeting adjourned at 7:25 p.m.

Next meeting will be held on Monday, June 4, 2012 at 7:00 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Michele M. Cappelletti". The signature is written in black ink and has a long horizontal flourish extending to the right.

Michele M. Cappelletti
Township Secretary