

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
December 20, 2012 Close-Out Meeting

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled close-out meeting on Thursday, December 20, 2012 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; Bruce L. Foltz, Vice President; Michael McGroarty; James D. Kaiser and Stephen M. Klotz.

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

COMMENTS FROM VISITORS:

Tony Doyle, 1745 Kepler Road, mentioned several articles that were in the Mercury regarding raises, salary freezes and contributions made by union and non-union employees and teachers. Mr. Doyle wanted to point out that concessions are being made everywhere, not just in Townships. He stated that Lower Pottsgrove Township non-uniformed employees pay 5% of their health insurance premiums and he supports that.

Mr. Doyle noted that other townships have cut police officers so they would not have to raise taxes, and he is not in favor of doing that.

Mr. Doyle asked what the final Lower Pottsgrove Township tax will be in 2013. Mr. Hawthorne advised it will be anywhere from \$35 to \$70, depending on the assessed value of the property. Mr. Doyle also asked how much the fire tax will be, and Commissioner Kaiser advised on a \$150,000 assessed value, the fire tax will be \$9.00 per year. Commissioner McGroarty clarified that the fire tax was not raised from .28 mills to .58 mills in one year. It has been increased incrementally by .06 mills each year since 2008.

Mr. Doyle asked if someone from Parks and Recreation could look at the backstop at the Sanatoga ballfield. He asked if the design of the backstop is the way it is supposed to be, or was it a mistake. Parks and Recreation Commission member **Tom Troutman** said there are issues with the backstop and we need to put up a net to prevent foul balls from going over the embankment. He suggested asking PECO to install poles along the first base line. Commissioner Foltz asked if we could get a net donated. Mr. Hawthorne said there is a net; Mr. Troutman said there is a net behind home plate but we need an extra one. Ms. Elliott said the nets are very expensive and run about \$10,000 each. Commissioner Klotz recommended contacting Pottsgrove Baseball about a net.

Mr. Troutman commented that the Board is going in the right direction with the budget. For next year, he suggested taking some of the \$60,000 designated for the Library and increasing the Township's allocation for the Senior Citizens. Mr. Troutman also asked the Board to consider a Parks and Recreation tax.

Mr. Doyle asked if Solicitor Holloway was paid on a retainer by the Township. The Solicitor advised that he is paid \$130.00 per hour and is not on a retainer. Mr. Doyle expressed concern about paying \$340.00 per hour for preparation of Mr. Hawthorne's Memorandum of Understanding (MOU). Mr. Doyle was hard pressed to believe that the legal fees for the MOU, just for Mr. Hawthorne, cost \$9,280. He did not think that Solicitor Holloway should have handled Mr. Hawthorne's MOU because there is a friendship there and it would be a conflict. However, he did not believe it needed to be handled by a high-end attorney like Ryan Cassidy.

Mr. Doyle would like to see non-profit organizations provide yearly statements to the Township. He would like them to provide the books showing here's what we gave, here's what we did, etc. Mr. Doyle does not want someone using the fields for nothing. Commissioner Klotz said any youth organization that can afford it does give back to the Township. He feels it is our obligation to make sure our kids have sports and, as a community, we shouldn't burden them with paying. He said youths involved in sports and extracurricular activities benefit the community and make it a better place.

Commissioners Klotz said Pottsgrove Soccer has a good income and they have been very good to the Township. As a non-profit, Soccer's books are available for review. Commissioner Klotz said he won't tell anyone they can't play on our fields if they don't have money. He said when lacrosse and football start, they may not be able to pay at first. Mr. Doyle said the time has come and he is trying to get the numbers (from the sports organizations) now. Commissioner Spadt said if it gets to the point that someone is taking advantage, we will address it.

EXECUTIVE SESSION:

Commissioner Spadt announced that the Board of Commissioners held an executive session, by telephone, regarding police contract negotiations. Joe Zlomek of the Sanatoga Post asked if there were any decisions made following the executive session and Commissioner Spadt said there were not.

APPROVAL OF MINUTES:

Commissioner Klotz made a motion to approve the minutes of the December 3, 2012 Board of Commissioners meeting.

Commissioner Foltz asked for clarification of a statement on page 1481 the minutes: **Mr. Troutman said \$60,000 comes out of the Parks and Recreation Budget for the Library and \$1,750 comes out for Senior Citizens.** It was explained that the Library and Senior Citizens allocations are line items under Parks and Recreation, but they come out of the General Fund budget.

Commissioner Kaiser seconded Commissioners Klotz's motion and it was unanimously approved. Vote was 5-0 in favor.

OLD BUSINESS:

Ordinance No. 146-MM—Commissioner McGroarty made a motion to approve Ordinance #146-MM, adopting the Lower Pottsgrove Township 2013 Annual Budget. Commissioner Kaiser seconded the motion. Commissioners Spadt, McGroarty and Kaiser voted Aye. Commissioners Foltz and Klotz voted Nay. Motion carried by a vote of 3-2.

Ordinance No. 133-LL—Commissioner Kaiser made a motion to approve Ordinance No. 133-LL, fixing the real estate property tax rate for the year 2013.

Commissioner Klotz asked if the proposed millage rate includes an increase in the fire tax. Commissioner Spadt said the motion on the floor was to set the total Real Estate Property Tax rate for General Services and Fire Services, which is 2.788 mills. The total tax rate does include an increase in the fire tax.

After discussion, Commissioner McGroarty seconded Commissioner Kaiser's motion. Commissioners Spadt, Foltz, McGroarty and Kaiser voted Aye. Commissioner Klotz voted Nay. Motion carried by a vote of 4-1.

Ordinance No. 134-MM—Commissioner Kaiser made a motion to approve Ordinance No. 134-MM, fixing the rate of assessment of street lighting in the Township for the year 2013. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Resolution No. 344-31—Commissioner Kaiser made a motion to approve Resolution No. 344-31, establishing the rates for the Act 511 taxes for 2013 at the same rates as the previous year. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Resolution No. 453-K—The Township's Fee Schedule for 2013 was presented for approval.

Commissioner Foltz questioned the Contractor Registration Fee on Page 5 of the Fee Schedule. His understanding was that the Township could only charge a fee if it is issuing a license to the contractor, not a registration fee. Solicitor Holloway will check into the language and action was deferred to the January 7, 2013 meeting.

Commissioner McGroarty requested a list of fees and changes.

Resolution No. 962—Mr. Hawthorne presented Resolution No. 962 for approval, which amends the Township's anti-harassment policy. Proposed changes were made to the standing policy based on recommendations made by labor counsel and the Solicitor.

Commissioner Kaiser made a motion to approve Lower Pottsgrove Township's Amended Anti-Harassment Policy. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

NEW BUSINESS:

Resolution No. 963—Commissioner Spadt presented Resolution No. 963, establishing a non-uniformed pension contribution, for approval. In 2013, the non-uniformed employees will be required to contribute 2% of gross salary to help fund the pension fund. As a result, the revised Minimum Municipal Obligation (MMO) for 2013, as determined by the Township's actuary, Joe Duda, is \$174,798.00. Mr. Hawthorne explained the MMO will go down because of the 2% offset.

Commissioner Kaiser made a motion to approve Resolution No. 963, establishing a pension contribution by non-uniformed employees of the Township. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Discussion of Proposed Open Space Offer—The Board discussed potential open space parcels for sale, located in the vicinity of Sunnybrook and Kepler Roads. Commissioner Klotz asked for the total acreage of the parcels. Mr. Hawthorne advised there is a 10 acre-parcel, but if an additional piece were included, it would be 15 acres total.

Commissioner Spadt wants to know more about the proposal. The Board recently discussed an open space project proposed by Brennan Marion and Mr. Marion is scheduled to make a presentation to the Board at the second meeting in February. Commissioner Spadt said there are some funding opportunities available with Mr. Marion's project and he would like to look at all open space opportunities comprehensively.

Commissioner Foltz said there may be another parcel to consider on Sunnyside Avenue that belongs to Doris Soloman. He is not in favor of borrowing money to buy open space.

Commissioner McGroarty said this discussion brings up the larger question of how the Township is going to handle future open space opportunities. He said acquiring open space is a good thing but he questioned how the Township should proceed. He also asked if the community would be interested in having it. Commissioner McGroarty said there are mechanisms to do it, but at some point we need to look at a long term open space plan, whether we establish a wish list, a capital improvement list, etc. He felt we need to look at this more closely because the Township does not have those large sums of money needed to purchase open space. If funding isn't there, we have to find a way to accomplish this. Commissioner Foltz agreed.

Commissioner Kaiser said one of the mechanisms is the referendums. Commissioner McGroarty said open space will benefit the community but wanted to make sure the community wants it. Commissioner Kaiser said the Township should prioritize the pieces of open space it wants. Ms. Elliott noted that there could be an open space tax, but Township staff cannot be involved in this process. It can be done as a political action

committee and has to come from the Board of Commissioners and the community at large.

Commissioner Spadt recommended, if the Board agreed, to have staff set up a meeting with Pete Dolan in January or February to discuss open space. The Board concurred with this recommendation and the meeting will be scheduled.

Tom Troutman asked how much money is in the Township's Reserves Fund. Commissioner McGroarty said \$1.7 million and Commissioner Kaiser noted that \$1.2 million is the amount of emergency funds we are recommended to have. Mr. Troutman asked if we have any capital money. Commissioner Kaiser replied nothing of significance.

Solicitor Holloway stated that the Barna Tract (Sunnybrook and Kepler Roads) is being offered by his partner, who is executor of the Barna estate. If any action is taken, he will recuse himself.

Generator Project—Commissioner Foltz made a motion to authorize the advertisement of the Invitation for Bids for the Lower Pottsgrove Township Generator Project. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

RESOLUTIONS AND ORDINANCES:

See **OLD BUSINESS** and **NEW BUSINESS**

CORRESPONDENCE AND INFORMATION:

1. Article published in Mercury on December 8, 2012 about Lower Pottsgrove Township budget and News Correction published on December 11, 2012.
2. Letter from Eric Schrock of Dewey regarding Raven's Claw – Dedication of Rupert Road and Putter Lane
3. "Protect Your Children from Sex Offenders" program being held on January 9, 2013 at 7:00 p.m. at the Lower Pottsgrove Township Elementary School.
4. Letter to Pottsgrove High School Cross Country Coach Larry Rehtin.
5. Letter to Pottsgrove High School Band Director Victor Holladay.
6. Letter to Pottsgrove High School Football Coach Rick Pennypacker.
7. Sunnybrook Foundation Living Well Expo.

SUBDIVISION AND LAND DEVELOPMENT:

None.

Warrant #807— Commissioner Klotz made a motion to approve Warrant #807 for the month of November 2012. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Acceptance of Treasurer's Report—Commissioner Klotz made a motion to accept the Treasurer's Report for the month of November 2012, as presented by Jennifer Marsteller.

Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

COMMISSIONERS' COMMENTS:

Commissioner Klotz said his heart goes out to the families in Connecticut. He said Tony Doyle hit a note with his comment about the Police – one thing Commissioner Klotz will not do is lay off a police officer. He feels we could even use a few more. When you see a little town go through a tragedy like Sandy Hook, it emphasizes the importance of a local police force.

Commissioner Klotz commented that of the 24 Board of Commissioners' meetings held in 2012, there were only 8 meetings that were attended by the full Board. From February 6 to June 21, there was not one meeting where all the Commissioners were present. He said he would like to see all of us do a better job with that. He wished everyone happy holidays.

Commissioner Kaiser said his thoughts were with the people of Newtown, Connecticut. He thanked staff and the Board of Commissioners for another great year.

Commissioner McGroarty offered his condolences to Newtown. He thanked staff, Rod, Alyson, the staff out front and his fellow Commissioners for their help and support.

Commissioner Foltz also offered his condolences to Connecticut. He thanked staff and the Commissioners for working together. He said we don't always agree and not to take it personally. The Commissioners do the best they can and he said thank you for working with us.

Commissioner Spadt expressed his sympathy about the tragedy in Connecticut. He thanked all staff, present and at home, and thanked the Board of Commissioners. He said there is real talent on many different levels and this Board reflects diversity.

There being no further business, the public meeting adjourned at 7:45 p.m.

Next meeting will be held on Monday, January 7, 2013 at 7:00 p.m.

Respectfully submitted,



Michele M. Cappelletti
Township Secretary