

**LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS**  
**February 21, 2013**

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled work session meeting on Thursday, February 21, 2013 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; Bruce L. Foltz, Vice President; Michael McGroarty and Stephen M. Klotz.

R. Kurtz Holloway, Solicitor; Rodney P. Hawthorne, Manager; Alyson Elliott, Assistant Manager; Jennifer Marsteller, Treasurer/Tax Collector and Michele Cappelletti, Secretary.

**2766 EAST HIGH STREET:**

**Temporary Use and Occupancy**—Joan E. London, Esquire requested the issuance of a temporary Use & Occupancy permit to allow her client, Todd Maxey, to occupy and run his business, Associated Spec Consultants, Inc., at 2766 East High Street while improvements are being made to the property. In addition to the commercial office space, 2766 East High Street houses two residential apartment units that are currently occupied by tenants.

Mr. Maxey distributed Google Earth photographs and explained the improvements he intends to make to the property. No improvements will be made to the building, only site improvements. Mr. Maxey will be applying for a minimum use driveway permit from PennDOT.

Commissioner Spadt asked for a timeframe when the improvements will be made. Ms. London advised that in her January 22, 2013 letter to Mr. Holloway, she proposed four six-month timeframes for full completion of the improvements. Details would be worked out between Ms. London's office and Solicitor Holloway's office.

Commissioner Klotz asked Mr. Maxey why residents are living there if he does not have a U&O. Solicitor Holloway said there is no commercial U&O required for residents to live there. Commissioner Klotz asked if the new electric that was installed is permanent and if Mr. Maxey secured a permit for this work. Mr. Maxey did the work without a permit but would be glad to have it inspected.

Commissioner Klotz asked if the parking area was gravel, including the handicapped parking spaces. Mr. Maxey said the parking area was gravel, but there was a six to eight-foot macadam area. Commissioner Klotz will not agree to a temporary U&O unless the handicapped parking area is macadam. Commissioner Klotz was also concerned about the PennDOT permit process, which can be lengthy. Ms. London stated that they are willing to begin the PennDOT process immediately.

Commissioner McGroarty's biggest concern was PennDOT approval. He asked if the Township can move forward and if it would be appropriate to do so. Solicitor Holloway said this is a valid concern and the temporary U&O would not be issued until after Mr. Maxey obtains, at the very least, a minimum use permit from PennDOT. Ms. London will seek some type of authorization from PennDOT to allow the use while the project is ongoing.

Commissioner McGroarty said if the Township is going to grant the temporary U&O, the most important improvements should be done up front, not pushed back two years. Ms. London said Commissioner Klotz's parking concerns would be considered in the first six-month period and she will work with their engineer to establish a timetable.

Commissioner McGroarty said Township staff and engineers will work together to establish, in order of importance, what would be at the front end of the list. Mr. Maxey said they will submit a milestone schedule to the Township, which Commissioner Spadt said would be added to the agreement.

Commissioner Foltz expressed his concerns about the PennDOT process, because the Township has run into difficulties with this on other projects. He said the electrical work that has already been completed needs to be inspected by a third party agency. He recommended that Mr. Maxey meet with Keith Place, on site, so all concerns can be addressed, such as ADA compliance, exit signs, etc. Ms. London will schedule an appointment with Mr. Place.

Commissioner Spadt said our goals are aligned to get you in the building as quickly as possible. He agreed with the other Commissioners concerns; worst case scenario would be litigation to enforce the contract, so the Township needs reassurances, such as financial penalties, as part of the agreement. If adequate reassurances are agreed upon, Commissioner Spadt recommended a compromise. If Mr. Maxey resolves some of the issues in the first three or four months, the Township could consider issuing the temporary U&O. He requested that staff look at the concerns. Commissioner Klotz wants to see a timeline.

Solicitor Holloway said all of the Commissioners' concerns will be addressed in the agreement. Strong language will be included should circumstances beyond Mr. Maxey's control impact him so that he cannot financially complete the improvements, which would then put the Township in the uncomfortable position of revoking the temporary U&O. The agreement will be brought back to the Board for its consideration. No action was taken by the Board at this time.

#### **OLD BUSINESS:**

**Approval of Deputy Tax Collector**—At the February 4, 2013 Board of Commissioners' meeting, Jennifer Marsteller requested that her mother-in-law, Virginia Smith, be appointed as the Deputy Treasurer/Tax Collector. Mrs. Smith would have to be bonded to serve in this position. Ms. Marsteller reported that a one-month bond for \$60,000 would cost \$330 and a bond until the end of 2013 for \$100,000 would cost \$498. The bond is based on tax revenues and Mrs. Smith would have to be bonded for 50%.

After discussion, Commissioner Foltz made a motion to appoint, by resolution, Virginia Smith to serve as Lower Pottsgrove Township's Deputy Tax Collector until December 31, 2013. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

#### **EMERGENCY MANAGEMENT:**

**New Message Board**—Emergency Management Coordinator Chris Wilcox delivered a presentation on a solar-powered variable message signboard trailer. The Montgomery County Department of Public Safety purchased several trailers to be used throughout the County. Chief of Police Mike Foltz applied to the County and was granted use of one of the message boards. The message board is at the Township's disposal and can be used for signage during road construction, traffic enforcement and multiple other uses.

**Hurricane Sandy Relief**—EMC Wilcox and Chief Foltz attended informational kick-off meetings relating to Federal relief for expenses incurred during Hurricane Sandy. Michele Christman and Michele Cappelletti are also gathering information. EMC Wilcox is hoping for a reasonable amount of reimbursement to cover debris removal, straight time, overtime, equipment, etc.

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

None.

#### **RESOLUTIONS AND ORDINANCES:**

**Resolution No. 967**—Mr. Hawthorne presented Resolution No. 967 to the Board for approval. This resolution designates Mr. Hawthorne as the Township's agent and authorizes him to sign the required forms and documents for Hurricane Sandy reimbursement.

Commissioner Klotz made a motion to approve Resolution No.967, designating Rodney P. Hawthorne to execute for and in behalf of Lower Pottsgrove Township all required forms and documents for the purpose of obtaining financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

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

**Opposition of Wil Hallman Subdivision**—Commissioner Spadt said the Township received a letter from Sharon and Larry Harp in opposition of Wil Hallman's subdivision of the property located at 1338 Lynn Drive. There was also a petition signed by Mr. and Mrs. Harp and several other residents opposing construction of any new housing on the property. They would like the farmhouse and the property to remain as it is to preserve open space.

The Board discussed the letter and petition. No action was taken by the Board at this time.

**APPROVAL OF MINUTES:**

Commissioner Klotz made a motion to approve the meeting minutes of the February 4, 2013 Board of Commissioners meeting. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**SUBDIVISION AND LAND DEVELOPMENT:**

None.

**NEW BUSINESS:**

**Equipment Rental and Labor Agreement**—Commissioner Foltz made a motion to authorize the advertisement of the Notice to Bidders for the 2013-2014 Equipment Rental and Labor Agreement. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Joe Zlomek of the Sanatoga Post requested a list of roads that are scheduled to be paved under this contract.

**Warrant #809**— Commissioner McGroarty made a motion to approve Warrant #809 for the month of January 2013. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Acceptance of Treasurer's Report**—Commissioner Klotz made a motion to accept the Treasurer's Report for the month of January 2013, as submitted by Jennifer Marsteller. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**COMMISSIONERS' COMMENTS:**

**Commissioner Klotz** had no comments.

**Commissioner McGroarty** had no comments.

**Commissioner Foltz** said the Township pays \$1,100 per year for a dedicated phone line in the EOC to be used for emergency management purposes, such as during the Limerick Generating Station drill. Chris Wilcox checked with the County and learned that we can cancel the dedicated phone line and use the Township's regular phone line in its place. Mr. Wilcox said many municipalities have already done this and Chief Foltz supports it as well. The Board supported cancelling the dedicated phone line that the Township has been maintaining for emergency management use.

**Commissioner Spadt** requested that the March 4, 2013 Board of Commissioners meeting start at 6:00 p.m. to allow for a presentation by Brennan Marion.

Commissioner Klotz made a motion to change the start time of the Board's March 4, 2013 meeting to 6:00 p.m. and to advertise same. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Mr. Hawthorne advised that the Pottsgrove High School Marching Band and the Cross Country team will be present at that meeting.

Ms. Elliott requested that the March 21, 2013 Board of Commissioners meeting start at 6:30 to allow for a presentation by John Cover of the Montgomery County Planning Commission.

Commissioner Klotz made a motion to change the start time of the Board's March 21, 2013 meeting to 6:30 p.m. and to advertise same. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

There being no further business, the public meeting adjourned at 7:50 p.m.

Next meeting will be held on Monday, March 4, 2013 at 6:00 p.m.

Respectfully submitted,

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

Michele M. Cappelletti  
Township Secretary