

**LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS**  
**July 25, 2013**

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled work session meeting on Thursday, July 25, 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, and Michele Cappelletti, Secretary.

Commissioner James D. Kaiser was absent from the meeting.

Commissioner Spadt announced that the Board would not be following the agenda in order and Subdivision and Land Development agenda items would be addressed first.

**SUBDIVISION AND LAND DEVELOPMENT:**

**Planning Module for FMC Lower Pottsgrove (former Rite Aid site)**—Mr. Hawthorne presented the FMC Lower Pottsgrove Sewage Facilities Planning Module to the Board of Commissioners for approval. Once approved by the Board, the planning module will be submitted to the Pennsylvania Department of Environmental Protection (DEP) for its approval.

Mr. Hawthorne reported that representatives of FMC and Lower Pottsgrove Township are working together with DEP to push the project forward. Alex Tweedie, the applicant's engineer, advised that they have already received one draft of the review from DEP and they were hoping to get the permit by next week.

Commissioner Klotz made a motion to approve, by Resolution No. 984, the Sewage Facilities Planning Module for FMC Lower Pottsgrove. Commissioner Foltz seconded the motion and it was unanimously approved. Motion carried by a vote of 4-0 in favor.

Commissioner Foltz asked since Mr. Hawthorne will be on vacation next week, who will be Alex Tweedie's contact at the Township. Mr. Hawthorne said Mr. Tweedie would be taking three (3) copies of the Planning Module with him tonight and Keith Place has already completed the plan review. Mr. Tweedie confirmed that Keith has reviewed everything.

Joe Zlomek of the Sanatoga Post asked if the sewage volume of FMC's 26 EDUs is the equivalent of 26 households. Mr. Hawthorne replied that one (1) EDU is assigned per household, but this is a business use. He advised the site will actually have a total of 29 EDUs (3 existing EDUs from Rite Aid and 26 additional EDUs for FMC).

**Todd Maxey Agreement (2766 East High Street)**—Solicitor Holloway reported that everything has been worked out with Mr. Maxey. He met with Mr. Maxey's attorney and engineer and an agreement was drafted, which Mr. Maxey has signed. Mr. Maxey finished the handicapped parking spaces, with signage, and everything is in place for him to get a temporary U&O from the Township. Mr. Maxey distributed photographs of his property to the Board and advised that Keith Place called him to set up an inspection.

Solicitor Holloway has reviewed the checklist and timeframe that were developed to work towards issuance of a final U&O. Mr. Maxey is following up on improvements, as per his plan, and he will follow the timeline to get the U&O.

Solicitor Holloway requested Board approval of the agreement between Todd Maxey and Lower Pottsgrove Township.

Commissioner Klotz made a motion to approve the Agreement between Todd Maxey and Lower Pottsgrove Township and to authorize Township staff to issue a temporary Use and Occupancy (U&O) permit to Mr. Maxey. Commissioner Foltz seconded the motion and it was unanimously approved. Motion carried by a vote of 4-0 in favor.

Commissioner Spadt thanked Mr. Maxey and his staff. Mr. Maxey said it will be a year (since he started this project) on August 1. Solicitor Holloway gave Mr. Maxey two (2) copies of the signed agreement.

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

Commissioner Klotz made a motion to approve the meeting minutes of the July 1, 2013 Board of Commissioners meeting. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

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

**Resolution No. 981**—Mr. Hawthorne presented Resolution No. 981 to the Board for approval. This resolution appoints the Township Manager, Tax Collector and Finance Director to share confidential information with Berkheimer.

Commissioner McGroarty made a motion to approve Resolution No. 981 Authorizing, Empowering and Directing the Proper Officers of the Governing Board to Appoint the Township Manager, Tax Collector and Finance Director as Liaisons between It and Berkheimer, the Duly Appointed Collector of Local Taxes for the District, for the Express Purpose of Sharing Confidential Tax Information with the District for Official Purposes. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Resolution No. 982**—Mr. Hawthorne reported that Act 44 requires all state and municipal pension plan administrators to enact a procedure for hiring consultants to aid with the administration of the two pension plans, Uniform and Non-Uniform. The state pension auditor advised the Township that it is required to have a procedure in place should the Board decide to replace its current actuary and/or investment advisor.

Resolution No. 982 adopts the procedure policy, which is attached to the resolution as Exhibit "A".

Commissioner Foltz made a motion to approve Resolution No. 982, with Exhibit "A" attached, adopting Act 44 of 2009 Procedure Policy. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**COMMENTS FROM VISITORS:**

None.

**CORRESPONDENCE AND INFORMATION:**

**Tuition Reimbursement**—Mr. Hawthorne requested approval of Officer James Kenney's Request for Reimbursement for Tuition and Books in the amount of \$1,910.51. Commissioner Spadt asked if the money was in the budget and Mr. Hawthorne replied yes.

Commissioner Klotz made a motion to approve Officer James Kenney's Request for Reimbursement for Tuition and Books, in the amount of \$1,841.50 plus \$69.01 for books, for a total reimbursement of \$1,910.51. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

The following information was included in the Commissioners' packets:

1. Letter to Board of Commissioners from Rodney P. Hawthorne concerning EDU allocation for 1338 Lynn Drive Subdivision (Wil Hallman's project).
2. Letter to Board of Commissioners from Rodney P. Hawthorne concerning EDU allocation for 2217 East High Street (FMC Dialysis, former Rite Aid).
3. Thank you note from Bruce and Pat Foltz.
4. Thank you note from Mike and Kathy Foltz.
5. Article published in The Mercury on July 3, 2013 entitled *River trail connection proposed for Pottstown*.

**OLD BUSINESS:**

**Oil and Chip Proposal**—Mr. Hawthorne reported that the Township received two proposals for the Snell Road oil and chip project. AMS submitted a proposal in the amount of \$9,400.00 and Asphalt Industries submitted a proposal in the amount of \$20,935.00.

Commissioner Klotz noted there was a large difference between the two bids and asked if we questioned the \$9,400.00 proposal because it was so low. Mr. Hawthorne said we checked with Limerick and AMS is one of the best. Commissioner Foltz checked with John Fogel and saw work done by AMS and said they did a good job.

Commissioner Klotz made a motion to accept the entire proposal submitted by AMS for the Snell Road oil and chip project. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Commissioner Foltz asked if this project would be paid out of the Liquid Fuels fund. Mr. Hawthorne said no, Liquid Fuels does not pay for oil and chip.

#### **NEW BUSINESS:**

**Traffic Signal Maintenance Agreement**—Mr. Hawthorne said the Township's Traffic Signal Maintenance Agreement with Telco has a roll-over provision in it. Over the years, the Township has been automatically renewing its contract with Telco; however, the State Liquid Fuels auditor recommended that the Township freshen up the specifications and add new requirements, such as the addition of 8 traffic lights. Mr. Hawthorne asked for authorization to request proposals for traffic signal maintenance. Since the current contract is for \$4,294.00, it does not require formal bidding, and the proposals would be sent out to 3 or 4 contractors.

Commissioner McGroarty made a motion to authorize Mr. Hawthorne to send out requests for proposals for traffic signal maintenance. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Township/Park Sign**—Ms. Elliott introduced Bill Keohane, chair of the Lower Pottsgrove Township Parks and Recreation Board. She reported that at its June meeting, Park Board members discussed how to improve communication with the public and to get more people to attend Township events. During their discussion, Park Board member Rich Wood said, from his experience, outdoor signs are very effective in getting people to events.

Ms. Elliott said during the course of discussion, it was suggested that perhaps an LED sign could replace the sign at the Township Municipal Building or one could be placed at Gerald Richards Park. She said an LED sign would get the information out and could be used for advertising Township events, public service announcements and regional recreation events. Ms. Elliott said alot of municipalities are going to LED signs and cited Upper Providence Township and Limerick Township as examples. She estimated the cost of the sign would be \$20,000.00 to \$25,000.00 and stated that the Township would be required to go out for bid for this project.

Ms. Elliott further explained there is a mini-grant available through the Pottstown Area Health and Wellness Foundation (PAHWF) and the Pennsylvania Department of Conservation and Natural Resources (DCNR). The grants are up to \$25,000.00 and require a 10% match from the municipality. The LED sign may be eligible for the mini-grant provided the Township can meet the 10% match requirement. Ms. Elliott asked the Board to consider supporting the LED sign and asked if there were any questions or concerns.

Bill Keohane complemented Alyson on doing a great job. He stated that at every Park Board meeting, how to reach the residents is a topic of discussion. He said a newsletter is somewhat effective, but there are drawbacks. Mr. Keohane said an LED sign is visible, the Township can change the message and other municipalities sell advertising space on their LED signs.

Commissioner Foltz thought it was a great idea but said that some commissioners don't like LED signs. He said Royersford has one and it gets the people's attention.

Commissioner Spadt said if the sign is done tastefully and if it could be turned off overnight, it would not be an intrusion.

Ms. Elliott said LED signs are not permitted under the Township's Zoning Ordinance; therefore, the Township would have to go before the Zoning Hearing Board for approval.

Commissioner McGroarty said the sign ordinance is now four or five years old and, since the Township itself may have an LED sign, it may be time for the Board to reconsider its position. Ms. Elliott said the Montgomery County Planning Commission is preparing a model sign ordinance for us to look at. The County's model ordinance could be tweaked; for example, the Board might want to be more conservative or add some parameters.

Commissioner McGroarty supports the idea of the LED sign but felt the Township cannot have one until it reconsiders the current sign ordinance. Ms. Elliott will work with Limerick Township and look at their sign's specifications.

Commissioner Spadt supported having an LED sign at the Township Building. Commissioner Foltz said the Township must be very careful because some of the signs, such as the Coventry Christian School and Sunnybrook signs, are hard to read. He said the signs for Limerick Township and Royersford are good.

Commissioner Klotz was not sure about the sign being located in front of the Township Building because some people do not drive by this building. He felt the new kidney dialysis center or the fire company, both located on E. High Street, would be better locations. Mr. Keohane said there was some discussion about the location and if the sign is located at the Township Building, it associates the sign directly with the Township.

Commissioner Klotz agreed with Commissioner McGroarty and said if the Township is going to have an LED sign, the Board should consider amending the sign ordinance. He supports the concept of an LED sign but he does not want the Township to go through Zoning. Commissioner Spadt said he does not want to hold it up. Commissioner McGroarty is not against doing the sign now but said the Board has to show it is going to do something, and should state publicly that it intends to change the sign ordinance. He felt that times have changed and we should change with them.

Commissioner Spadt asked when the County ordinance is due out and if we could do both in parallel Ms. Elliott will check on the status of the County ordinance.

Mr. Hawthorne asked the Board to authorize staff to start working, in parallel, on amending the sign ordinance, with a deadline of September 6, 2013 and to authorize Ms. Elliott to work on the grant application. Ms. Elliott said if the Township is awarded the grant, we have a year to complete the project.

Commissioner Foltz made a motion to submit a grant application for an LED sign and to authorize staff to work on changing the sign ordinance. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Commissioner Spadt offered thanks to Bill Keohane for his input. Mr. Keohane said Alyson did all the work.

**Township Assets Management Program**—Ms. Elliott reported on the Delaware Valley Regional Planning Commission's (DVRPC) Assets Management Program. A survey will be conducted on the Township's roads and bridges and this information will be used to create a database that works with our GIS. Mr. Hawthorne and Ms. Elliott attended a kickoff meeting and the process is moving forward. Township staff will be working with the Township engineers on this program.

Commissioner Foltz asked if there is a cost for the survey. Ms. Elliott said no, the DVRPC has funds available for the five counties around Philadelphia and some in New Jersey. They haven't done a lot in Pottstown, so this is one of the projects they have been asked to do with the funding they have available for this region.

**Acceptance of Township Manager's Notice of Retirement**—Commissioner Spadt asked for acceptance of Township Manager Rod Hawthorne's retirement effective January 3, 2014. Commissioner Foltz asked what action was required tonight. Commissioner Spadt requested acceptance of Rod's retirement and the steps to start looking for his replacement. Commissioner Spadt said part of Rod's Memorandum of Understanding (MOU) was directed towards Rod assisting the Township in finding his replacement after he retires.

Commissioner Spadt said tonight's action would be consideration of a motion to accept, with appreciation and gratitude, the letter submitted by Rod Hawthorne outlining the terms of separation and retirement. He asked if there were any questions from the Board.

Commissioner Klotz had questions regarding the recommendations outlined in the second letter that was submitted with the notice of retirement and asked when due process starts. Commissioner Spadt replied it starts whenever we want it to. Commissioner Foltz said this is a personnel matter. He recommended that the Commissioners express their concerns and discuss it further in an executive session. Mr. Hawthorne said his letter is just a guide.

Commissioner Klotz had questions about the dates in the letter. In his opinion, the new Board taking office in January 2014 should have a say in the selection of the new

manager. Commissioner McGroarty respectfully disagreed; it was his recommendation to set the wheels in motion immediately. Commissioner Klotz commented that if the new Board of Commissioners doesn't agree with this Board's choice, the candidate will be taking a three-month job. Commissioner Spadt agreed with Commissioner Foltz's recommendation that the matter be discussed in executive session.

Commissioner Foltz made a motion to accept Township Manager Rodney P. Hawthorne's retirement letter. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Warrant #814**— Commissioner McGroarty made a motion to approve Warrant #814 for the month of June 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 June 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** said he and Commissioner Foltz were at the police DUI checkpoint a few weeks ago. He said it is always interesting to be on site and the police do a fine job. He said our officers are so in tune with what is going on that, in addition to stopping drunk drivers, they stopped a drug runner and someone who had an outstanding warrant. Thirty citations were issued and approximately 6 of them were to drunk drivers. It was a long hot night and the officers worked hard. The Chief was there, and so was Sgt. Greenwood, who orchestrated the DUI checkpoint detail. Commissioner Klotz offered kudos to the entire Police Department for a job well done.

**Commissioner McGroarty** said to Mr. Hawthorne, on his retirement, it is accepted with both appreciation and regret. He felt when someone has done so much for so many, it is with regret.

**Commissioner Foltz** thanked the Commissioners and staff for the flowers. He also reported that the generator is on its way. Mr. Hawthorne said BSI is close to starting and they are working out the details with Met Ed.

**Commissioner Foltz** said the Montgomery County Correctional Facility work detail pulled the overgrown vines from the Township Building property. Grass will be planted and the area is now clear for the generator. It is a great improvement.

**Commissioner Foltz** thanked staff for all that was done for Todd Maxey and FMC (Rite Aid). The process moved along nicely and he appreciated it.

**Commissioner Spadt** said Fresenius (FMC) is a great project and a good model for getting things done. Staff, Kurt, Bursich and DEP worked together on getting this done

and it is a real win. Solicitor Holloway said the result was ideal. Joe Zlomek said people are impressed that the Township pulled this off so quickly. Mr. Hawthorne said the Dialysis Center (Fresenius Medical Care) is a good firm and provides quality jobs. He said it is a nice addition to the professional businesses that are located on East High Street.

**MANAGERS' COMMENTS:**

Mr. Hawthorne thanked the Board of Commissioners for approving his retirement letter. He said it has been a pleasure working for them and all of the previous Boards, back to Jerry Richards. He only worked with two solicitors, Bob Reber and Kurt Holloway, and he gave them kudos for thinking out of the box. He noted that Kurt was a major player in the Dialysis Center project. Mr. Hawthorne said the job has been very diversified, eye opening and very pleasurable. He has 26 years of mostly good memories.

**Traffic Impact Fees**—Mr. Hawthorne asked the Commissioners if they were receptive to having Peter Simone and Traffic Planning and Design deliver a presentation on the pros and cons of establishing traffic impact fees. He asked the Board to consider starting the August 22, 2013 meeting early, at 6:00 p.m., to allow for the presentation.

The Board supported Mr. Hawthorne's recommendation. Commissioner McGroarty made a motion to begin the August 22, 2013 Board of Commissioners meeting at 6:00 p.m. and to advertise the new start time. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Park Board member Bill Keohane congratulated Rod on his retirement.

There being no further business, the public meeting adjourned at 7:53 p.m. Next meeting will be held on Monday, August 5, 2013 at 7:00 p.m.

Respectfully submitted,



Michele M. Cappelletti  
Township Secretary