

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
October 24, 2013

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled work session meeting on Thursday, October 24, 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: Bruce L. Foltz, Vice President; Michael McGroarty and Stephen M. Klotz.

R. Kurtz Holloway, Solicitor; Rodney P. Hawthorne, Manager; Edward C. Wagner, Township Manager and Michele Cappelletti, Secretary.

Commissioner President Jonathan H. Spadt, Commissioner James Kaiser and Assistant Manager Alyson Elliott were absent.

COMMENTS FROM VISITORS:

On behalf of the Lower Pottsgrove Historical Society, Lew Babel invited the Board of Commissioners, and everyone else in attendance, to the Rededication of the War Veterans Memorial at Sanatoga Chapel on Sunday, November 10, 2013 at 1:00 p.m.

Tony Doyle, 1745 Kepler Road, welcomed Ed Wagner back to the Township. He said with the leadership change from Rod Hawthorne to Ed Wagner, there are now two Township managers. He asked how long Rod will be here and if we are paying both managers.

Commissioner Foltz replied that until January 3, 2014, the Township will be operating with two managers and we are paying both of them for their services.

Mr. Doyle thought when a new person came in, Rod would be going part-time and his benefits would be eliminated. Mr. Hawthorne and the Board said this was never discussed. Mr. Doyle asked when Rod's benefits stop. Mr. Hawthorne replied that his benefits stop in January.

Mr. Doyle asked when the raises (for Township employees) come out. He asked if the employees get 3%, and Rod's employment goes to January 3, 2014, does Rod get a 3% raise. Commissioner Klotz said if there is a 3% raise, that's what Mr. Hawthorne will get, along with his benefits in accordance with his M.O.U., until January 3. Commissioner Klotz said it was good that the Board found a replacement quickly and luckily Ed Wagner was available to fill the position. He feels the transition will work perfectly and Rod will get Ed up to speed.

Mr. Doyle asked why January 3. Commissioner Klotz said Rod presented that date and the Board approved it. He said hiring Ed Wagner saved the Township a lot of money that would have been spent on an executive search.

Mr. Doyle asked if Mr. Hawthorne was leaving his Township cell phone and phone number behind. Mr. Hawthorne will be giving the phone back but keeping the phone number, which he

will transfer to a new, personal phone. Commissioner Klotz asked if Mr. Wagner had his cell phone number transferred. Mr. Wagner did not take his former cell phone number with him and he now has a new number.

Mr. Doyle said if Mr. Hawthorne takes his phone number, he could get calls from people who don't know he retired. Commissioner McGroarty thought it would be a major inconvenience for Mr. Hawthorne to get a new phone number. Mr. Hawthorne said he planned on keeping his Township cell phone number.

APPROVAL OF MINUTES:

Mr. Hawthorne advised that Commissioner Spadt has an amendment to the meeting minutes of October 7, 2013.

As stated on Page 1623:

Commissioner Spadt said there are literally over 100 townships and municipalities in Montgomery and Chester Counties that have these fees.

Amended language:

Commissioner Spadt said there are literally over 100 townships and municipalities in the state of Pennsylvania, many of which are in Montgomery and Chester Counties that have these fees.

Commissioner Klotz made a motion to approve the meeting minutes of the October 7, 2013 Board of Commissioners meeting, with the amended changes proposed by Mr. Hawthorne on behalf of Commissioner Spadt. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

RESOLUTIONS AND ORDINANCES:

None.

CORRESPONDENCE AND INFORMATION:

Resignation Letter—Mr. Hawthorne advised that Keith Place, the Township's Director of Code Administration and Zoning Officer, has submitted his letter of resignation. Mr. Hawthorne read Mr. Place's letter aloud and recommended that the Board accept Mr. Place's resignation with regret.

Commissioner Foltz said he has met with Keith and Keith has an opportunity to advance himself. Commissioner Foltz wished him well.

Commissioner McGroarty made a motion to accept, with regret, the resignation of Keith Place. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

Commissioner Foltz said the Township now needs someone to perform Keith's code enforcement and inspection duties. He recommended hiring a third-party contractor until the first of the year so the Board can evaluate the situation. Commissioner Foltz's recommendation was to get three proposals for the Board's consideration.

Mr. Hawthorne suggested getting the proposals as soon as possible so the matter can be addressed at the November 7 meeting. Commissioner Foltz said the Board will have to decide on whether the position should be permanently filled by an in-house employee or a third-party, outside contractor. Commissioner McGroarty said we want to find someone to help us through the third quarter, in case there is an emergency need.

Solicitor Holloway said the Board does not have to go through the formal bidding process, as professional services are exempt from the public bidding law. He said that the Township can request proposals from outside contractors and it was a good idea to make a decision soon.

Mr. Hawthorne and Mr. Wagner have discussed authorizing Mark John as the third-party contractor. Mr. John would be available if the Township cannot get three proposals back by November 7. Joe Zlomek of the Sanatoga Post asked if the Township has any liability during this interim period. Mr. Hawthorne said he cannot see any reason that there would be. The Township has two managers and an assistant manager and he does not foresee anything that critical surfacing during that period of time.

Commissioner Klotz said getting proposals is a great idea but he does not want the Board to base its decision solely on the lowest price. A proposal with a low price may look like a good value, but in reality it may not be. He supported appointing Mark John until at least until November 7, 2013. Commissioner Klotz said Mr. John is very professional and competent and Commissioner Foltz agreed that Mr. John is very thorough.

After further discussing the options, Commissioner Klotz made a motion to request proposals from third-party code enforcement agencies and to appoint Mark John as Lower Pottsgrove Township's third-party contractor from November 4, 2013 until the Township accepts a proposal and appoints a third-party code enforcement agency. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

The following information was included in the Commissioners' packets:

1. Memo to Board of Commissioners from Rodney P. Hawthorne. Subject: Lower Pottsgrove Township Being Sued
2. Memo from John Fogel. Re: N. Adams Storm Sewer Project
3. Thank you letter for allocation from Lucille D. Gough, Pottstown VNA.
4. Email from Alyson Elliott. Subject: ZHB request for applications
5. Voting Machine Delivery/Pick-up Notice – November 5, 2013 Election
6. Compliance Audit Report of the Sanatoga Volunteer Firefighters' Relief Association for the period January 1, 2009 to December 31, 2011
7. Letter from Richard Cirko, Executive Director, VNA Community Services requesting a financial contribution for fiscal year 2014.

SUBDIVISION AND LAND DEVELOPMENT:

None.

OLD BUSINESS:

Yard Waste Disposal Options—As requested by Commissioner Kaiser, Mr. Hawthorne provided lump sum prices the Township would pay for its residents to dispose of yard waste from three DEP approved facilities. Arborganic Acres submitted the lowest price, which is \$5,000 per year.

Name/Address of Facility	Cost to LPT per month	Cost to LPT for 6 months	Cost to LPT for 12 months
Arborganic Acres 901 Cherry Hill Lane Pottstown, PA 19465			\$5,000 annual fee If Township purchases significant materials or services during the course of the year – up to \$1,000 discount on the following year’s contract.
Hetrick Gardens Yard Waste Recycling Center 2620 Swamp Pike Pottstown, PA 19464	\$1,000 per month for 6 or more months	\$6,000	\$12,000
Hopewell Trucking and Excavating 172 Fancy Hill Road Boyertown, PA 19512	\$1,000	\$6,000	\$12,000 Residents receive 5% discount on mulch products

Mr. Hawthorne stated that Michele Cappelletti spoke with DEP and was advised that the Township is permitted to enter into a “pay as you go” arrangement with a DEP approved site. With this type of arrangement, the residents would pay at the time of drop off. Listed below are the residential tipping fees the residents would pay to drop off at each facility:

<u>Arborganic Acres</u>	<u>Hetrick Gardens</u>	<u>Hopewell Trucking and Excavating</u>
Price per ton (unless otherwise noted) Leaves - \$24.00 Yard Waste - \$32.00 Mixed Load - \$32.00 Hardwood Logs – Free Topsoil – Free Fill Dirt (per truck size) - \$55.00 - \$75.00 Woodchips – Free Stumps (small & clean) - \$35.00 Pine Logs/Large Stumps - \$50.00	<u>Leaves</u> Car Load up to 6 large bags - \$10.00 Pick-up truck or small trailer - \$20.00 Small dump truck or dump trailer - \$40.00 <u>Brush</u> Car Load - \$20.00 Pick-up truck or small trailer - \$40.00 Small dump truck or dump trailer - \$60.00 Larger vehicles priced individually by the load.	Fees not provided

Commissioner Klotz asked what a dumpster would cost. After discussion, it was determined that a dumpster would not be appropriate because of the potential for misuse.

Commissioner Klotz stated Hetrick Gardens fees are \$12,000 per year. Mr. Hawthorne explained if Hetrick Gardens was chosen as the drop off facility, the fee for six months would be \$6,000, which would be paid by the Township. Residents would present proof of residency and could then use the drop-off facility free of charge during the six months that the Township does not provide curbside pick up.

Commissioner Klotz stated Arborganic Acres is \$5,000 per year. He asked about J. P. Mascaro's fees. Mr. Hawthorne said the Township could add six (6) more curbside pickups through J. P. Mascaro. The cost for this service would be an additional \$18,000 per year. Commissioner McGroarty asked if the Township has the ability to change its contract with J. P. Mascaro. Solicitor Holloway said yes, the Township has flexibility and would only have to meet the notice requirement.

Commissioner Klotz asked when the Board has to make a decision. Commissioner McGroarty asked if we are currently compliant with DEP. Mr. Hawthorne said the Township has free drop-off at Arborganic Acres until the end of 2013, but we will not be compliant in 2014.

Commissioner Foltz was leery about not providing curbside leaf pick up. He was concerned that residents might blow their leaves in the streets and yards. Commissioner McGroarty felt most people do use the curbside pick up and he would hate to see this service discontinued.

Commissioner Klotz asked if Arborganic would provide a reduced rate for six months of service. Instead of the Township paying a lump sum, Commissioner McGroarty did not have a problem with residents using the "pay as you go" option during the off-season. Mr. Wagner said New Hanover rents a tub grinder, which is free for residents, at Hetrick Gardens.

Commissioner Klotz asked if the Township has to pick only one facility. Mr. Hawthorne has a call in to Mary Alice Reisse at DEP and he will ask if the Township can designate more than one drop off facility.

Commissioner McGroarty made a motion to authorize the Township to enter into an agreement with Hetrick Gardens for Township residents to pay to drop off leaf/yard waste at this facility during the months that the Township does not provide curbside pickup (January, February, March, July, August and September) with fees in accordance with the residential tipping fee schedule provided by the facility. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

NEW BUSINESS:

Stipulation to Settle—Solicitor Holloway again presented Stipulations to Settle two tax appeals, Brookside Country Club and The Hill School. The Stipulation was worked out between the Pottsgrove School District's Solicitor and the attorney for Brookside and The Hill School. The Stipulation agrees that the effective date of the assessment reduction for both parcels is January 2, 2012. That date was selected because this appeal was filed prior to September 1, 2011 to the Board of Assessment Appeals and then appealed to the Court of Common Pleas in December 2011.

Because the Stipulation agrees that the assessment should be reduced effective January 1, 2012, it has the effect of reducing the tax already paid by the appellant for 2012 and 2013. For Lower Pottsgrove, this settlement requires a reduction or credit of taxes in the amount of \$606.76 for The Hill School parcel and \$1,248.38 for the Brookside parcel total for both years. The combined total of these two refunds/reductions is \$1,855.14.

Commissioner Klotz made a motion that we accept the settlement for both the Brookside Country Club and The Hill School tax appeals and authorize the Township Solicitor to execute the Stipulations. He further made a motion that we direct the Township Treasurer/Tax Collector to give credit to the taxpayers on their 2014 bills in the following amounts: Brookside Country - \$1,248.38 and The Hill School - \$606.76. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

Warrant #817— Commissioner McGroarty made a motion to approve Warrant #817 for the month of September 2013. Commissioner Klotz 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 September 2013, as submitted by Jennifer Marsteller. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

COMMISSIONERS' COMMENTS:

Commissioner Klotz said going into the Historical Society is like taking a step back in time. He was amazed at the artifacts displayed in the Chapel. He requested that an email reminder be sent to the Commissioners regarding the Rededication of the War Veterans Memorial on November 10 at 1:00 p.m. Mr. Wagner said a meeting request can be sent via email, with a reminder notice set up for the day before the event.

Commissioner McGroarty welcomed Mr. Wagner back to the Township and said it was great to have him home.

Commissioner McGroarty said for him, accepting the resignation of Keith Place is truly with regret. He expressed his appreciation to Keith for his many years of service to the Township. Commissioner McGroarty has dealt with Keith both on a professional and personal level and has always found him to be prompt, helpful and knowledgeable.

Commissioner Foltz welcomed Ed Wagner back. He also expressed his regret in accepting Keith's resignation and noted that Keith is moving on to advance himself.

MANAGERS' COMMENTS:

Mr. Hawthorne received a resignation letter from Planning Commission member Brian Brentzel. Mr. Brentzel is relocating outside of the Township and will be unable to fulfill the Commission's residency requirement. Mr. Hawthorne asked if the Commissioners want the vacancy posted on FaceBook. Commissioner McGroarty said yes, he felt this is the proper way to do it.

Mr. Hawthorne reported that the Township received eight (8) applications for the vacancy on the Zoning Hearing Board by the October 23 deadline. He suggested conducting interviews on some future date, at the Board's pleasure. Mr. Hawthorne will provide the Board with copies of the applications.

LERTA Update—Solicitor Holloway reported that he, Mr. Hawthorne and Ms. Elliott reached out to Montgomery County to establish a point of contact to help with putting together information for a LERTA District. The Township's initial point of contact is Brian O'Leary and he is somewhat familiar with the North End of the Township (Charlotte Street from Mervine to the northern boundary of Kauffman Road), which is being considered as a possible area for the LERTA District. The statistics and information will be brought back to the Commissioners for discussion and their decision on whether or not to move forward with establishing a LERTA District.

Mr. Wagner said he was glad to be back and it was good to see everyone. He announced that the Fall Festival will be held at the Sanatoga Park Ball Field (upper level) from 11:00 a.m. to 1:00 p.m. on Saturday, October 26, 2013. Mr. Wagner said if anyone can come out, it's a great event and he will be there.

Public meeting adjourned at 7:45 p.m. Next meeting will be held on Thursday, November 7, 2013 at 7:00 p.m.

Respectfully submitted,



Michele M. Cappelletti
Township Secretary