

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
January 24, 2013

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled work session meeting on Thursday, January 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: Jonathan H. Spadt, President; Bruce L. Foltz, Vice President; Michael McGroarty, James D. Kaiser and Stephen M. Klotz.

R. Kurtz Holloway, Solicitor; Rodney P. Hawthorne, Manager; Alyson Elliott, Assistant Manager; Michael A. Foltz, Chief of Police and Michele Cappelletti, Secretary.

EXECUTIVE SESSION:

Commissioner Spadt announced that the Board met in executive session from 6:00 p.m. to 7:10 p.m. to discuss personnel matters.

COMMENTS FROM VISITORS:

As a show of appreciation, Plymouth Township officials are personally visiting municipalities who offered support and assistance during their time of need. Township Manager Karen Weiss, Council Chair Sheldon Simpson and Chief of Police Joseph Lawrence thanked Chief Foltz and the Board of Commissioners for the tremendous support they received from Lower Pottsgrove Township when one of their officers was killed in the line of duty.

Chief Foltz said it was the least we could do and thanked everyone for coming to the meeting. On behalf of the Board of Commissioners, Commissioner Spadt said he was humbled and overwhelmed by the fact that the Plymouth Township officials are taking the time and energy to go on a "road show" to personally express their appreciation. Their efforts were very much appreciated.

Kimberly Trotman, Legislative Assistant to State Representative Mark Painter, introduced herself to the Board and provided Rep. Painter's contact information.

John McMenamin of Wil Hallman Retirement Development (WHRD) came to the meeting to discuss a Use and Occupancy permit (U&O) for the Prizer House. Mr. Hawthorne said that the Prizer House is to be used as a community center for the residents of Buchert Ridge Community. Ms. Elliott explained that John McMenamin, Rod Hawthorne and Scott Exley met to discuss the land development process and together they decided, in order to help WHRD and its tenants, a building permit would be issued, but the Township would hold the U&O until parking and site issues were resolved. Ms. Elliott said the project needed to go through the land development process and all parties agreed that a U&O would not be issued for the Prizer House until the land development process was completed.

Commissioner Spadt said this agreement was made awhile ago and asked staff if there was a reason to not change what was agreed to. Mr. McMenamain said there are 6 parking spaces at the Prizer House. Keith Place, Director of Codes Administration, pointed out that 2 of the handicapped parking spaces had a 4% slope vs. the 2% required by ADA. Mr. McMenamain said it is their intention to mill the paving down to resolve this problem. Mr. Hawthorne said there will be 2 handicapped parking spaces and 4 regular parking spaces but most residents would walk to the Prizer House. In addition to the parking spaces, grab bars in the showers and counter height also did not comply with ADA requirements.

Commissioner Foltz said times have changed, the economy has changed and the development will not be completed for quite some time. He does not like to go against staff but since the house is completed, he sees no reason not to let the people use the facility. Commissioner Spadt said he saw no reason to disallow it. He asked for a good reason not to issue the U&O.

Solicitor Holloway said one of the major reasons for land development is public safety and he would hate to see the Township allow an occupancy permit if the building is not safe. The Solicitor introduced the idea of having an indemnification agreement in place if the U&O is issued, as he had concerns about liability.

Commissioner Klotz was concerned about the 4% slope of the 2 handicapped parking spaces because they do not meet ADA requirements; however, he was willing to agree to the U&O if an addendum were issued requiring all work be completed in compliance with specifications.

Commissioner Kaiser understands the risks to the Township and why we have the land development process. He asked for a timeline of when the plan will be completed. Mr. McMenamain hopes to have all approvals by the end of summer.

Commissioner McGroarty said not being in the building trade, whenever issues like this come up, he counts on staff and counsel. He questioned if we can get past the potential safety issues during the land development process, why shouldn't we do it? However, since this is not his area of expertise, Commissioner McGroarty reiterated that he is counting on Ms. Elliott's and Solicitor Holloway's recommendations. He recognized that there are issues on both sides and if there is a resolution, no safety issues, no liability issues, let's take a look it.

Commissioner Spadt recommended that staff meet with Mr. McMenamain to work out a potential solution. He would like to see the liability/safety issues addressed so people can use the facility. Commissioner Foltz asked for a timeframe for staff to review. Commissioner Klotz would like to see the U&O issued as soon as possible.

Commissioner Spadt said the Board's directive is to figure out a way to make it work if reasonably possible. At the Board's next meeting, Commissioner Kaiser would like to be

at the point to hear everything from the Solicitor, such as where we stand, here are our suggestions, etc. so the Board can make a decision.

Commissioner McGroarty stated that this issue is not a reflection on what staff is doing; it is a need because some things were supposed to be done, but were not done.

APPROVAL OF MINUTES:

Commissioner Klotz made a motion to approve the meeting minutes of the January 4, 2013 Board of Commissioners meeting. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

RESOLUTIONS AND ORDINANCES:

None.

CORRESPONDENCE AND INFORMATION:

Correspondence from Peter J. Dolan, Esquire—Commissioner Spadt said he was very impressed with the summary of Upper Pottsgrove's open space referendum provided by Mr. Dolan. Mr. Hawthorne said Mr. Dolan has offered to attend a Commissioners' meeting if the Board would like to further discuss open space. Commissioner Spadt noted that Mr. Dolan recommended contacting Dulcie Flaharty of the Montgomery County Lands Trust if Lower Pottsgrove decides to go through the referendum process.

SUBDIVISION AND LAND DEVELOPMENT:

None.

OLD BUSINESS:

Generator Project—The following bids were opened and read aloud at the Lower Pottsgrove Township Municipal Building on Friday, January 18, 2013 at 2:00 p.m.:

Company Name	Company Address	Bid (\$)	Max. hourly rate for additional work needed
A. N. Lynch Co. Inc.	122 Finkbiner Road Spring City, PA 19475	\$57,935.00	\$98.25
MJF Electrical Contracting & Maintenance Inc.	4800 Boston Ave. Trevose, PA 19053	\$68,925.00	\$98.00
AJM Electric	2333 Concord Road Chester Township, PA 19013	\$54,300.00	\$120.00
Brendan Stanton Inc.dba BSI Electrical Contractors	416 Stump Road Montgomeryville, PA 18936	\$50,900.00	\$102.08
Philips Brothers Electrical Contractors, Inc.	235 Sweet Spring Road Glenmoore, PA 19343	\$59,000.00	\$92.00
Barry J. Hoffman Co., Inc.	213 N. 14 th Street Allentown, PA 18102-3605	\$55,870.00	\$98.00

Commissioner Foltz made a motion to award the bid for the Lower Pottsgrove Township Generator Project to the lowest bidder, Brendan Stanton Inc. dba BSI Electrical Contractors, in the amount of \$50,900.00.

Solicitor Holloway stated that the bid is in order and there is no legal impediment to the Board of Commissioners accepting the bid and awarding the contract. Commissioner Kaiser asked how the rates quoted for the "maximum hourly rate for additional work" were considered. Solicitor Holloway said the project, as designed, is to be completed at the quoted bid price. The additional maximum hourly rate is only for change orders that the Township might make.

Commissioner Klotz seconded Commissioner Foltz's motion. Motion carried by a vote of 5-0.

NEW BUSINESS:

Transfer of Eating Place Retail Dispenser License—Mr. Hawthorne received a letter requesting the transfer of an Eating Place Retail Dispenser License in Lower Providence Township to a proposed new location in Lower Pottsgrove Township. The license applicant is AM 3686, Inc. and the location is 1380 N. Charlotte Street, the former Pizza Hut, in Lower Pottsgrove Township. Mr. Hawthorne asked for authorization to set a date and advertise a public hearing.

Commissioner Klotz asked what type of an eating place this will be and if it was take-out. Solicitor Holloway said they would be selling malt liquor and he will provide the Board with additional information about the business prior to the hearing.

Commissioner Foltz made a motion to advertise a public hearing to be held at the Lower Pottsgrove Township Municipal Building, 2199 Buchert Road, on February 21, 2013 at 7:00 p.m. to receive public comment on the transfer of an Eating Place Retail Dispenser License into Lower Pottsgrove Township from Lower Providence Township. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Sanatoga Fire Company—Commissioner Foltz reported that Sanatoga Fire Company intends to buy a new truck and would like to know the Township's 5-year plan so they can properly outfit it. After discussion, it was decided that Mr. Hawthorne will set up an informal meeting with the appropriate Township officials and staff, representatives of both fire companies, the Fire Marshal, the Chief of Police and the Emergency Management Coordinator to discuss future development in the Township.

Tuition Reimbursement: Chief Foltz requested approval of a Request for Reimbursement for Tuition and Books, submitted by Ofc. James McCue. Ofc. McCue is attending Penn State University in pursuit of a Bachelors Degree in Criminal Justice and his request is in accordance with the current police contract.

Commissioner Klotz made a motion to approve the Request for Reimbursement for Tuition and Books submitted by Ofc. James McCue for two courses, *Introduction to Law* and *The Juvenile Justice System* in the amount of \$3,207.00 plus \$183.16 for two books,

for a total reimbursement of \$3,390.16. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Warrant #808— Commissioner Klotz made a motion to approve Warrant #808 for the month of December 2012. Commissioner McGroarty 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 December 2012, as submitted by Jennifer Marsteller. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

EXECUTIVE SESSION ACTION:

Commissioner Spadt announced that during executive session, the Board discussed the following contractual and personnel matters:

1. The on-going contract negotiations with the Police Collective Bargaining Unit.
2. The investigation that was conducted based on an incident that occurred on December 3, 2012. Commissioner Spadt made a motion to accept Chief Foltz's recommendation to suspend Lower Pottsgrove Police Officer Badge #29 for sixty (60) hours, [five (5) 12-hour shifts], without pay, with the suspension commencing at Chief Foltz's discretion. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 5-0 in favor.
3. Establishment of a Civil Service list of candidates for the position of police patrolman for the Lower Pottsgrove Township Police Department. Commissioner Spadt made a motion to authorize the Lower Pottsgrove Township Civil Service Commission to meet to establish a new eligibility list and to advertise the meeting. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

MANAGER'S COMMENTS:

Mr. Hawthorne asked how to proceed with presentation of the plaques for the Pottsgrove High School Band and the Cross Country Team. The Board agreed to invite the Band Director, the Cross Country Coach and all members of both groups to a future Board meeting for presentation.

COMMISSIONERS' COMMENTS:

Commissioner Klotz would like to set up a meeting with Marilyn Eaton, Pottsgrove Middle School physical education teacher, on the subject of health and fitness.

Commissioner Kaiser had no comments.

Commissioner McGroarty stated that he would like to have a report on the Lower Pottsgrove Authority at the first Board meeting of the month. He said Mr. Hawthorne

meets with the Authority and he would like to start hearing about what is going on so the Board is more-well informed. The Board agreed and supported Commissioner McGroarty's request.

Commissioner Foltz said we are slowing losing our nice, decorative street lights and asked for an update on the lights that are out in the Township. He mentioned that there are two privately owned lights out at the TriCounty auto dealership and a few are out at the former Rite Aid building. Mr. Hawthorne will follow up with Keith Place.

Commissioner Spadt's only comment was to heap praise on Chief Foltz for working with the Montgomery County Sexual Assault Task Force to set up the educational program "Protecting Your Children from Sex Offenders." It was a tremendous success, with over 60 people in attendance, and the feedback was that it was extremely appreciated. He also recognized the Pottsgrove School District for working together with the Township and hosting the program at the Lower Pottsgrove Elementary School.

Commissioner Spadt said to Commissioner Klotz that there is an honest disagreement about the budget and Commissioner Klotz is totally entitled to his opinion. He acknowledged that Commissioner Foltz has a similar disagreement. Commissioner Spadt noted that there is no tax increase in 2013; however, expenses continue to go up and revenue continues to fall. He felt it was healthy to have an honest disagreement among Board members.

There being no further business, the public meeting adjourned at 8:00 p.m.

Next meeting will be held on Monday, February 4, 2013 at 7:00 p.m.

Respectfully submitted,



Michele M. Cappelletti
Township Secretary