

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
January 6, 2011

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Thursday, January 6, 2011 at the Lower Pottsgrove Township Municipal Building, 2199 Buchert Road, Pottstown, Pennsylvania. Meeting was called to order at 7:00 p.m. The following were in attendance:

Board of Commissioners: Bruce L. Foltz, Vice-President; James C. Phillips, Michael McGroarty and James D. Kaiser.

R. Kurtz Holloway, Solicitor; Rodney P. Hawthorne, Manager; Alyson E. Elliott, Assistant Manager; Jennifer V. Marsteller, Treasurer; Michael Shade, Chief of Police; Lt. Michael A. Foltz, Emergency Management Coordinator; Chris Wilcox, Deputy Emergency Management Coordinator, Lew Babel, Fire Marshal; Chad Camburn, Township Engineer, and Michele Cappelletti, Secretary.

President Jonathan H. Spadt was absent from the meeting.

COMMENTS FROM VISITORS:

Tom Troutman, 2469 E. High Street asked if there will be public meetings when the Township starts working on the trash contract. Mr. Hawthorne said most meetings will be between him and Solicitor Holloway; however, committee meetings will have to be advertised.

Mr. Troutman had the same question about the police contract and asked if there will be a time for public input. Solicitor Holloway said contract negotiations would never be public. He told Mr. Troutman that the public is free to comment and give input to the Board of Commissioners at any time. The Solicitor also stated that the police contract itself is a public record.

Mr. Troutman thought the trash and police contracts would be handled the same as the budget. Solicitor Holloway explained that the trash contract is different because the Township will be going out for bid for this service. The process involves what will be included, or not included, in the bid specs. The specs will be advertised, the bid opening will be at an advertised meeting and the contract will be awarded at a public meeting.

Mr. Troutman asked when the public could make a presentation on what should be included in the bid specs. The Solicitor advised Mr. Troutman that at any public meeting, you can say what you like. Mr. Troutman said there is a lot of controversy and felt there should be a public meeting. Township resident Bill Wolfgang suggested that the Township hold one meeting for those who have concerns (about the trash contract) so the Board can get input from the citizens who have those concerns.

Commissioner Foltz said that Trash Committee meetings, where he and Commissioner Kaiser would meet with staff, would need to be advertised.

Tony Doyle, 1745 Kepler Road said he has a problem with there being no "Comments from Visitors" at the end of the meeting because he can't offer his rebuttal at that time.

Mr. Doyle had questions about Commissioner Spadt's comments at the last meeting regarding the Manager's employment agreement. He asked if the Board would be looking at it for enhancement and if the Commissioners would vote if they want to do it. Mr. Doyle said he would like to renegotiate. Commissioner Foltz said it was correct that the Commissioners would vote on it.

Mr. Doyle asked if it would be brought up at a meeting. Commissioner Phillips said it has to be approved by the Board of Commissioners, just as any agreement has to be approved by the Board. Commissioner Foltz said that at the last meeting, Rod asked to have his contract looked at and the Board approved. Mrs. Cappelletti read the approval from the December 16, 2010 Board of Commissioners meeting.

Commissioner McGroarty said it is not a contract, it is a memorandum of understanding but he was unsure of what the difference is. Commissioner McGroarty noted that Mr. Hawthorne's agreement has not been looked at in 10 years.

Mr. Doyle said he was told that the agreement was not privy to residents. Commissioner Foltz said it will be handled by legal counsel along with Commissioner Spadt. Mr. Doyle understood that "counsel" was not Solicitor Holloway, it was outside, and asked if there was a charge to negotiate. Mr. Hawthorne said the bill will be on the Warrant the same as any other bill.

Commissioner Kaiser said legal counsel is working on the Township's behalf to make sure the Township is protected. Mr. Doyle felt the Commissioners should "hash it out."

Mr. Doyle commented on the Police or Highway Dept. looking into eliminating some of the Township's streetlights. Mr. Doyle would have liked to put more streetlights on and he has a problem with eliminating the lights that we have. Commissioner Foltz said Mr. Hawthorne and Chief Shade will look into this and make a recommendation. Mr. Doyle asked whose idea it was to eliminate lights. Mr. Hawthorne said it was his idea.

Mr. Doyle said Pottstown has an online option for paying bills and asked if this was something Lower Pottsgrove should look into. He felt it would save money. Mrs. Cappelletti said sewer bills can be paid online but the credit card company charges a user fee for this service. Trash bills cannot be paid online.

Tom Wojton, Rupert Road, asked who the Chairman of the Board of Commissioners is. Commissioner Foltz said Commissioner Spadt. Mr. Wojton commented that Commissioner Spadt was absent from this meeting.

Jim Prendergast, 1304 Walnut Ridge Estates, had complaints about the holes on Kepler Road. Mr. Hawthorne said PennDOT was notified of the problem yesterday. They are going to do the base first, then fill the potholes, then paving.

CORRESPONDENCE AND INFORMATION:

Letter from Township Resident Gary Smith—Mr. Hawthorne read aloud a letter from Mr. Gary Smith, dated December 21, 2010, regarding whether or not he needed a permit to install a carport at his residence (copy of letter attached). In his letter, Mr. Smith requested that the

Township waive the \$500.00 zoning hearing application fee because he was given incorrect information by Township staff.

The Board discussed Mr. Smith's letter. Commissioner Foltz stated that the Township made the mistake and Mr. Smith is willing to go through with the zoning hearing. It was his personal feeling that the \$500.00 fee should be waived.

Commissioner Phillips asked if, in fact, the Township staff representative did say what was documented in Mr. Smith's letter. Mr. Hawthorne said yes, there was a record of the phone call and response in a log kept by the employee.

Mr. Smith was present at the meeting. He said he would have never purchased the carport if he couldn't have installed it where it is. He does not want to move it to the back of the house. He was told it was OK, he purchased it and put it up.

Commissioner Kaiser asked what would happen if the Zoning Hearing Board does not grant the relief? Commissioner McGroarty answered if the Zoning Board says no, the structure has to come down. The Solicitor advised that Mr. Smith could take it down or move it to an area where it complies with zoning.

Commissioner McGroarty stated that a mistake was made in this building. He said if the Township waives the fee, then whatever happens at the zoning hearing happens. Mr. Smith said he understood that.

Commissioner McGroarty made a motion to waive the zoning hearing fee for Mr. Gary Smith's application to the Zoning Hearing Board for the carport. Commissioner Phillips seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

APPROVAL OF MINUTES:

Commissioner Kaiser made a motion to approve the minutes of the December 16, 2010 Board of Commissioners Close-Out meeting. Commissioner Phillips seconded the motion and it was approved by a vote of 4-0 in favor.

REPORTS:

Police

Chief Shade highlighted the following from his December 2010 report:

1. **Criminal Investigations/Arrests:**
 - a. Detective Campbell is investigating a residential burglary in the 30 block of Doe Run Lane;
 - b. Detective Campbell is also investigating a shooting that occurred at a Keim Street apartment complex on New Year's Eve. Detective Campbell is making progress and the investigation is on-going.
2. **Attachments:**
 - a. End of year statistics.

All statistics and information are included in Chief Shade's written report. Chief Shade asked the Commissioners to contact him if they had any questions or comments.

Emergency Management

The Emergency Management report prepared by Lt. Michael A. Foltz, Emergency Management Coordinator, was attached to Chief Shade's police report.

Lt. Foltz introduced Chris Wilcox, the Township's Deputy Emergency Management Coordinator, to the Board. Mr. Wilcox will be filling in for Lt. Foltz from January 8 through March 20 when Lt. Foltz attends the F.B.I. Academy. Michele Cappelletti will also be working with Mr. Wilcox on emergency management issues during Lt. Foltz's absence.

Lt. Foltz highlighted the following from his report:

1. An incident was created in Knowledge Center during the December 26, 2010 snow storm. Dep. EMC Wilcox successfully handled the incident.
2. The US Route 422 (Pottstown Bypass) Incident Management Plan has been finalized. Lt. Foltz sent copies of the plan to the Board and staff via email.
3. A laptop computer and 2 printers were purchased and placed in service under the funds received through the Act 147 grant.

All statistics and information are included in Lt. Foltz's written report. Lt. Foltz asked the Commissioners to contact him if they had any questions or comments.

Fire Marshal

Mr. Babel reported the following statistics for December 2010:

Station	Total Calls	Total Hrs. of Service	Total Personnel Hrs.	Total Personnel Training Hrs.	Total Fundraising Hrs.
	Nov. 2010	Nov. 2010	Nov. 2010	Nov. 2010	Nov. 2010
Sanatoga (Station 58)	29	26	370	248	Not provided
Ringling Hill (Station 59)	22	27.75	143	101	287

(Hours are approximate)

Mr. Babel will have each station's yearly reports at the next Board of Commissioners meeting.

Highway—Public Works Department: Commissioner Foltz read highlights from the Public Works Report for the month of December 2010. He commented that the Public Works Department did an excellent job with snow removal on December 26 and 27. He also thanked Chris Wilcox and Michele Cappelletti for their work during the snow storm, noting that Mr. Wilcox is a volunteer. The report will be posted on the bulletin board.

C.O.G.—Mr. Phillips advised that there will be a C.O.G. meeting on January 11, 2011 and he will have a report at the next Board of Commissioners meeting.

Engineering—No report.

Treasurer—No report. Ms. Marsteller is currently working on wrapping up the 2010 tax year and will have a comprehensive report in February.

Solicitor—No report.

Parks and Recreation—Ms. Elliott reported the following:

1. The Santa Letters went very well. Participation was slightly higher than last year's Santa's Hotline project.
2. January 12, 2011 is the last day for comments for the Gerald Richards Park/Pleasant View Park Master Site Plan (Draft). Ms. Elliott would be happy to hear any comments.

CORRESPONDENCE AND INFORMATION:

See Letter from Township Resident Gary Smith.

The following information was included in the Commissioners' packets:

1. Letter from Louis R. Belmonte, District Traffic Engineer, PennDOT regarding reduction of speed limit on E. High Street (Ridge Pike).
2. Letter from Delaware Valley Health Insurance Trust to Rod Hawthorne. Re: Board Secretary Election.

SUBDIVISION AND LAND DEVELOPMENT:

None.

OLD BUSINESS:

Treasurer's Report—Mr. Hawthorne advised that the November Treasurer's Report was not approved at the last meeting.

Commissioner Kaiser motioned to accept the Tax Collector's Monthly Report to Taxing Districts for the month of November 2010, as prepared by Jennifer Marsteller. Commissioner Phillips seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Request for Reimbursement for Tuition and Books—Mr. Hawthorne presented a tuition invoice from Det. Joe Campbell for approval. He advised that tuition reimbursement is a police contract item.

Commissioner Phillips understood that Det. Campbell needs above a "C" in the course to qualify for reimbursement. He discussed the Township paying the invoice in advance with Chief Shade. Chief Shade advised that this has been the Township's practice for other officers. Commissioner Phillips noted that it is just a point of interest and, from Det. Campbell's past grades, there is nothing that indicates that Det. Campbell will not meet the grade requirement.

Commissioner Phillips made a motion to approve the Request for Reimbursement for Tuition and Books submitted by Det. Joseph Campbell for a course entitled *Management Principles and Practices*, in the amount of \$1,644.75 (without the book). Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Elimination of Permits Clerk Position—Mr. Hawthorne reported that the permits clerk position has been eliminated and a severance agreement was signed by all parties. Mr. Hawthorne requested that the Board ratify this action.

Commissioner Phillips made a motion to ratify the elimination of the permits clerk position and the severance agreement. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Commissioner Foltz stated that the Township also eliminated the part-time clerical position in the Police Department. There was no severance agreement.

NEW BUSINESS:

None.

RESOLUTIONS AND ORDINANCES:

Ordinance No. 299 Amending the Non-Uniformed Pension Plan—Mr. Hawthorne explained that in 2006, an ordinance amending and restating the Non-Uniformed Pension Plan inadvertently revised the eligibility requirement for membership from date of hire to January 1 following the date of hire. The State Auditor recommended that the Plan and Ordinance be revised so they are consistent and reflect the correct date, which is the employee's date of hire.

Commissioner McGroarty made a motion to approve Ordinance No. 299, an ordinance amending the Lower Pottsgrove Township's Non-Uniformed Employees Pension Plan and Pension Plan Ordinance. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Ordinance No. 300 (Portnoff)—Commissioner Phillips made a motion to approve Ordinance No. 300, approving Collection Procedures and Adopting Penalty, Interest and Schedule of Attorney Fees to be Added to the Amount Collected as Part of Real Estate Taxes and Municipal Claims for Delinquent Accounts and Repealing Prior Attorney Fees Ordinance. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Resolution No. 886—Commissioner Kaiser made a motion to approve Resolution No. 886, Appointing Portnoff Law Associates, Ltd. for the Collection of Delinquent Real Estate Taxes and Trash Fees, Authorizing Execution of Agreement, and Directing Montgomery County Tax Claim Bureau Not To Collect Delinquent Real Estate Taxes on Behalf of Lower Pottsgrove Township. Commissioner Phillips seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Resolution No. 887—Commissioner McGroarty made a motion to approve Resolution No. 887, confirming the following special fire police officers of Ringing Hill Fire Company: Officer – Charles W. Ritschard, Jr. and Officer - Brett C. Rhoads. Commissioner Phillips seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Chief Shade stated that both officers meet the criteria set forth in the new fire police policy.

Resolution No. 818-B—Commissioner Kaiser made a motion to approve Resolution No. 818-B, authorizing the disposition of public records, in accordance with the Municipal Records Manual, (approved on December 16, 2008). Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Resolution No. 888—Commissioner Phillips made a motion to reappoint E. G. “Woody” Righter as Chairman of the Vacancy Board. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Warrant—Warrant No. 784 for December 2010 will be distributed via email for the Commissioners review.

COMMISSIONERS COMMENTS:

Commissioner Kaiser had no comments.

Commissioner McGroarty and Commissioner Phillips wished Lt. Foltz good luck at the F.B.I. Academy. Lt. Foltz thanked the Board for the opportunity.

Commissioner Foltz had no comments.

MANAGER’S COMMENTS:

Speed Limit on East High Street--Mr. Hawthorne reported that PennDOT approved lowering the speed limit on East High Street, between Pleasant View Road and Sunnybrook Road, from 40 mph to 35 mph. John Fogel is buying the signs and they should be installed in approximately three weeks.

Solicitor Holloway and Ms. Elliott had no comments.

There being no further business, the meeting was adjourned at 7:40 p.m.

Next meeting will be held on Thursday, January 20, 2011 at 7:00 p.m.

Respectfully submitted,



Michele M. Cappelletti
Secretary

December 21,2010

Lower Pottsgove Twp. Commissioners

Rodney Hawthorne

Dear Sirs,

On or about October 26,2010, a person who introduced himself as Keith Place Zoning Officer for Lower Pottsgrove Township came on to my property and asked if I was the property owner. I just had a carport installed on my property. He told me that I needed a permit for the carport. I told him my wife called the Township Zoning office and talked to a woman in the zoning office and explained that it was a metal carport. She asked my wife if it was a carport with metal legs. My wife said yes and she told her we did not need a permit. We could just put it up. Keith than said that he would have to check and see if we did or did not need a permit. He told us it would have to be put up over an existing driveway, which it was.

On November 17, 2010 or there about, Keith came back to my property at 2408 Sunnyslope Drive and told me there was a record of the call my wife made to the township office and that the woman she talked to was reprimanded because of the information she gave my wife. He then told me I would have to move the carport to the back of the house or file for a variance. It would cost us \$500.00 for the hearing. I told Keith that I would have never purchased the carport if I needed a variance to have it erected. He told me he could waive the permit fee , but could not waive the hearing fee for the variance. He told me that it was against the zoning ordinance because it was made out of building materials and its location.

I think it is only right and fair in the matter that the \$500.00 fee be waived; because I feel I did what I was supposed to do by contacting the township zoning office and asking if a permit was required. I was told it was not. I did not make the mistake the township did.


Gary Smith

2408 Sunnyslope Dr.

Pottstown Pa 19464