

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
August 1, 2011

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Monday, August 1, 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: Jonathan H. Spadt, President; Bruce L. Foltz, Vice-President; James C. Phillips, and James D. Kaiser.

R. Kurtz Holloway, Solicitor; Rodney P. Hawthorne, Manager; Alyson E. Elliott, Assistant Manager; Jennifer V. Marsteller, Treasurer; Scott Exley, Township Engineer and Michele Cappelletti, Secretary.

Commissioner Michael McGroarty and Chief of Police Michael Shade were absent from the meeting.

COMMENTS FROM VISITORS:

P. J. McGill, 953 Rivendell Lane, had the following comments:

1. **Planning Commission**—Mr. McGill noted that there is a vacancy on the Township Planning Commission. He served notice that he would like to be on this Commission. He provided Mrs. Cappelletti with a completed Information Sheet for Individuals Interested in Serving the Township on a Board or Commission.
2. **Firefighter Cancer Presumption Legislation**—Mr. McGill said that on October 4, 2010 there was a motion before the Board of Commissioners to support or not support the Firefighter Cancer Presumption bill. He said when it was time to stand up for the firefighters, the Commissioners did not and voted not to support the bill. Mr. McGill noted that the Firefighter Cancer Presumption bill was signed into law on July 14, 2011.
3. **Vacant Homes in Township**--Mr. McGill again asked how the Township was dealing with maintenance issues at vacant properties. He was especially concerned about 880 Rivendell Lane in the Woodgate development, where there is a pool with stagnant water and high grass.
4. **Comments from Visitors**—Mr. McGill said that visitors don't get a chance to speak at the end of the Commissioners' meetings. He requested that "Comments from Visitors" be moved to the end of the meeting.

Tony Doyle, 1745 Kepler Road, agreed with Mr. McGill and felt that "Comments from Visitors" should be at the end of the meeting, prior to "Commissioners' Comments." He said other townships do it this way. Mr. Doyle said if he wants to address an issue that was discussed after "Comments from Visitors," he has to wait 3 weeks (until the next Commissioners' meeting) to bring it up.

Mr. Doyle asked why the Non-Uniformed Employees Pension Plan is an additional \$40,000 over and above the Uniformed Employees Pension Plan. He asked why the Non-Uniformed Plan is more expensive and why aren't the two plans the same?

Commissioner Kaiser said he would have to go back and look at the detail. Mr. Doyle said that approximately six years ago, the Board approved a pension enhancement of approximately 5% for the non-uniformed employees. He said when the Police wanted 55% instead of 50%, they had 5% taken out of their pay. Mr. Doyle feels the Non-Uniformed Plan is not funded properly and the non-uniformed employees should also contribute 5% if they want the same as the Police Department.

Mr. Doyle asked Mr. Hawthorne about cutting the field at Pleasant View Park. Mr. Hawthorne spoke to John Fogel and John said the hay/weeds are no good and can't be used. According to John, the only way to do it properly would be to plow it under and re-seed the field.

Mr. Doyle said at last month's meeting, Chief Shade said he is turning in an SUV. Mr. Doyle asked if there was a conclusion as to what was wrong with this vehicle. Commissioner Spadt said it would be addressed at tonight's meeting.

APPROVAL OF MINUTES:

Commissioner Phillips made a motion to approve the minutes of the July 7, 2011 Board of Commissioners meeting. Commissioner Foltz seconded the motion and it was approved by a vote of 4-0 in favor.

The Board of Commissioners meeting scheduled for July 21, 2011 was cancelled, due to lack of a quorum.

REPORTS:

Police

Mr. Hawthorne advised that Chief Shade was on vacation but he did provide a report.

Emergency Management

The Emergency Management Report for the month of July, prepared by Lt. Michael A. Foltz, Emergency Management Coordinator, was distributed to the Board of Commissioners. All statistics and information are included in Lt. Foltz's written report.

Fire Marshal

Mr. Babel highlighted the following statistics from his report:

Station	Total Calls	Total Hrs. of Service	Total Personnel Hrs.	Total Personnel Training Hrs.	Total Fundraising Hrs.
	June 2011	June 2011	June 2011	June 2011	June 2011
Sanatoga (Station 58)	21	17	138	276	Not provided
Ringling Hill (Station 59)	21	18.5	136	65	225

(Hours are approximate)

Mr. Babel reported that things have been quiet, there have been no injuries and both companies are doing well.

Highway—Public Works Department: Commissioner Foltz read highlights from the Public Works Report for the month of July 2011. The report will be posted on the bulletin board.

C.O.G.—Commissioner Phillips reported that the next C.O.G. meeting will be held on September 13, 2011.

Engineering—Mr. Exley reported that the PennDOT intersection improvement project will be getting moving by Fall 2011. There are five intersections in the Township that will be affected.

Mr. Exley said the Pottstown Area Traffic Group met on July 26, 2011 at PennDOT's District Office in Valley Forge. The following projects were among those discussed:

- Keim Street Bridge Project—The Montgomery County Commissioners will likely approve the supplemental agreement for TPD to kick-off the Alternatives Analysis.
- Armand Hammer Boulevard Interchange—Ready to be let for construction in November of this year. They expect to move dirt this winter. Commissioner Foltz asked if the work being done on Route 724 and the Bypass are part of the interchange. Mr. Hawthorne said it was.

Pruss Hill Road Bridge—Mr. Hawthorne reported that Traffic Planning & Design (TPD) submitted a two-part proposal in the amount of \$7,500 for work associated with the Pruss Hill Road Bridge. The proposal includes a structural assessment, traffic counts, speed studies, etc. and TPD will make recommendations; however, Mr. Hawthorne did not know what the actual "fix" will cost. Mr. Hawthorne asked the Commissioners to drive by the site to see the physical condition of the bridge. No Board action was required.

Treasurer—Ms. Marsteller delivered the Tax Collector's Monthly Report to Taxing Districts for the month of July 2011.

Solicitor

Ordinance No. 288 (Sex Offender Residency Ordinance)—In his letter dated July 1, 2011 to Mr. Hawthorne and the Board of Commissioners, Solicitor Holloway advised that on May 25, 2011 the Pennsylvania Supreme Court entered an order in the case of Fross v. County of Allegheny, holding that an Allegheny County ordinance imposing residency restrictions for offenders subject to the registration requirements of Megan's Law is invalid. Based on the Court's opinion, the Solicitor's opinion is that Lower Pottsgrove Township's Ordinance No. 288 would be found to be invalid if challenged in court. Solicitor Holloway recommended that the Board be proactive and seriously consider either taking action to rescind Ordinance No. 288, which would require the adoption of a new ordinance, or taking other action.

Commissioner Spadt agreed with Solicitor Holloway's assessment with respect to the Allegheny County ordinance and would like to investigate if there are any ways Lower Pottsgrove can revise Ordinance No. 288. Commissioner Spadt would like to research what other municipalities are doing and would also like to talk to Senator Rafferty and Montgomery County Commissioner

Bruce Castor. Commissioner Spadt's point was that the number of offenders is too high for his liking. He recommended that the Board table a decision on the current ordinance until the Township can explore and find other options. The Board agreed with Commissioner Spadt's recommendation. No action was taken.

Commissioner Kaiser suggested a provision that would take an offender's parole into consideration. Commissioner Spadt wants to explore that type of thinking and will get back to Solicitor Holloway.

Parks and Recreation

Summer Concert Series—Ms. Elliott reported that the last summer concert, featuring the Pottsgrove Community Band, will be held on Sunday, August 7, 2011 at 6:00 p.m. The Army Band concert held on Wednesday, July 13, 2011 at 7:00 p.m. was a huge success. Jen Corley asked that the Board formally thank Joe Zlomek for assisting the Township with the public relations necessary for this event. Mr. Zlomek said Jen was very proactive and did a fabulous job promoting the Army Band. Ms. Elliott thanked Jen Corley for organizing the successful 2011 Summer Concert Series.

Pottstown Metropolitan Regional Planning Commission—Ms. Elliott reported that the Regional Planning Commission meeting was cancelled in July and may possibly be cancelled for August. On September 8, at a location and time to be determined, the Commission will meet to discuss the market impact study for land use and fiscal planning and the regional recreation coordinator position. DCNR has been contacted about funding a regional recreation coordinator.

CORRESPONDENCE AND INFORMATION:

Resignation—Nick Hiriak has submitted his resignation from the Township's Planning Commission. Commissioner Foltz recommended that a letter of thanks be sent to Mr. Hiriak for his many years of service to the Township.

Commissioner Phillips made a motion to accept, with regret, the resignation of Nick Hiriak from the Township's Planning Commission and to send a letter to Mr. Hiriak acknowledging his service to the Township. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Commissioner Spadt acknowledged that P. J. McGill has submitted his application to serve on the Planning Commission. The vacancy will be posted on the Township's website and a decision will be made in the future.

The following information was included in the Commissioners' packets:

1. David Milks email.
2. P. J. McGill email.
3. Mike Shade vacation notice email.
4. Comcast correspondence.
5. Pottstown Area Traffic Group 7/26/11 Meeting Highlights.

SUBDIVISION AND LAND DEVELOPMENT:

Kencrest Services—Mr. Hawthorne reported that Kencrest plans to construct a temporary greenhouse at 1494 N. Charlotte Street. The structure will stand for approximately three years;

Kencrest will then decide if they are going to stay at 1494 N. Charlotte Street or relocate. If Kencrest stays, they will be required to have a land development review.

Township staff recommended that the Board waive the land development process for the construction of the Kencrest temporary greenhouse. Commissioner Spadt supported this recommendation and commented that Kencrest provides a good service.

Commissioner Phillips made a motion to grant Kencrest Services relief from the requirements of the Lower Pottsgrove Township Subdivision and Land Development Ordinance, for the construction of a temporary greenhouse at 1494 N. Charlotte Street. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Mr. Hawthorne noted that Kencrest still must apply for a building permit to construct the greenhouse.

Steve Klotz, 1114 New Kepler Road, said he has been involved with this project since Day 1 and thanked Mr. Hawthorne and staff for doing a great job. He also thanked Scott Exley and Bursich Associates, Solicitor Holloway and the Board of Commissioners for their efforts.

Tri-County Urologic Real Estate Partnership—Ms. Elliott presented Tri-County Urologic Real Estate Partnership's amended land development plan for approval. The original plan for this site, Heritage/Sunnybrook C-7 (behind CVS Pharmacy), was for a larger structure. Tri-County Urologic's plan is for a reduced structure, with all the same waivers and similar conditions. The Lower Pottsgrove Township Planning Commission and Township staff recommended approval of the amended plan.

Commissioner Phillips made a motion to approve **Resolution No. 799-A** approving an amended land development called Tri-County Urologic Real Estate Partnership (Sunnybrook C-7). Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

OLD BUSINESS:

Fleet—At the July 5, 2011 Board of Commissioners meeting, Chief Shade requested approval to list and sell Unit 88-10, 2006 Ford Expedition SUV, on Municibid. The Board requested that the Department's mechanic take a look at the vehicle and determine what it would take to repair it.

In a memo to the Board, Chief Shade indicated that the primary issues with the "decommissioned" police SUV were the engine (replacement needed), transmission (replacement needed, can only be driven in 2nd gear), inspections/emissions and tires. An estimate from Albitz Garage for the costs to repair the engine and transmission is \$8,715.68. Chief Shade requested that the vehicle be listed on Municibid with a starting bid of \$500.00. He said the vehicles are generally sold for \$3,000.00 to \$5,000.00.

Commissioner Phillips made a motion to authorize, by resolution, the sale of Unit 88-10, 2006 Ford Expedition SUV, on Municibid with a starting bid set at \$500.00. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

NEW BUSINESS:

Trash Survey— Ms. Elliott provided the Board with a detailed, written report analyzing the results of the trash survey. She summarized that most of the respondents have lived in the Township more than 25 years and do not want a lot of changes to the trash service. If changes to the service would increase costs, the respondents would forego those changes. The majority was happy with the parameters of the bid and a number of people indicated they put out less than the limit and want a discount. The pay-per-bag option was not popular. Curbside pickup of yard waste and Christmas trees was acceptable. There was support for a drop-off location for yard waste, provided it was close by. Ms. Elliott thanked Township employees Jane Smale and Kathy Kurtas for mailing the surveys with the trash bills and Jen Corley and Michele Cappelletti for data input and research. Also, Kendall Place volunteered her time and assisted with data input.

Commissioner Spadt commented that the report was very impressive and the summary was excellent. He recommended that Commissioners Foltz and Kaiser meet with staff and the Solicitor to discuss the trash contract before the first meeting in September.

Commissioner Foltz felt that the results of the survey were interesting and indicated that the majority of residents are satisfied. When the Township goes out for bids, it will come down to dollars and cents. Commissioner Phillips said it is absolutely vital that the Board is in agreement with the bid package they put forward. Commissioner Kaiser said the survey was great, it covered a lot and speaks volumes of what our residents think. He said the Township will go out for bid and get the best deal we can.

Steve Klotz suggested that to get a better price and attract more bidders, the Board consider not limiting the pickup day to a Monday. Commissioner Kaiser agreed and said that was one of staff's recommendations to possibly get a better cost.

Request for Reimbursement for Tuition and Books—Commissioner Spadt presented and recommended for approval a Request for Reimbursement for Tuition and Books submitted by Det. Joe Campbell. These are the final classes needed for Det. Campbell's Masters Degree in Public Safety. Commissioner Spadt advised that tuition reimbursement is a police contract item.

Commissioner Phillips made a motion to approve the Request for Reimbursement for Tuition and Books submitted by Det. Joseph Campbell for two (2) courses entitled *Technology and the Police Executive* and *Case Study in Public Safety* in the amount of \$3,384.00 (includes a tuition discount of \$1,128.00). Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

RESOLUTIONS AND ORDINANCES:

Resolution No. 902—At the July 5, 2011 Board of Commissioners' meeting, Solicitor Holloway presented Resolution No. 902, approving the Stipulation to Settle the Heritage-Sunnybrook, L. P. Tax Assessment Appeal for the Tax Parcel No. 42-00-04684-04-4, the Heritage Sunnybrook Village property along Heritage Drive, to the Board for its approval. Township Treasurer Jen Marsteller pointed out that the fire tax was not included in the calculation. Upon the Solicitor's further review, it was determined that there is adequate language in the Stipulation to Settle for the Tax Collector to collect the delinquent taxes.

Commissioner Kaiser made a motion to approve Resolution No. 902, authorizing Solicitor Holloway to execute the Stipulation to Settle on behalf of the Board of Commissioners and authorizing the Township's Tax Collector, Jen Marsteller, to issue a bill to the taxpayer for the underpayment of taxes. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Resolution No. 904—Solicitor Holloway reported that James G. Reading and Janet M. Reading, owners of three (3) parcels of land comprising 2500 E. High Street ("Subject Property"), filed a tax assessment appeal for each parcel in Montgomery County Pennsylvania. The parties have reached an agreement regarding the assessed value of the Subject Property, and, consequently, the amount of taxes due based on said assessment. Resolution No. 904 authorizes approval of the Stipulation to Settle the tax assessment appeal and authorizes the Solicitor to execute the Stipulation and Order of Settlement on behalf of the Township.

Commissioner Kaiser made a motion to approve Resolution No. 904 and the attached Stipulation and Order of Settlement and authorized R. Kurtz Holloway, Esquire, Solicitor for Lower Pottsgrove Township, to execute the Stipulation and Order for Settlement on behalf of the Township. Commissioner Phillips seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Warrant #790— Commissioner Foltz made a motion to approve Warrant #790 for the month of June 2011. Commissioner Phillips seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

COMMISSIONERS COMMENTS:

Commissioner Kaiser had no comments.

Commissioner Phillips publicly thanked the Board for the flower arrangement basket that was sent to him on behalf of his mother's passing. He also thanked everyone for their cards and comments through Facebook. He appreciated the support.

Commissioner Foltz said there have been a lot of complaints about weeds, overgrowth, etc. and mentioned properties located in Woodgate and on Pebble Beach. He said he knows Keith Place has been addressing these problems but felt he needs to press harder to get the banks to take action. Commissioner Phillips commented that there are also property maintenance issues with occupied, private homes. Commissioner Spadt said Keith is doing his job but we may have to get more aggressive.

Mr. Hawthorne said when people walk away from their homes, we don't know where they go. Keith spends hours and hours trying to track down the homeowners and calling the banks for information. It's frustrating and the grass usually doesn't get cut until someone buys the house. Mr. Hawthorne said he did not know what else we could do but he would forward the Commissioners' concerns on to Mr. Place.

P. M. McGill commented on the condition of the swimming pool on the vacant property on Rivendell. Commissioner Foltz said Mr. Place can contact the County Board of Health.

Commissioner Spadt acknowledged that Keith Place, on his own, mounted and framed the large map on the wall of the Board room.

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

Next meeting will be held on Thursday, August 18, 2010 at 7:00 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Michele M. Cappelletti".

Michele M. Cappelletti
Secretary