

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS  
December 15, 2011 Close-Out Meeting

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled close-out meeting on Thursday, December 15, 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 attended:

**Board of Commissioners:** Jonathan H. Spadt, President; Bruce L. Foltz, Vice President; James C. Phillips and James D. Kaiser.

Solicitor R. Kurtz Holloway; Rodney P. Hawthorne, Township Manager; Alyson Elliott, Assistant Manager and Michele Cappelletti, Secretary.

Commissioner Michael McGroarty was absent.

**EXECUTIVE SESSION:**

Commissioner Spadt announced that an executive session was held at 6:45 p.m. to discuss a Police personnel matter. Executive session adjourned at 6:55 p.m.

**COMMENTS FROM VISITORS:**

**Tony Doyle**, 1745 Kepler Road, had concerns about approximately two dozen trees "laying out there" on N. Keim Street. He said if someone gets hurt, the Board will be responsible for some of it. He thought some of the trees were owned by Ringing Hill Fire Company. Commissioner Foltz said about two or three weeks ago, the Fire Company was going to close the road and cut the trees; however, this may not have been done due to bad weather. The Township will follow up with the Fire Company on this matter.

**Mr. Doyle** gave credit to Chief Shade and Alyson Elliott for sharpening their pencils during budget time. Chief cut costs on vehicles and Ms. Elliott cut the portable restroom rental in half.

**Mr. Doyle** said at the last meeting, a resident told the Board that the intersection of E. High Street and Allison Drive needed a streetlight. He asked if Mr. Hawthorne looked into it. Mr. Hawthorne said that Chief Shade will have an officer look at the area to determine if a light is needed. Mr. Hawthorne noted if a streetlight is installed, the surrounding homes will be taxed. Mr. Doyle asked how much the tax would be and Mr. Hawthorne said he had the ordinance for approval tonight. Mr. Doyle said that two weeks has gone by and this was too long. He felt the residents deserve more attention.

**Steve Klotz**, 1114 New Kepler Road, said that the request for the streetlight was from one resident. He said if it is determined that a light needs to be installed, all affected residents should be informed about the light tax and given time to respond. Mr. Klotz also asked for the rate of the light tax.

**APPROVAL OF MINUTES:**

The minutes of the December 5, 2011 Board of Commissioners meeting were presented for approval. Commissioner Spadt made the following correction of a typographical error on Page 1353 of the minutes:

As Stated:

Mr. Hawthorne stated that \$3 million was taken out of Reserves and the interest dropped from \$150,000 to \$6,000.

As Amended:

Mr. Hawthorne stated that \$300,000 was taken out of Reserves and the interest dropped from \$150,000 to \$6,000.

Commissioner Phillips made a motion to approve the minutes of the December 5, 2011, Board of Commissioners meeting, with the amended language as proposed by Commissioner Spadt. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**OLD BUSINESS:**

**Ordinance No. 146-LL**—Commissioner Phillips made a motion to approve Ordinance #146-LL, adopting the Lower Pottsgrove Township 2012 Annual Budget. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Commissioner Phillips noted that the budget can be reopened and changed 10%. Commissioner Foltz said the budget can only be reopened and changed in January.

**Ordinance No. 133-KK**—Commissioner Phillips made a motion to approve Ordinance No. 133-KK, fixing the real estate property tax rate for the year 2012. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Ordinance No. 134-LL**—Commissioner Foltz made a motion to approve Ordinance No. 134-LL, fixing the rate of assessment of street lighting in the Township for the year 2012. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Resolution No. 344-30**—Commissioner Phillips made a motion to approve Resolution No. 344-30, establishing the rates for the Act 511 taxes for 2012 at the same rates as the previous year. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Settlement Agreement**—Commissioner Spadt asked for pre-authorization to sign off on a Settlement Agreement between Lower Pottsgrove Township and Officer Matt Meitzler, pending signature first by the Union and Officer Meitzler. In the Agreement, Officer Meitzler will serve a two-day suspension. The terms of the Agreement were discussed by the Board during tonight's executive session.

Commissioner Phillips made a motion to pre-authorize Board President Spadt to sign the Settlement Agreement, pending acceptance of the Agreement by the Union, Officer Meitzler and Officer Meitzler's legal counsel. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Joe Zlomek** of the Sanatoga Post asked if the hearing that was scheduled for December 15, 2011 was held. Commissioner Spadt advised that the hearing was cancelled because the settlement was reached prior to the hearing. Mr. Zlomek asked if a two-day suspension was what was originally assigned. Commissioner Spadt said the Agreement really does not change the disciplinary action that was originally assigned to Officer Meitzler; however, Officer Meitzler will be docked one day's pay this year and one day's pay in 2012.

#### **NEW BUSINESS:**

**2012 Meeting Calendar**—Commissioner Kaiser made a motion to authorize advertisement of the 2012 Meeting Dates for the Lower Pottsgrove Township Board of Commissioners, Authority, Planning Commission and Parks and Recreation Board. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

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

**Reappointment Resolutions**—Commissioner Kaiser made a motion to approve the following reappointments:

- **Resolution No. 919** reappointing Anthony Cherico to the Lower Pottsgrove Township Planning Commission;
- **Resolution No. 920** reappointing Frank Cebular to the Lower Pottsgrove Township Planning Commission;
- **Resolution No. 921** reappointing Mark Loshnowsky to the Lower Pottsgrove Township Authority;
- **Resolution No. 922** reappointing Don Wirt to the Building Code Appeals Board and
- **Resolution No. 923** reappointing Vernest Lightcap to the Building Codes Appeals Board.

Commissioner Phillips seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Commissioner Spadt said there is still a vacancy on the Planning Commission that has not been filled. The Board has reviewed the applications on file and has agreed on three candidates who will be interviewed in early January. The Board expects to make the appointment by the second meeting in January.

#### **CORRESPONDENCE AND INFORMATION:**

1. Letter from Salvatore D. Gambone. Re: 2209 E. High St. Liquor License (Cilluffo)

2. Copy of ad to be published in Mercury on Sunday, December 18, 2011 regarding trash collection.
3. Copy of mailer that will be mailed to all residents regarding trash collection.
4. MCATO seminar information.
5. High Street Bridge ribbon cutting.

**SUBDIVISION AND LAND DEVELOPMENT:**

**None.**

**Warrant #796**— Commissioner Phillips made a motion to approve Warrant #796 for the month of November 2011. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Acceptance of Treasurer's Report**—Commissioner Kaiser made a motion to accept the Treasurer's Report for the month of May 2011, as presented by Jennifer Marsteller. Commissioner Phillips seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Letter of Appreciation**—Commissioner Foltz recommended that the Board send a letter of appreciation to the Sanatoga Fire Company for washing down Pruss Hill Road. The Board agreed with Commissioner Foltz's recommendation.

**PUBLIC HEARING:**

At 7:15 p.m., Commissioner Spadt opened the duly advertised public hearing to receive public comment on the transfer of a restaurant liquor license into Lower Pottsgrove Township from the Borough of Norristown, both in Montgomery County, Pennsylvania. The license applicant is 2209, Inc. and is located at 2209 East High Street, Lower Pottsgrove Township, Montgomery County, Pa. The applicant was not present at the hearing.

Commissioner Spadt asked if there were any questions from the public. Mr. Klotz asked if the applicant was getting a full liquor license, including hard liquor, or just beer and wine. Solicitor Holloway advised that it is a restaurant liquor license, which he believed carries full alcohol any time. Mr. Klotz asked if they would have take-out beer. Since the applicant was not present to answer questions, Commissioner Spadt recommended that the hearing be continued.

Since the Board President opened the hearing and it was duly advertised, Solicitor Holloway's recommendation was that the Board continue the hearing to January 3, 2012 at 7:00 p.m. The Board agreed with the Solicitor's recommendation.

**COMMISSIONERS' COMMENTS:**

**Commissioner Kaiser** thanked staff and his fellow Board members for their help this year and said it was a pleasure to serve with Commissioner Phillips.

**Commissioner Phillips** thanked staff for their efforts.

**Commissioner Foltz** missed the last meeting so he expressed his appreciation to Commissioner Phillips for the years they worked together. He said Commissioner Phillips will be missed.

**Commissioner Spadt** again echoed the comments about Commissioner Phillips. He also said it's been a tough couple of years; he is looking forward to good things happening next year and welcoming Steve Klotz back on the Board.

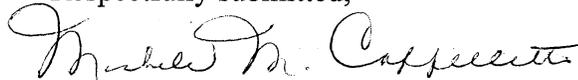
**MANAGER'S COMMENTS:**

**None.**

There being no further business, the public meeting adjourned at 7:22 p.m.

Next meeting will be held on Tuesday, January 3, 2012 at 7:00 p.m.

Respectfully submitted,



Michele M. Cappelletti  
Township Secretary