

**LOWER POTTS GROVE TOWNSHIP      BOARD OF COMMISSIONERS**  
**January 3, 2012**

The Board of Commissioners of Lower Pottsgrove Township held its reorganization meeting on Tuesday, January 3, 2012 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; Bruce L. Foltz; Michael McGroarty; James D. Kaiser and Stephen Klotz

Jennifer V. Marsteller, Tax Collector; R. Kurtz Holloway; Scott Exley and Chad Camburn of Bursich Associates, Inc.; Lew Babel; Rodney P. Hawthorne, Manager; Alyson Elliott, Assistant Manager; Chief of Police Michael Shade; Lieutenant Michael Foltz and Michele Cappelletti.

Pursuant to the First Class Township Code, His Honor District Justice Edward C. Kropp, Sr., District 38-1-12, administered the Oath of Office to the Township's most recently elected officials from the November 2011 election:

Stephen Klotz, Commissioner  
Bruce L. Foltz, Commissioner  
Jonathan H. Spadt, Commissioner

**REORGANIZATION:**

Solicitor R. Kurtz Holloway asked for nominations for the position of President of the Board of Commissioners. Commissioner McGroarty made a motion to nominate Jonathan H. Spadt as President of the Board of Commissioners. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Solicitor Holloway turned the meeting over to Board President Spadt, who asked for nominations for the position of Vice President. Commissioner Klotz nominated Bruce L. Foltz as Vice President of the Board of Commissioners. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Commissioner Spadt read aloud Resolution No. 924, to appoint the following board officers, board committees, conference groups, staff positions and professional advisors:

Vacancy Board:	E. G. "Woody" Righter
Solicitor	R. Kurtz Holloway, Esquire and The firm Wells, Hoffman, Holloway & Stauffer, LLP
Engineer	Bursich Associates, Inc.
Secretary	Michele M. Cappelletti
Architectural Advisor	Donald Wirt
Zoning & Code Enforcement Officer	Keith A. Place
Fire Marshal	Lewis E. Babel, Jr.
Emergency Management Coordinator	Lt. Michael A. Foltz
Deputy (1 <sup>st</sup> Asst.) Emergency Mgmt. Coord.	Christopher Wilcox

Asst. Emergency Management Coordinator  
C.A.O. for Pension Funds

Michele M. Cappelletti  
Rodney P. Hawthorne

### COMMITTEES

The following committees are hereby re-affirmed:

Finance/Budget

James D. Kaiser  
Michael McGroarty  
Jonathan H. Spadt  
James D. Kaiser

Police Committee

### CONFERENCE GROUPS

The following conference groups are hereby re-affirmed:

Joint Pottsgrove Recreation Board

James Kaiser (elected official)  
Citizen Rep – Patty Bleakley

Regional Planning

Stephen Klotz  
Alternate: Michael McGroarty  
Alternate Staff Rep: Alyson Elliott

Economic Development

Jonathan H. Spadt

Building

Bruce L. Foltz  
Stephen Klotz

Fire

Bruce L. Foltz

Trash

Bruce L. Foltz

Council of Governments (C.O.G.)

Bruce L. Foltz

Highway

Bruce L. Foltz

Commissioner Klotz made a motion to approve Resolution No. 924, as read. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

### **PUBLIC HEARING:**

At 7:05 p.m., Solicitor Holloway re-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 hearing was continued from December 15, 2011 because the applicant, Mr. Vito Cilluffo, was not present to answer questions.

Mr. Cilluffo and Salvatore Gambone, a real estate professional and friend of the applicant, were present at the hearing and sworn in by Solicitor Holloway. Commissioner Spadt asked if there were any questions from the Board of Commissioners.

Commissioner Klotz asked if the applicant was getting a full liquor license to sell all types of liquor, including hard liquor, or just beer and wine. Mr. Cilluffo replied it is a full liquor license. Commissioner Klotz asked if the liquor license allowed for take-out. The applicant replied yes, but the restaurant, which will be located at 2209 E. High Street, is a regular, sit-down restaurant for 80 people that will serve dinners, pizza, etc. Commissioner Klotz had no problem with the liquor license but he did not like take-out beer being sold out of that location.

Mr. Gambone said the applicant would be permitted to sell take-out. He and Mr. Cilluffo explained that the intention is to run a sit-down restaurant, not a bar-type establishment. Mr. Cilluffo wants to service people dining at the restaurant and/or customers who would want to purchase a six-pack, along with food, to take home

Tony Doyle, 1745 Kepler Road, said he understood the point Commissioner Klotz was making. He suggested a side door (like Cutillo's) where customers could go to buy take-out beer. Commissioner Spadt said Commissioner Klotz is not suggesting a separate door.

After discussion, Commissioner Spadt stated that the Board's concern is one of safety; however, the Board also wants to encourage new business. He said if the restaurant is run properly, he supports it. Commissioner Klotz was satisfied with the explanation provided by Mr. Cilluffo and Mr. Gambone. Commissioner Spadt closed the public hearing at 7:21 p.m. and the public meeting resumed at this time.

Commissioner Klotz made a motion to approve Resolution No. 918, Approving the Transfer of a Restaurant Liquor License No. R-11250 into Lower Pottsgrove Township from the Borough of Norristown. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

#### **PRESENTATION:**

**Life Saving Award**—Lieutenant Michael Foltz presented a Life Saving Award to Officer Ryan Smith. On November 11, 2011, Officer Smith responded to a medical emergency. Upon arrival, he found a 27-year old male who was not breathing. Officer Smith initiated CPR and successfully revived the patient. EMS crews credit Officer Smith for saving this man's life.

#### **COMMENTS FROM VISITORS:**

**Keith Diener**, 1365 Randy Drive, asked if the Pledge to the Flag was recited at Township meetings. Commissioner Spadt said we do Pledge Allegiance to the Flag at the start of every meeting; however, it was overlooked tonight. At that time, Commissioner Spadt led all present in reciting the Pledge of Allegiance.

**Tony Doyle**, 1745 Kepler Road, expressed concern about speed limit signs on N. Keim Street. The speed limit is marked 40 mph, then it quickly changes to 45 mph before Bleim Road. Mr. Doyle felt the speed limit should not be 45 mph until after Bleim Road. He requested that the Township contact PennDOT about the speed limit on N. Keim Street. Chief Shade will contact PennDOT.

At the last meeting, **Mr. Doyle** complimented Chief Shade for budgeting \$60,000 to purchase two (2) police vehicles in 2012. He noted that in 2011, one (1) SUV cost \$40,000. Mr. Doyle

asked which car was taken out of service; Chief Shade replied it was a 2000 Ford Taurus. Chief advised that one (1) new SUV and one (1) new patrol car were budgeted for 2012. Both vehicles will be marked. Mr. Doyle asked if the detectives drive marked cars. Chief replied that the detectives work staggered shifts and share a car, which is marked.

**Mr. Doyle** asked if entries dated November 17, 2011 and totaling \$1,500 on the November Warrant were for food for the Township Christmas party. He also questioned an entry in the amount of \$780 for Wells, Hoffman, Holloway & Stauffer. Commissioner Foltz said that the Christmas party is funded with personal donations from the Board of Commissioners and Tax Collector. Commissioner Kaiser explained that the expenses listed on the Warrant were part of a check run.

**Mr. Doyle** asked what "DEV" means on the Warrant. Solicitor Holloway said expenses marked "DEV" are reimbursed by the developer.

**Mr. Doyle** stated that a settlement was reached on the police disciplinary action. He asked why it took six months and why the Township paid two lawyers for something this simple. Solicitor Holloway replied that the Board did not have a choice. The officer had the right to appeal the disciplinary action and the Township had to allow the appeal process. Mr. Doyle asked why the Township had to pay for two attorneys. Solicitor Holloway advised that the Civil Service Commission was represented by an attorney and the Township was represented separately by counsel. The Union had its own lawyer.

## **REPORTS:**

### **Police**

Chief Shade provided an end of year report for 2011, which includes calls for service, arrests, traffic citations, overtime costs, complaints versus the Police Department, etc. The year-end report was attached to the Police Department Monthly Report for December 2011.

Chief Shade reported that he nominated SRO Wil James for the Legion of Excellence award in 2011. Off. James was not selected but Chief Shade wanted the Board to be aware of all the duties Off. James is involved with at the Pottsgrove High School. Supporting documentation was attached to the report.

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 for the January 2012 Commissioners Meeting, prepared by Lt. Michael A. Foltz, Emergency Management Coordinator, was attached to Chief Shade's police report.

Lt. Foltz reported that the bi-annual Limerick Generating Station (LGS) Drill went satisfactorily. An ARCA (Area Requiring Corrective Action) Report was issued by FEMA because we neglected to demonstrate an "Area Kit." The ARCA has been remediated for FEMA and emergency management personnel re-demonstrated knowledge of the "Area Kit."

Lt. Foltz announced that the Lower Pottsgrove Township EOC was approved for funding by PEMA through the ACT 147 grant funding for 2011/2012. The Township will receive \$1,344.00, which will be used to purchase equipment for the EOC. The equipment will also be made available to Township staff.

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.

### **Retirement**

Chief Shade announced his retirement from the Lower Pottsgrove Township Police Department effective January 20, 2012, after 28 years of service. He thanked the Board of Commissioners and the past Boards for supporting him. Chief Shade also pointed out that he had a good working relationship with Township Manager Rod Hawthorne and expressed his gratitude.

Commissioner Spadt asked for the Board to take action on accepting, with regret, Chief Shade's notice of retirement. He advised that Chief Shade will be working as a Montgomery County detective out of Norristown, PA.

Commissioner McGroarty made a motion to accept, with regret, the notice of retirement of Chief of Police Michael Shade and to approve and accept Chief Shade's separation agreement, subject to review and signature by all parties. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Commissioner Klotz made a motion to appoint Lt. Michael A. Foltz as Acting Chief of Police of Lower Pottsgrove Township, effective January 21, 2012. Commissioner Foltz recused himself from the vote. Commissioner McGroarty seconded the motion and motion carried by a vote of 4-0.

Acting Chief Foltz personally thanked Chief Shade for the opportunities that were given to him. He said the Township is losing a good chief.

### **Fire Marshal**

Mr. Babel reported the following statistics from his December 15, 2011 report:

<b>Station</b>	<b>Total Calls</b>	<b>Total Hrs. of Service</b>	<b>Total Personnel Hrs.</b>	<b>Total Personnel Training Hrs.</b>	<b>Total Fundraising Hrs.</b>
	<b>Nov. 2011</b>	<b>Nov. 2011</b>	<b>Nov. 2011</b>	<b>Nov. 2011</b>	<b>Nov. 2011</b>
<b>Sanatoga (Station 58)</b>	28	281	25.3	198	Not provided
<b>Ringling Hill (Station 59)</b>	26	28	128	108	292

(Hours are approximate)

Mr. Babel reported that the Fire Companies escorted the Pottsgrove Football Team after their win at the District Play-Offs.

Mr. Babel thanked Chief Shade for the time he gave to him and to the community. Mr. Babel also thanked the Board for the support they give him in his job.

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

Keith Diener asked why the Public Works Department painted white lines to mark the storm drains because they would not be able to see them in the snow. Commissioner Foltz will find out and get back to Mr. Diener.

**C.O.G.**—Meeting will be held on January 10, 2012.

**Engineering**—Scott Exley of Bursich Associates thanked the Board for its confidence in their service.

Mr. Exley also remarked that Chief Shade was the third chief he has worked with and he was the best so far.

**Buchert Ridge Community:** Mr. Exley reported that he met with representatives of Buchert Ridge Community to move the project along quickly and efficiently. He said all parties agree on the next steps and the ball is in Hallman Development Group's court. The plan is to get all issues addressed and proceed.

Mr. Exley said the building permit for the community center was discussed and all parties agreed on the terms to move it along.

**Snell Road:** Mr. Exley looked into concerns about the utility pole on Snell Road.

**Treasurer**—Ms. Marsteller will provide two reports at the February 6, 2011 Board of Commissioners meeting. She is currently wrapping up 2011 and finalizing the lien list.

**Solicitor**—No report.

**Parks and Recreation/Regional Planning**—Ms. Elliott reported that the Township's Parks and Recreation Board and the Pottstown Metropolitan Regional Planning Commission have not met.

Commissioner Spadt acknowledged that Tom Quigley, state representative for the 146th Legislative District, was in attendance and said the Board appreciated having him involved.

#### **APPROVAL OF MINUTES:**

Commissioner Kaiser made a motion to approve the minutes of the December 15, 2011 Board of Commissioners meeting. Commissioner Foltz seconded the motion and it was approved by a vote of 5-0 in favor.

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

The following information was included in the Commissioners' packets:

- Ginny Takach email – COG reminder
- Rick Brendlinger correspondence
- 2011 Permit report / memo
- Budget news articles

**SUBDIVISION AND LAND DEVELOPMENT:**

**None.**

**OLD BUSINESS:**

**Shelley Lane Street Lighting**—At a prior meeting, a resident reported that the intersection of Shelley Lane and E. High Street was extremely dark. Officer Greenwood provided a report with his observations and recommendations for this area. Commissioner Foltz recommended that Mr. Hawthorne contact PECO to re-lamp the streetlight because it has lost its brilliance.

Commissioner Klotz made a motion to authorize Mr. Hawthorne to contact PECO regarding streetlights on E. High Street near Shelley Lane. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**NEW BUSINESS:**

**None.**

**RESOLUTIONS AND ORDINANCES:**

**Resolution No. 918**—See **PUBLIC HEARING**.

**Resolution No. 924**—See **REORGANIZATION**.

**MS4 Stormwater Coalition**—Commissioner McGroarty made a motion to appoint Jim Phillips as the Lower Pottsgrove Township representative on the MS4 Stormwater Coalition. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 5-0 in favor. Mr. Phillips was the Township's representative on the MS4 Stormwater Coalition during his tenure on the Board of Commissioners.

**Resolution No. 925**—Commissioner Klotz made a motion to approve Resolution No. 925, confirming special fire police officers Donald Lee Auman, II of Ringing Hill Fire Company and Marcus Allen Zohe of Ringing Hill Fire Company. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 5-0 in favor. Commissioner Foltz asked if both fire police officers meet the standards. Chief Shade said yes, they both checked out.

**Warrant**—Warrant No. 796 for December 2011 was distributed via email for the Commissioner review.

**COMMISSIONERS COMMENTS:**

**Commissioner Klotz** thanked Lew Babel and the Fire Department for escorting the Pottsgrove High School football team after it won the District Championship. He also thanked the Lower Pottsgrove police officers and fire police for their participation.

**Commissioner Klotz** said before Mike Shade took over as Chief, the Commissioners went outside and looked for the best candidate, but Chief Shade was the best. Chief Shade walked into a firestorm and he did a great job putting the Department in order. Commissioner Klotz said Chief Shade was the right person for the job, thanked him for his years of service and said he will be missed.

**Commissioner Klotz** read a prepared statement.

**Commissioner Kaiser** publicly thanked Off. Ryan Smith, who received the life saving award earlier in the meeting.

**Commissioner Kaiser** welcomed Commissioner Klotz to the Board of Commissioners.

**Commissioner Kaiser** said it has been a pleasure working with Chief Shade and said he holds him in the highest regard. He also congratulated Mike Foltz on his appointment as Acting Chief.

**Commissioner McGroarty** welcomed Commissioner Klotz back on the Board. He said it is great working with his fellow commissioners and said he is looking forward to working with them in the future. Commissioner McGroarty thanked everyone for the work they've done and thanked Lew Babel and the fire companies.

**Commissioner McGroarty** said getting to know Chief Shade was a pleasure and attributed the success of the Police Department to his leadership. He wished Chief Shade good luck. Commissioner McGroarty also said the gauntlet has been thrown to Mike Foltz and felt that Mike will accept the challenge.

**Commissioner Foltz** appreciated being re-elected and welcomed Commissioner Klotz. He said when the Chief position became available, Mike Shade was asked if he was interested. The Board went outside to seek candidates for the position, but Chief Shade came up on top of the ranks. Commissioner Foltz thanked Chief Shade for doing a good job.

**Commissioner Foltz** said that County Commissioner Bruce Castor remarked that Lower Pottsgrove has the best police department in Montgomery County, and Commissioner Foltz appreciated that.

**Commissioner Foltz** recognized Chris Wilcox and Michele Cappelletti for volunteering and helping with emergency management duties. Commissioner Foltz said he was Emergency Management Coordinator for many years and it was a lot of work. He appreciated that Mike Foltz accepted the responsibility and turned it around.

**Commissioner Spadt** echoed his fellow commissioners' comments and welcomed aboard Steve Klotz. He said Commissioner Klotz's statement that Chief Shade walked into a "firestorm" captured the situation. Commissioner Spadt recognized that Chief Shade was Lower Pottsgrove's first attendee and graduate of the FBI National Academy and Acting Chief Foltz was the second. He said it is almost unheard of for a police department to have two graduates of the FBI National Academy. Commissioner Spadt said he is sad to see Chief Shade go, but Montgomery County will be better off with a new detective. Commissioner Spadt is looking forward to working with Mike Foltz and also thanked Chris Wilcox and Michele Cappelletti.

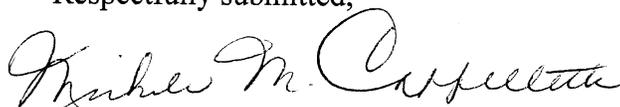
Montgomery County will be better off with a new detective. Commissioner Spadt is looking forward to working with Mike Foltz and also thanked Chris Wilcox and Michele Cappelletti.

**Solicitor Holloway** congratulated Commissioners Spadt, Foltz and Klotz on being elected to the Board and said he truly appreciated the Board's confidence in appointing him as Solicitor. He said Mike Shade is a man with a lot of class and he looked forward to working with him and Mike Foltz.

There being no further business, the meeting was adjourned at 8:03 p.m.

Next meeting will be held on Thursday, January 19, 2012 at 7:00 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Michele M. Cappelletti".

Michele M. Cappelletti  
Secretary