LOWER POTTSGROVE TOWNSHIP BOARD OF COMMISSIONERS
February 6, 2012

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Monday, February 6, 2012 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 were in attendance:

Board of Commissioners: Jonathan H. Spadt, President; James D. Kaiser and Stephen M. Klotz.

R. Kurtz Holloway, Solicitor; Rodney P. Hawthorne, Manager; Alyson E. Elliott, Assistant Manager; Lt. Michael A. Foltz, Acting Chief of Police; Lew Babel, Fire Marshal; Scott Exley and Chad Camburn, Township Engineers and Michele Cappelletti, Secretary.

Commissioner Bruce L. Foltz, Commissioner Michael McGroarty and Treasurer Jennifer V. Marsteller were absent from the meeting.

COMMENTS FROM VISITORS:
Mr. P. J. McGill, 953 Rivendell Lane, commended Lt. Michael Foltz and Sgt. Robert Greenwood for their immediate response to an incident in the Woodgate development.

Mr. McGill congratulated Brian Brentzel and wished him good luck on his appointment to the Lower Pottsgrove Planning Commission.

Mr. McGill read a prepared statement expressing his opinion on the Board's recent appointments to the Township's Planning Commission and Zoning Hearing Board.

Mr. Tom Troutman, 2469 E. High Street, said someone is stealing his trash when he puts it out for collection. The trash is picked through, and then disposed of in a random dumpster. Mr. Troutman has received calls from the owners of the dumpsters asking why he is dumping his trash in their container. Lt. Foltz said the police are aware of this problem and keeping an eye on it. He told Mr. Troutman not to hesitate to report these incidents to the Police.

Donna Cleaver, 2278 Donna Lane, had questions about the number of applicants who were selected and interviewed for vacancies on the Township's Planning Commission and Zoning Hearing Board. She asked if the vacancy on the Zoning Hearing Board had been published anywhere. Mr. Hawthorne said it was not published; the Board reviewed existing applications that had been previously submitted to the Township. Commissioner Spadt said of those applications, the Board considered the candidates who indicated they would serve the Township in any role.

Ellis Saull, Attorney at Law, represented three Township residents living on the 2600 block of Allison Drive: Mr. Heminder Sidu, Mr. Stephen Knepp and Ms. Cherelle Cutting. Mr. Saul read a prepared statement to the Board asking for assistance with the retaining wall at the rear of his clients' properties.

Commissioner Klotz was familiar with the retaining wall because he considered buying 2604 Allison Drive two years ago. At that time, Commissioner Klotz was told by the realtor that he would have to pay to repair the wall. He asked Mr. Knepp if there was a homeowners' association and Mr. Knepp replied no. Commissioner Klotz said since there is no homeowners' association, each individual property owner should be taking care of the wall.

Mr. Knepp said he has spoken to Keith Place and Keith suggested getting the Township engineer involved to make a determination. Commissioner Spadt suggested that the residents and their attorney set up a meeting with Mr. Hawthorne, staff and the Township engineers to figure out what needs to be done. Since the residents are being represented by counsel, it was also recommended that the Township Solicitor be present at the meeting.

Commissioner Kaiser made a motion to authorize Mr. Hawthorne to set up a meeting between the residents of Allison Drive, their attorney and the Township's representatives (Manager, staff, engineers and Solicitor) to discuss the retaining wall behind the properties on the 2600 block of Allison Drive. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 3-0 in favor. Mr. Exley noted that he will have a structural engineer look at the wall.

Mr. Knepp reported that recycling is left on the streets following collection. This complaint will be addressed with J. P. Mascaro & Sons.

APPROVAL OF MINUTES:
Commissioner Kaiser made a motion to approve the minutes of the January 19, 2012 Board of Commissioners meeting. Commissioner Klotz seconded the motion, but stated he did not vote in favor of the Manager's Memorandum of Understanding or Chief Shade's retirement agreement, as Commissioner Spadt did not call for any "Nay" votes. He proposed the following amendments:

As Stated:
After discussion, Commissioner Foltz made a motion to approve the Memorandum of Understanding (MOU) for Township Manager Rod Hawthorne, pending personnel policy manual review and changes. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

As Amended:
After discussion, Commissioner Foltz made a motion to approve the Memorandum of Understanding (MOU) for Township Manager Rod Hawthorne, pending personnel policy manual review and changes. Commissioner McGroarty seconded the motion. Vote was as follows: Commissioner Spadt, Yea; Commissioner Foltz, Yea; Commissioner McGroarty, Yea; Commissioner Kaiser, Yea; Commissioner Klotz did not vote. Motion carried by a vote of 4-0.

As Stated:
After discussion, Commissioner Kaiser made a motion to approve Chief Michael Shade's amended retirement agreement, pending Chief Shade's signature. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

As Amended:

After discussion, Commissioner Kaiser made a motion to approve Chief Michael Shade's amended retirement agreement, pending Chief Shade's signature. Commissioner McGroarty seconded the motion. Vote was as follows: Commissioner Spadt, Yea; Commissioner Foltz, Yea; Commissioner McGroarty, Yea; Commissioner Kaiser, Yea; Commissioner Klotz did not vote. Motion carried by a vote of 4-0.

The minutes were unanimously approved with the amendments. Motion carried by a vote of 3-0.

REPORTS:

Police

Lt. Foltz highlighted the following from his January 2011:

1. **Calls for Service/Departmental Activities:**
   a. Residents from the Pebble Beach Lane development have expressed an interest in forming a Neighborhood Watch group.
   b. The Department is undergoing a reporting software upgrade to improve the Visual Alert reporting system.
   c. Pottsgrove School District donated four metal file cabinets to the Police Dept.
   d. Approval of Resolution #926 amending the Civil Service Rules and Regulations was tabled to a later date.

2. **Training:**
   a. All police officers have taken online training courses on "Responding to Domestic Calls" and "Strangulation Deaths."

3. **Traffic Enforcement:**
   a. The Police Dept. checked into a complaint from Tony Doyle regarding speed limit signs on N. Charlotte St. According to PennDOT, the area is improperly posted. PennDot will be rectifying this matter and reposting the entire roadway from N. Keim St. to Route 73 in New Hanover Township.
   b. The Department received a $1,000 grant to conduct a seat belt awareness program. The program, which is being developed by the SRO and Traffic Safety Officer, will be conducted at the Pottsgrove High School.

4. **Criminal Investigations/Arrests:**
   a. Police responded to an armed robbery at CVS at High St. and Sunnybrook Rd. Suspect has been identified and arrested.
   b. Police closed an ongoing investigation into smash-n-grab style thefts from vehicles. Police in Berks, Chester and Montgomery Counties identified several suspects and charges have been filed.
   c. Subject was stealing from locked storage bins at Chest-Mont Storage. Det. Campbell, with cooperation from management, identified the actor and he was charged by police.

5. **Tuition Reimbursement:** Lt. Foltz requested approval for Ofc. James Kenney to attend Saint Joseph's University in pursuit of his Masters Degree in Criminal Justice, in accordance with the police contract.

Commissioner Klotz made a motion to approve the Request for Reimbursement for Tuition and Books submitted by Ofc. James Kenney for one (1) course entitled *Criminological Theory* in the amount of $2,406.00 (does not include 25% tuition discount). Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

6. **Fleet:** Lt. Foltz requested approval to move forward with the purchase of two vehicles, a 2012 Chevrolet Tahoe and a 2012 Dodge Charger. Both vehicles will be purchased through Co-Stars dealerships.

   Commissioner Klotz made a motion to approve the purchase of one (1) 2012 Chevrolet Tahoe from Hetrick Fleet Services in Milford, DE for $28,459.84 and one (1) 2012 Dodge Charger from New Holland Auto Group, New Holland, PA for $23,414.00, total cost for both vehicles is $51,873.84. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

   Equipment changeover and purchases (lighting, radios, gun locks, etc.) and painting and decals are not included in the total cost of the vehicles.

7. **SRO Report:** Lt. Foltz developed a monthly report that he will continue to build on to keep the Board informed on what is going on with the SRO Program.

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

Emergency Management
Lt. Foltz reported there were no EOC activations during January 2012.

Fire Marshal
Mr. Babel reported the following statistics for December 2011:

Station	Total Calls	Total Hrs. of Service	Total Personnel Hrs.	Total Personnel Training Hrs.	Total Fundraising Hrs.
	Dec. 2011	**Dec. 2011**	**Dec. 2011**	**Dec. 2011**	**Dec. 2011**
Sanatoga (Station 58)	35	31	411	142	Not provided
Ringing Hill (Station 59)	29	28	167	23	253

(Hours are approximate)

Mr. Babel highlighted some of the statistics for the year 2011:

Station	Total Calls	Total Hrs. of Service	Total Personnel Hrs.	Total Personnel Training Hrs.	Total Fundraising Hrs.
	2011	**2011**	**2011**	**2011**	**2011**
Sanatoga (Station 58)	338	Not provided	3,225	130	Not provided
Ringing Hill (Station 59)	322	330	1,896	Not provided	

(Hours are approximate)

Mr. Babel complimented the volunteer fire companies for their dedication and hours of service.

On behalf of the Board, Commissioner Spadt asked Mr. Babel to thank the fire companies for "welcoming home" a military policeman who returned from duty in Afghanistan to his home in Pottstown. Mr. Babel will keep the Board informed on any future "welcome home" events.

Highway—Public Works Department: Report for January 2012 will be posted on the bulletin board.

C.O.G.—No report. Commissioner Foltz will report at a future meeting.

Engineering—Chad Camburn attended the first DEP/EPA MS4 training session and provided feedback and comments on the session.

Treasurer—Ms. Marsteller's Tax Collector's Monthly Report to Taxing Districts for the month of January 2012 was provided to the Commissioners for review.

Solicitor

Responses to Questions—Solicitor Holloway provided written responses to Commissioner Klotz's questions about Rod Hawthorne's Memorandum of Understanding and Chief Shade's Retirement Agreement. The Board had no further questions.

Act 84—Solicitor Holloway reported that Act 84, passed in 2011, increases the mandatory sealed bid minimum from $10,000 to $18,500. Any purchase a township makes that costs less than $10,000 will not be subject to the state's bidding and advertising requirements. Contracts between $10,000 and $18,500 require that the Township obtain several written or verbal quotes, that are later put in writing by the Township. Also, the minimum bid amounts will be adjusted annually based on changes in the Consumer Price Index.

Rupert Road Bridge—The Solicitor reported that there has been some movement relating to the Rupert Road Bridge litigation against the developer. He requested authorization for the Township Manager to schedule a special meeting of the Board regarding this matter before the next regularly scheduled Board meeting on February 23, 2012. He advised that prior to the special public meeting, the Board will hold an executive session, but any action would be taken during the public component.

Commissioner Klotz made a motion to authorize the Township Manager to schedule and advertise a special public meeting of the Board of Commissioners. Commissioner Kaiser seconded the motion and it was unanimously approved. Motion carried by a vote of 3-0 in favor.

Parks and Recreation and Pottstown Metropolitan Regional Planning—Ms. Elliott reported the following:

1. **Regional Planning**—Ready to roll out the market assessment analysis in April.

2. **Health and Wellness Foundation**—The Foundation is supportive of regional recreation among the municipalities and has been working with DCNR on this concept.

CORRESPONDENCE AND INFORMATION:
The following information was included in the Commissioners packets:

1. Solicitor's response to Board of Commissioners. Re: Michael Shade Retirement Agreement – Health Insurance Question.
2. Solicitor's response to Board of Commissioners. Re: Rodney Hawthorne Manager's MOU.
3. Cover letter and resume submitted by Michael A. Foltz.
4. Cover letter and resume submitted by David F. Young.
5. Memo from Rodney P. Hawthorne to Police Collective Bargaining Unit. Subject: Lower Pottsgrove Township Police Contract Meetings.
6. Email from Acting Chief Michael Foltz. Subject: Proposal for purchasing new cars from 2012 budget.
7. Emails regarding D. Milks as-built plan complaints.
8. MCATO Spring Conference information.
9. Ringing Hill Fire Company 2011 Financial Report and 2012 Budget.
10. Zoning Application #2012-01 of Ringing Hill Fire Company.
11. Election days in 2012.

SUBDIVISION AND LAND DEVELOPMENT:
None.

OLD BUSINESS:
None.

NEW BUSINESS:
Tuition Reimbursement—See REPORTS: Police.

RESOLUTIONS AND ORDINANCES:
Resolution No. 453-J—Mr. Hawthorne reported that with the new budget, the sewer bill increased $3.00 per quarter and the trash bill decreased $17 per year. Accordingly, the Township must revise its fee schedule, Resolution No. 453-J, to reflect these changes.

Commissioner Kaiser made a motion to approve Resolution No. 453-J, amending and establishing certain fees, deposits and escrows payable to Lower Pottsgrove Township. Commissioner Klotz seconded the motion and it was unanimously approved. Vote of 3-0 in favor.

Ordinance No. 305—Mr. Hawthorne requested authorization to advertise Ordinance No. 305 for the installation of stop signs at the Pruss Hill Road Bridge.

Commissioner Klotz made a motion to advertise Ordinance No. 305 to Establish Two (2) Dual Stop Signs on Pruss Hill Road, Lower Pottsgrove Township. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

Resolution No. 926—Approval of this resolution was tabled until the Civil Service Commission meets and approves the changes proposed by the Board of Commissioners. Solicitor Holloway summarized the changes to the Civil Service Rules and Regulations that are now before the Civil Service Commission.

Commissioner Klotz asked if a 70% passing grade was typical for Civil Service testing. Solicitor Holloway explained that 70% was passing at municipalities he has had contact with; however, a 70% grade just moves the candidate on in the process. The Commissioners have discretion when reviewing the list and, if they are not satisfied, they can start the hiring process over again.

Commissioner Klotz asked about applicants applying for a third polygraph test, in accordance with Paragraph 5.3D of the Rules and Regulations. His concerns were from a cost standpoint. He questioned if a candidate fails twice, why are we allowing him/her to apply for a third test? Solicitor Holloway said the Commissioners have the power to grant a third test but have no obligation to do so.

Warrant—Warrant No. 797 for January 2012 will be distributed via email for the Commissioners' review.

COMMISSIONERS COMMENTS:
Commissioner Klotz said the SRO Report is a great idea and will be beneficial to all.

Commissioner Klotz said the fire companies always come through and did a great job with the "welcome home."

Commissioner Klotz gave accolades to the Highway Department for doing a great job clearing the roads during a recent snowstorm.

Commissioner Klotz said the Sanatoga Field is just sitting and asked if we are planning on using it this year. Ms. Elliott said yes, it was used last year as well. Commissioner Klotz said there are sports organizations that are willing to help and recommended that they be contacted. Ms. Elliott said the Township has been working on an agreement to present to the sports groups.

Commissioner Kaiser said he appreciates the efforts of the fire companies and would like to know about events in the future.

Commissioner Spadt echoed appreciation for the fire companies and would also like to be notified of events.

Mr. Exley complimented SRO Wil James on his relationship with the students at Pottsgrove High School.

MANAGER'S COMMENTS:
Mr. Hawthorne said the new truck is parked out in the lot if anyone would like to see it. He said it is exactly what John wanted.

Mr. Hawthorne advised that the MCATO Spring Convention will be held on February 24, 2012 and asked anyone interested in attending to call him.

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

Next regularly scheduled meeting will be held on Thursday, February 23, 2012 at 7:00 p.m.

Respectfully submitted,

Michele M. Cappelletti

Michele M. Cappelletti
Secretary