

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
April 2, 2012

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Monday, April 2, 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; Bruce L. Foltz, Vice President; Michael McGroarty 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; Jennifer Marsteller, Treasurer/Tax Collector; Scott Exley, Township Engineer and Michele Cappelletti, Secretary.

Commissioner James D. Kaiser was absent from the meeting.

COMMENTS FROM VISITORS:

Tony Doyle, 1745 Kepler Road, congratulated Lt. Mike Foltz on his appointment as Acting Chief. Mr. Doyle thanked Mike for quickly handling a speeding problem he reported on N. Charlotte Street.

Mr. Doyle said that according to Mr. Hawthorne's MOU, the Township has the option of assigning Mr. Hawthorne's vehicle to another employee. If that were to happen, Mr. Hawthorne's base pay would be raised \$500 per month to cover acquiring and leasing a vehicle. Mr. Doyle felt that a separate check should be issued instead of including an extra \$500 per month in Mr. Hawthorne's base pay. He said the additional \$6,000 per year would raise Mr. Hawthorne's annual salary from \$105,000 to \$111,000, so his pension and Social Security would be based on an annual salary of \$111,000. Mr. Doyle felt if the Board were to take away Mr. Hawthorne's vehicle, putting an additional \$500 a month in his pay is not the way to do it.

The Commissioners said they are not taking Mr. Hawthorne's vehicle away. Mr. Doyle said that somebody put that provision in the MOU and the MOU is only good for two years; if new commissioners are elected, they could take the vehicle away. Mr. Doyle asked Commissioner Spadt to confirm that the MOU is only good for 2 years. Commissioner Spadt stated that the MOU is good for as long as the sitting Board says it is good.

APPROVAL OF MINUTES:

Commissioner Klotz made a motion to approve the minutes of the March 22, 2012 Board of Commissioners meeting. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

REPORTS:

Police

Acting Chief Foltz said he expected Jim Granger of Exelon to attend tonight's meeting to present the Township with a \$500 check to be used towards the Police Department's Fish Rodeo. Unfortunately, Mr. Granger could not attend. Acting Chief Foltz requested that the Township

send Exelon a letter commending them for supporting the Police Department. The Fish Rodeo will be held on Saturday, April 21, 2012 from 8:00 a.m. to 11:00 a.m. at the stream on the Sunnybrook property.

Acting Chief Foltz highlighted the following from his March 2012 report:

1. Calls for Service/Departmental Activities:

- a. Last month Township officers and detectives assisted Philadelphia Homicide Fugitive Task Force and U.S. Marshals to locate and apprehend 2 homicide suspects. One suspect was a resident of the Township and our officers had contact with him on several occasions. The suspect was located and arrested in Los Angeles, CA.
- b. Acting Chief Foltz and Officer McCue conducted training on bank robbery procedures to staff at Tri-County Area Federal Credit Union.

2. Traffic Enforcement:

- a. The Department conducted the enforcement (second) phase of the PA Teen Seatbelt Safety Mobilization program. Of the 21 citations that were issued, only 3 teens were cited for failure to wear seat belts. Acting Chief Foltz commended SRO James and Traffic Safety Officer Diesinger for their efforts in making this program a success.
- b. PA State Police Commercial Vehicle Enforcement Team conducted weight restriction enforcement on the Pruss Hill Road Bridge at the request of the LPPD.
- c. Acting Chief Foltz is supplementing the State Police enforcement with periodic directed patrols of Lower Pottsgrove PD to address violations of both the stop signs and weight restriction postings on Pruss Hill Road.

3. Criminal Investigations/Arrests:

- a. Police responded to an alarm activation at the abandoned AT&T property on Porter Road. They found 2 adult males trying to break in. Both were apprehended and arrested.
- b. The Department is investigating a fatal accident that occurred on Yerger Road.

4. SRO Report: Attached to Acting Chief Foltz's monthly report.

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

Emergency Management

Acting Chief Foltz reported there were no EOC activations during March 2012.

The following equipment was purchased for the EOC with Act 147 grant funds: One (1) all-in-one printer/fax/copier/scanner, one (1) plasma television with mounting bracket and cables and two (2) cordless phones.

Fire Marshal

Mr. Babel reported the following statistics from his report:

Station	Total Calls	Total Hrs. of Service	Total Personnel Hrs.	Total Personnel Training Hrs.	Total Fundraising Hrs.
	Feb. 2012	Feb. 2012	Feb. 2012	Feb. 2012	Feb. 2012
Sanatoga (Station 58)	27	20	169	266	Not provided
Ringing Hill (Station 59)	31	32	151	291	384

(Hours are approximate)

Mr. Babel reported that last month he received a call from the County to assist Borough Fire Chief/Fire Marshal Richard Lengel in Pottstown. Also, Mr. Babel has been subpoenaed to give a deposition regarding a fire that occurred on Schaffer Road.

Highway—Public Works Department: Commissioner Foltz read highlights from the March 2012 Public Works Report. Report will be posted on the bulletin board.

Commissioner Spadt asked if the fence at Rolling Hills was fixed. Mr. Hawthorne will check into the matter.

Commissioner Foltz asked about the Public Works Department removal of cement barriers and steel beams on the Kelius property. Mr. Hawthorne said when the Township purchased 11 acres from John Kelius, part of the deal was to remove the steel.

C.O.G.—Commissioner Foltz reported the following:

1. Upper Pottsgrove and West Pottsgrove are now considering merging their two police departments into one.
2. C.O.G. members discussed sharing road equipment with other municipalities. The consensus was that this arrangement doesn't work. There are insurance, maintenance and availability issues to consider. Pottstown Borough did offer to share a tar buggy with other municipalities.
3. There was a good discussion on rental inspection programs.
4. Police radios are back on the table again. Two townships are very adamant that it will happen.

Engineering—Mr. Exley reported on the following:

1. **MS4 Stormwater:** Mr. Exley provided the Board with a memo outlining the technical aspects and status of the NPDES MS4 General Permit (PAG-13). He will be referring back to this memo during his future reports to the Board on this subject. Bursich is spreading out engineering costs for the MS4 Permit among four municipalities: West Pottsgrove, Upper Providence, Hatboro and Lower Pottsgrove. As a result, each municipality will only be paying $\frac{1}{4}$ of the costs. Mr. Exley credited Chad Camburn for coming up with this cost-saving idea.
2. **Bi-Annual Bridge Inspection Report:** Sunnybrook bridge guiderail is still an issue and we have to address new scour criteria.

P. J. McGill, 953 Rivendell Lane, asked about blighted properties. Solicitor Holloway said he hasn't dealt with this but a new law was passed within the last year allowing municipalities to withhold permits from certain property owners whose tax, water, sewer, or refuse collection charges are delinquent. Mr. Exley discussed blighted property and code compliance. Mr. McGill said there are homes in the Woodgate development that could fall into that category.

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

Solicitor

Collection of Delinquent Taxes—Solicitor Holloway updated the Board on a current controversy regarding collection of delinquent taxes.

The Montgomery County Tax Claim Bureau no longer collects the Township's delinquent taxes. In January 2011, Lower Pottsgrove Township appointed a private collector, Portnoff Law Associates, Ltd., to collect its delinquent tax, trash and sewer accounts. According to the Tax Claim Act, a 5 percent commission is payable to the County for all delinquent taxes collected. The Montgomery County Treasurer has now raised issue about collection of the 5 percent commission because of a case in Carbon County.

The Panther Valley School District used a private collector for its delinquent taxes. Carbon County took the School District to court and the Court ruled in favor of Carbon County. The Panther Valley School District must turn over all tax records, dating back to 2001, to Carbon County and pay a 5 percent commission and other fees. The case is now on appeal.

Since the Township has only used Portnoff since January 2011, the total fees Montgomery County could claim from Lower Pottsgrove are approximately \$3,000. The Solicitor made the Board aware of SB 1207, which is supported by Senator Rafferty, and HB 1877. Both bills would seek to eliminate the fees if the County is not providing the service. Solicitor Holloway asked the Board if it would want to consider a resolution pending these bills.

Commissioner Foltz asked how soon the Board needed to act on the bills. Solicitor Holloway said the bills are now in committee, but felt they would move faster through the process if support is voiced. Commissioner Spadt recommended that Mr. Hawthorne write a letter to Senator Rafferty to get the details.

Parks and Recreation—Ms. Elliott reported the following:

1. **Easter Egg Hunt:** Rescheduled and held on Sunday, April 1, 2012 because of bad weather. There was a good turnout and Jen Corley did a great job planning the event.
2. **Playground:** Equipment has been ordered and a delivery date will be confirmed this week.
3. **Meeting:** There was not a quorum at the March 22 meeting; however, there was great discussion on funding Parks and Recreation. Commissioner Kaiser was in attendance.

Pottstown Metropolitan Regional Planning Commission—Ms. Elliott reported that there will be a formal presentation on the Fiscal Impact Study on April 3, 2012 at 7:00 p.m. in the Pottstown High School cafeteria. All are invited to attend.

CORRESPONDENCE AND INFORMATION:

The following information was included in the Commissioners packets:

1. SR 422 and Armand Hammer Interchange project.
2. Lower Pottsgrove Historical Society presentation on the Norton Farm.

SUBDIVISION AND LAND DEVELOPMENT:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

RESOLUTIONS AND ORDINANCES:

Resolution No. 936—The Board discussed the estimated value of a 1997 GMC C6500 Dump Truck with plow and spreader that the Township intends to sell on Municibid. It was decided that there should be a reserve price of \$5,000 on this vehicle.

Commissioner Klotz made a motion to approve Resolution No. 936, authorizing the auction of one (1) 1997 GMC C6500 Dump Truck with Plow and Spreader on Municibid, with a reserve price of \$5,000. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

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

Warrant—Warrant No. 799 for March 2012 will be distributed via email for the Commissioners' review.

COMMISSIONERS COMMENTS:

Commissioner Klotz asked the Fire Marshal if Sanatoga Fire Company would be holding its Easter flower sale. Mr. Babel confirmed that the sale will be held starting on Wednesday, April 4.

Commissioner Klotz referred to a memo provided by Code Enforcement Officer Keith Place which lists a timeline of construction issues and conditions existing at 2209 E. High Street and the actions taken by Mr. Place. Commissioner Klotz commended Mr. Place for his good work and for being out there, on site, monitoring the project. He was glad we are staying on top of things. There was further discussion on the issues and Commissioner Foltz advised that the project has stopped.

Commissioner McGroarty asked Mr. Hawthorne and Ms. Elliott to thank staff for the Easter Egg Hunt. He appreciates the work staff puts into this event to get it going.

Commissioner Foltz advised that C.O.G. needs a check from the Township in the amount of \$100. He requested authorization to issue the check.

Commissioner Klotz made a motion to authorize Township staff to issue a check in the amount of \$100 to C.O.G. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Commissioner Foltz said he received an email for information on one of the generators the Township has for sale on Municibid. Commissioner Foltz will get the information and forward it to Jen Corley.

Commissioner Spadt said Mr. Hawthorne had the Commissioners listen to a voicemail from a resident saying that John Fogel and his crew did a quick job fixing a stop sign. He recognized the good work of John and the road crew.

EXECUTIVE SESSION:

Commissioner Spadt announced that an executive session was held tonight from 6:15 p.m. to 6:40 p.m. to discuss Acting Chief Michael Foltz's employment agreement.

There being no further business, the meeting was adjourned at 7:38 p.m.

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

Respectfully submitted,



Michele M. Cappelletti
Secretary