

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
September 4, 2012

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Tuesday, September 4, 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 and Stephen M. Klotz. Commissioner Kaiser arrived at 7:35 p.m.

Rodney P. Hawthorne, Manager; Alyson E. Elliott, Assistant Manager; Michael A. Foltz, Chief of Police; Jennifer Marsteller, Treasurer/Tax Collector; Scott Exley and Chad Camburn, Township Engineers, Michele Cappelletti, Secretary and James C. Phillips, Lower Pottsgrove Township representative on the Pennsylvania Stormwater Coalition.

Commissioner Michael McGroarty, Solicitor R. Kurtz Holloway and Fire Marshal Lew Babel were absent from the meeting.

COMMENTS FROM VISITORS:

Joe Vecchio, speaking as a representative of Pottsgrove Baseball Organization and a resident of Lower Pottsgrove Township, said “thank you” to John Fogel for getting the Sanatoga Park baseball field up and running. Mr. Vecchio wanted to make sure the Board knows what they have in this employee. He said John did a great job and if anything needed to be done, he called John and he responded right away. Mr. Vecchio said John is an asset to this community.

Commissioner Spadt thanked Mr. Vecchio for the feedback and said the Board does recognize that John goes above and beyond. The Board will pass Mr. Vecchio’s comments on to John Fogel.

APPROVAL OF MINUTES:

Commissioner Klotz made a motion to approve the meeting minutes of the August 23, 2012 Board of Commissioners meeting. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

REPORTS:

Police

Resolution No. 949—Chief Foltz felt, in light of today’s technology, it was important to establish a policy for the video recording and photographing of police officers. He requested approval of Resolution No. 949, which adopts such a policy.

Commissioner Klotz made a motion to approve Resolution No. 949, adopting the Video Recording and Photographing Police Officers Policy to be included in the Lower Pottsgrove Township Police Department Policies and Directives Manual. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

Resolution No. 950—Chief Foltz requested approval of Resolution No. 950, appointing Joe Oberholtzer as special fire police officer. All the proper background checks were conducted and Joe was a firefighter at Sanatoga Fire Company prior to applying to be a fire police officer.

Commissioner Foltz made a motion to approve Resolution No. 950 confirming special fire police officer, Joseph Patrick Oberholtzer III, of the Sanatoga Fire Company, effective immediately. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

Ordinance No. 288—Chief Foltz reported that Lower Pottsgrove Township Ordinance No. 288, regarding Residential Residency Restriction for Registered Sex Offenders, is not enforceable. The Supreme Court has rendered this type of ordinance unconstitutional and Chief Foltz has concerns about having an ordinance on the books that cannot be enforced. Chief Foltz requested authorization to start the process and advertise an ordinance rescinding Ordinance No. 288, Residential Residency Restriction for Registered Sex Offenders.

Commissioner Spadt said the Supreme Court decision is extremely disappointing but he is not willing to accept it as the end of the game. State Representative Todd Stephens is active in this area and Commissioner Spadt believes there are other alternatives that can be pursued; however, Commissioner Spadt does agree with Chief Foltz and supports his recommendation to rescind Ordinance No. 288.

Commissioner Klotz agreed with Commissioner Spadt. He was disappointed that the Township cannot enforce its ordinance, but thought we should look into what else can be done. Commissioner Klotz supported rescinding Ordinance No. 288 to protect the Township.

Commissioner Foltz asked if it would help if the Commissioners sent a letter to certain officials expressing their feelings. Commissioner Spadt offered to talk to Representative Stephens first to see what he can do and to work with Chief Foltz on this critical issue. Commissioner Foltz will also raise this issue at the next C.O.G. meeting.

Commissioner Klotz made a motion to authorize Solicitor Holloway to prepare an ordinance to rescind Lower Pottsgrove Township Ordinance No. 288, Residential Residency Restriction for Registered Sex Offenders, and to advertise the legal notice for this ordinance. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

Municibid—Chief Foltz reported that the highest bid received on Municibid for the 2006 Crown Victoria was \$2,050. After the bids closed, the highest bidder informed the Township that he had a hardship and asked to back out of the deal. The Township then offered to award the bid to the second highest bidder, in the amount of \$2,000, but this bidder did not respond to any emails from the Township. Chief Foltz talked to Solicitor Holloway about possibly rebidding the vehicle and the Solicitor would like to review to make sure all of the Township's obligations are met.

After discussion about Municibid policies for the buyer and the seller, Mr. Jim Phillips suggested that the Board contact Greg Berry, the owner of Municibid. The Board agreed to contact Mr. Berry before proceeding.

Chief Foltz reported that there were 1,185 reported calls for service, which included 100 traffic violations and 5 DUI arrests. He highlighted the following from his report:

1. Criminal Investigations/Arrests:

Chief Foltz reported on the good work being done by the Police Department:

- a. Patrol officers recovered a number of stolen GPS units when they stopped a car for a DUI case. The DUI case resulted in an arrest for several thefts from vehicles in the Township.
- b. Det. Campbell, SRO James and a number of other patrol officers worked on the criminal mischief and arson case at Pottsgrove High School. Chief Foltz commended the work of the officers involved. It was a combined effort exemplifying fine police work.
- c. Patrol officers responded to a robbery at Days Inn. Patrol was able to make an immediate identification and obtained a warrant for the suspect, who was apprehended later that day.
- d. Patrol investigated a retail theft at Redner's Market. Theft escalated into a robbery. Subject was identified and is still at large.
- e. Police are investigating four residential burglaries on Lynn Drive, Valley Lane and Rolling Hills.

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

Emergency Management

Chief Foltz reported the following from EMC Chris Wilcox's report:

1. There were no EOC activations during August 2012.
2. Spoke with a member of the Montgomery County Resource & Recovery Committee. This group is organizing to assist residents of the County with disaster recovery.
3. Will be meeting with Shayne Trimbell with GVF regarding the Incident Management Plan for the Rt. 422 Project. We will be meeting with responders sometime during the week of September 24, 2012.

Fire Marshal

Mr. Babel was absent from the meeting. Commissioner Foltz advised that Mr. Babel will deliver his report at the next meeting.

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

Commissioner Foltz stated that John Fogel has a good rapport with the sports organizations (gets the grass cut, maintains equipment, etc.) and the cooperation is mutual between both sides. He also commented that John did a good job on the park equipment.

C.O.G.—Commissioner Foltz reported that the next C.O.G. meeting will be held on September 11, 2012.

Engineering

Chad Camburn provided the Board with a memo on the status of recently approved projects and projects currently in design.

Scott Exley reported that the Keim Street Bridge engineering has started. He also reported that the Route 422 (including Armand Hammer Boulevard) Notice to Proceed is dated today, September 4, 2012. The Route 422 project is expected to be a 6-year construction.

Chief Foltz asked Mr. Exley if he wanted to be involved with the GVF meeting with emergency management. Instead of billing, Mr. Exley asked Chief Foltz to see if he should be involved and, if necessary, he would be happy to attend.

Commissioner Foltz asked if the physical work has started on the Keim Street Bridge. Mr. Exley advised the engineering has started on this project.

Pennsylvania Stormwater Coalition: Mr. Jim Phillips, Lower Pottsgrove Township's representative on the Pennsylvania Stormwater Coalition, called the Board's attention to a letter from Michael J. Fox, Chairman of the Coalition. Mr. Phillips updated the Board on the activities of the Stormwater Coalition and advised that the PAG 13 is due on September 14, 2012. He reported that there is still a lot of work to do and the Coalition has asked Lower Pottsgrove to share in the cost of an additional \$50,000 to keep the Coalition moving forward. Mr. Phillips respectfully requested that the Board approve payment of the Township's pro rata share of the additional cost in the amount of \$881.22 for continued involvement in the Stormwater consortium.

Commissioner Foltz made a motion to approve the payment of \$881.22 to the Pennsylvania Stormwater Coalition. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

Commissioner Spadt thanked Mr. Phillips for his continued involvement, on his own time, with the Stormwater Coalition.

Commissioner Foltz asked if anyone has come up with a solution for grass clippings in the streets that eventually end up in the storm sewers. Mr. Phillips said the Coalition is concentrating on the MS4 and this problem has to be handled on a local level.

Ms. Elliott said the Township is sending out a newsletter with the trash bills and there is an article on "Good Housekeeping for your Lawn, Garden & Driveway." She said education is the best way we can communicate this to the public.

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

Solicitor—Solicitor Holloway was absent from the meeting.

Parks and Recreation—Ms. Elliott reported that as of today, the Gerald Richards Park Playground is safe for play but not officially open. After the Township receives the final invoices, it will do the final landscaping.

Pottstown Metropolitan Regional Planning—No report.

SUBDIVISION AND LAND DEVELOPMENT:

None.

OLD BUSINESS:

Generator—Commissioner Foltz reported that the Township met with Progeer Engineering for a second time and would like to use this firm for the generator project. He requested authorization to proceed with the project and approval of a quote from Progeer in the amount of \$9,700.00.

Commissioner Klotz made a motion to authorize Township Manager Rodney P. Hawthorne to sign the Authorization to Proceed for Progeer Engineering, LLC to provide Electrical Engineering and Design Services for the Lower Pottsgrove Township Emergency Power System Project, based on the Progeer proposal dated July 10, 2012 in the amount of \$9,700.00. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

NEW BUSINESS:

None.

RESOLUTIONS AND ORDINANCES:

Resolution No. 949 and 950—See **REPORTS: Police.**

Warrant—Warrant No. 804 for August 2012 will be distributed via email for the Commissioners' review.

COMMISSIONERS COMMENTS:

Commissioner Foltz – See **OLD BUSINESS.**

Commissioner Klotz said many people in the community are liaisons between management and staff. He said there is a lot of volunteer work and mentioned how Joe Vecchio goes out of his way for the community. Commissioner Klotz offered kudos to everyone and said John (Fogel) does a great job but a lot of other people are involved too.

Commissioner Klotz said he did a ride-along with the Police. He shared a few things he experienced:

1. He saw our Sergeant and 3 patrol officers working together on a dangerous traffic detail on Route 422;
2. He witnessed Sgt. Greenwood speaking to a 14-year old runaway, a great example of community policing;
3. He saw how the police handled a 21-year old who overdosed on alcohol.

Commissioner Klotz stressed that if we think we are a small community, just look at Chief Foltz's monthly report. The crimes occurring here are as big as a big city—aggravated assault, weapons, gunshots, etc. He said these things go on and the police do a great job handling them.

Commissioner Klotz recommended that every commissioner do a ride-along with the Police to see the other side of it. He congratulated Chief Foltz for doing a great job.

Commissioner Klotz asked for an engineering update on Bella Italia. Mr. Camburn reported that there is going to be a site meeting in the near future to discuss the project but the date has not been set yet. The engineers will document the meeting.

Commissioner Klotz asked if the kick wall was going back up now that the Playground is finished. Commissioner Kaiser said we need to find a spot for it. Mr. Hawthorne said we will talk to Rob and Ms. Elliot said the Township is open to ideas and wants to make sure it is good for soccer.

Commissioner Foltz backed up Commissioner Klotz's comments about our Police Department. He attended the Camp Cadet graduation and said this is a good program. Officer Diesinger works Camp Cadet every year and they think a lot of him.

Commissioner Foltz also noted that Chief Mike Foltz left a golf tournament at 4:00 p.m. and did not get home until 5:00 a.m. the next morning, reinforcing that the public does not see what goes on in the background.

Commissioner Spadt said when he did his first ride along, he saw the patience demonstrated by Sgt. Greenwood. He said the professionalism of our police officers comes from good training.

MANAGER'S COMMENTS:

Mr. Hawthorne announced that the MCATO Fall Convention will be held on Friday, September 28, 2012 from 8:00 a.m. to 2:00 p.m. at the Franconia Heritage Convention Center.

There being no further business, the meeting was adjourned at 7:45 p.m.

Next regularly scheduled meeting will be held on Thursday, September 20, 2012 at 7:00 p.m.

Respectfully submitted,



Michele M. Cappelletti
Secretary