

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
November 1, 2012

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Thursday, November 1, 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. A moment of silence was observed in honor of the victims of Hurricane Sandy.

The following were in attendance:

Board of Commissioners: Jonathan H. Spadt, President; Bruce L. Foltz, Vice President; Michael McGroarty; James Kaiser and Stephen M. Klotz.

R. Kurtz Holloway, Solicitor; Rodney P. Hawthorne, Manager; Alyson E. Elliott, Assistant Manager; Michael A. Foltz, Chief of Police; Jennifer Marsteller, Treasurer/Tax Collector; Chad Camburn, Township Engineer and Michele Cappelletti, Secretary.

Fire Marshal Lew Babel was absent from the meeting.

PRESENTATION BY PORTNOFF LAW ASSOCIATES, LTD.

Recently, the Montgomery County Tax Claim Bureau initiated a program for the collection of delinquent taxes through its agent, Northeast Revenue Service, LLC. For the past two years, Lower Pottsgrove Township has used Portnoff Law Associates, Ltd. for this service.

Portnoff's representative, Kevin H. Burkas, Attorney at Law, delivered a presentation on the services provided to the Township by Portnoff and distributed an informational packet for the Board's review.

Solicitor Holloway reported that he and Mr. Burkas discussed the Township's obligation to Portnoff should the existing accounts be turned over to the County for collection. If the files were pulled, Portnoff would ask for reimbursement of \$22,300 in attorneys' fees and \$2,300 in hard costs. It was Solicitor Holloway's understanding that the County is not extending its program backwards; that is, the Township could leave its existing delinquent accounts with Portnoff for collection without paying the 5% commission on those accounts.

Commissioner Kaiser asked what the collection rate was before the Township starting using Portnoff. Mr. Hawthorne will provide those numbers. Commissioner McGroarty asked if the Township would be better served waiting before making a decision. Solicitor Holloway advised that if the Township waits and stays with Portnoff, the County would expect approximately \$2,000 from Lower Pottsgrove Township. Solicitor Holloway did not recommend taking files from Portnoff because it would cost the Township money. Commissioner McGroarty asked if the County collection would be starting in 2012 or 2013. Solicitor Holloway advised it would be this current tax year, 2012.

Commissioner Spadt asked when the Township had to make a decision. Solicitor Holloway advised before the end of the year and we need 2 meetings: One to authorize the advertisement of the ordinance and a second to adopt it. Commissioner McGroarty asked Solicitor Holloway if

he reviewed the ordinance. The Solicitor did review it and would make some modifications to the language proposed by the County.

Commissioner Spadt said he was inclined to stay with Portnoff because they are doing a good job and politics is behind what the County is doing. On the other hand, he wants to act in the best interest of the taxpayers of Lower Pottsgrove Township. Commissioner Klotz agreed and said his point of view is to retain Portnoff through 2013, then judge how the County has handled other municipalities. Commissioner Foltz asked if the Township would face repercussions from the County if it stayed with Portnoff. Solicitor Holloway said the County's only claim would be the 5% commission.

The Board will review the collection statistics and further discuss the matter at the November 15, 2012 meeting. The Board took no action at this time.

COMMENTS FROM VISITORS:

Township resident Stephanie Au asked what was the basis for the repeal of the sex offender residency restrictions ordinance. She said a lot of parents are concerned. Resident Terry O'Neill was also present at the meeting.

Commissioner Spadt said he and Commissioner Klotz led the charge to get the original ordinance approved; however, the Pennsylvania Supreme Court has since rendered a decision invalidating a sex offender residency restriction ordinance adopted by Allegheny County, concluding that it was preempted by Pennsylvania law. Lower Pottsgrove Township's ordinance is similar to the Allegheny County ordinance and if the Township leaves this ordinance on the books, it could be challenged.

Commissioner Spadt stated the Board is going to discuss other ways to protect our residents and the repeal of the ordinance is not an indicator that there is a lack of support by the Commissioners. The Board's hands are tied. It has no choice but to rescind, but the Commissioners all feel strongly about not giving up.

Chief of Police Mike Foltz stated that the residency restriction ordinances are forcing offenders into isolated areas, where they can offend and not be known. He asked that residents alert the Police Department if they have concerns. Commissioner Spadt gave credit to Chief Foltz and said the Montgomery County Sexual Assault Task Force, through the Adult Probation and Parole Department, provides educational programs on what we can do to make our communities safer. Commissioner Spadt asked Chief Foltz to work with the Pottsgrove School Board to set up a program in our community. Chief Foltz will make the arrangements and instructed the residents to contact him with any concerns.

Ordinance No. 288-A—Commissioner Foltz made a motion to approve Ordinance No. 288-A, Repealing Ordinance 288, Establishing Residential Restrictions for Registered Sexual Offenders within the Township. Commissioner McGroarty seconded the motion and it was unanimously approved, with regret. Vote was 5-0 in favor.

APPROVAL OF MINUTES:

Commissioner Kaiser made a motion to approve the meeting minutes of the October 18, 2012 Board of Commissioners meeting. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

REPORTS:

Police

Chief Foltz thanked the Public Works Department for its efforts during Hurricane Sandy. He said these employees have dangerous jobs, removing debris, working around electric wires and cutting trees. One of our workers did get hurt on the job after the storm.

Chief Foltz also thanked J. D. Eckman, Inc. for donating 25 orange traffic cones, which would have cost the Township approximately \$700.

Chief Foltz reported that there were 985 reported calls for service, which included 73 traffic violations and 4 DUI arrests. He highlighted the following from his report:

1. Criminal Investigations/Arrests:

- a. Police are investigating a series of overnight burglaries at Classic Grille V.
- b. Police are investigating a "smash and grab" burglary to the Wine & Spirit Shop in North End Shopping Center.
- c. Police arrested a male subject for burglary at CVS Pharmacy, E. High St., during the height of Hurricane Sandy.

2. Overtime:

- a. 17 ½ hours were expended for additional shift coverage and assistance with the EOC during Hurricane Sandy.
- b. 54 hours of overtime were devoted to the 422 construction detail providing contracted services to J. D. Eckman, Inc.

Resolution No. 955—Commissioner Klotz made a motion to approve Resolution No. 955, Confirming the Appointment of Police Officer William James as the School Resource Officer for the School Year of 2012-2013 and Approving the School Resource Officer Contract with Pottsgrove School District. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

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

Civil Service

Commissioner Spadt reported that the Township received the results of Chief Foltz's noncompetitive Civil Service examination. The Civil Service Commission will now schedule a meeting and proceed according to the Township's Civil Service Rules and Regulations.

Emergency Management

No report.

Fire/Fire Marshal

No report.

Highway—Public Works Department: No report.

Commissioner Foltz stated there is no report for Fire, Fire Marshal or Highway because they are out taking care of the Township after Hurricane Sandy.

C.O.G

No report.

Engineering

No report.

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

Solicitor—See RESOLUTIONS AND ORDINANCES.

Parks and Recreation—Ms. Elliott reported that neither the Township nor the Regional Parks and Recreation Board met in October due to lack of business.

Pottstown Metropolitan Regional Planning—No report.

CORRESPONDENCE AND INFORMATION:

The following information was included in the Commissioners' packets:

1. Email from Rick Lee (DVIT) to Rod Hawthorne. Subject: Work Comp Renewal Info

SUBDIVISION AND LAND DEVELOPMENT:

None.

OLD BUSINESS:

Diesel Fuel Bid—Mr. Hawthorne reported that bids for the supply and delivery of bulk diesel fuel to three locations in the Township were publicly opened and read aloud at 2:00 p.m. on October 30, 2012. Penn Petroleum Inc. T/A William R. Gift, Boyertown, PA 19518, submitted the only bid received by the Township. This bid did not comply with the Township's specifications and Mr. Hawthorne recommended that the Board reject the bid and rebid the contract.

Commissioner Klotz made a motion to reject the bid received on October 30, 2012, submitted by Penn Petroleum Inc. T/A William R. Gift, Boyertown, PA and to authorize readvertisement and rebidding of the diesel fuel contract. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

NEW BUSINESS:

None.

RESOLUTIONS AND ORDINANCES:

Trash and Recycling Ordinances—Solicitor Holloway reviewed the proposed changes to the current Solid Waste (Trash) and Recyclable Waste Management ordinances. Changes concern enforcement authority and violations and penalties.

After discussion, Commissioner Kaiser made a motion to authorize the preparation of ordinances for Solid Waste Management and Recyclable Management and to advertise the legal notices for these ordinances. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Warrant—Warrant No. 806 for October 2012 will be distributed via email for the Commissioners' review.

COMMISSIONERS COMMENTS:

Commissioner Kaiser reported that a draft budget was distributed to the Board via email. He pointed out a few items:

- Police negotiations are still going on and there will be a new contract, so that number is not solidified. The Police budget does include a replacement officer at this point in time.
- There are changes to donations to organizations. Commissioner Kaiser will answer any questions regarding the changes.
- Budget Committee recommendation is that there is no tax increase.
- Budget includes hiring for a position on the road crew.
- Budget Committee recommends contributions from non-uniform employees to their pension plan.

Commissioner McGroarty, who is serving his first year on the Budget Committee, thanked Commissioner Kaiser, Chief Foltz, Michele Christman, Department Heads, Mr. Hawthorne and Ms. Elliott for their participation in the budget process. He said everyone understands the financial constraints and looked at their needs, rather than wants. Commissioner McGroarty credited Commissioner Kaiser for supporting long term planning and said we are starting to look at these types of needs more closely. He felt the most important thing that came out of the whole process was recognizing that there are big-ticket expenses coming up and, as a Board, we have to plan for them.

Commissioner Kaiser said Commissioner McGroarty did a good job and he appreciated his help, knowledge and dedication. He also thanked Township staff.

Commissioner Foltz liked the idea of long term planning. Commissioner McGroarty said once we have this type of plan in place, we would visit it on a regular basis, not just at budget time.

Commissioner Kaiser advised that on November 15, 2012 the Board will approve the tentative budget.

Commissioner Klotz said Hurricane Sandy affected everyone and he recognized the work done by the road crew, staff and Police Department. He came into the Emergency Operations Center (EOC) for about an hour during the storm and was able to see how the EOC ran. He was concerned that the cordless phones in the EOC would lose power in the event of a power outage and recommended having a traditional phone to plug into the land line. Commissioner Klotz said it was interesting to watch the EOC staff at work; they were here and ready to take

action. He said Chief Foltz and Emergency Management Coordinator Chris Wilcox did a great job.

Commissioner Klotz stated that Officer James does a job that is second to none as School Resource Officer (SRO) at Pottsgrove High School. The kids know him, the program is wonderful and he is glad Officer James is involved. Commissioner Klotz asked Chief Foltz to pass along his comments to Officer James.

Commissioner Klotz said the police presence at the Pottsgrove High School Football games has helped tremendously. He said community policing is great and he loves to see it.

Commissioner Kaiser thanked Chief Foltz and Chris Wilcox for planning and then carrying out those plans during the event. He also thanked the police officers and road crew.

Commissioner Kaiser acknowledged, from a budget standpoint, the great job done by Township staff. He expressed his appreciation to Michele Christman, Rod Hawthorne, Alyson Elliott and Chief Foltz.

Commissioner McGroarty acknowledged that the fire companies set up emergency centers to provide food and nourishment to our road crew. Commissioner McGroarty also came into the EOC during the storm and agreed with Commissioner Klotz about the cordless phones. He said the generator cannot come soon enough.

Commissioner McGroarty requested that a letter be sent to the Pottsgrove High School Cross Country Team Coach, Larry Rehtin, congratulating him and the team for winning the PIAA District One title. He said the #1 runner, Ian Yanusko, sacrificed personal gain for the benefit of the team and asked that this be mentioned in the letter.

Commissioner Foltz was stranded in North Carolina and was disappointed that he could not be helping out in the EOC during the storm. He thanked the Commissioners for getting involved in the Township's emergency operations and appreciated their service and willingness to help. He also thanked Township staff and the road crew for doing their part during the storm.

Commissioner Foltz suggested placing one large, rolling dumpster at each fire company for Township residents to dispose of storm debris. Commissioner Klotz said it costs \$500 for a 30 ton dumpster, which holds 4 tons of waste. The dumpster is monitored and if it exceeds the allowable weight, the Township would be charged more, which could present a problem. Commissioner Foltz suggested posting information about the Township's yard waste drop-off location, Arborganic Acres, on the website. Ms. Elliott said this information is posted on the website, Facebook and the bulletin board.

Commissioner Spadt said Hetrick Gardens on Swamp Pike is another alternative for dropping off yard waste. He asked Ms. Elliott to reach out to Ed Wagner to see if this location is open and available.

Commissioner Spadt echoed all comments on emergency response.

Ms. Elliott reported that since Saturday, the Township's Facebook page viewership increased by 100. People are interested in Lower Pottsgrove Township and we are getting timely, appropriate information to them.

There being no further business, the meeting was adjourned at 8:15 p.m.

Next regularly scheduled meeting will be held on Thursday, November 15, 2012 at 7:00 p.m.

Respectfully submitted,



Michele M. Cappelletti
Secretary