

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
November 15, 2012

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled work session meeting on Thursday, November 15, 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 attended:

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

R. Kurtz Holloway, Solicitor; Rodney P. Hawthorne, Manager; Alyson Elliott, Assistant Manager and Michele Cappelletti, Secretary.

COMMENTS FROM VISITORS:

None.

APPROVAL OF MINUTES:

Commissioner Klotz made a motion to approve the meeting minutes of the November 1, 2012 Board of Commissioners meeting. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

RESOLUTIONS AND ORDINANCES:

Ordinance No. 266-A—Mr. Hawthorne presented Ordinance No. 266-A for approval. This ordinance repeals the current trash ordinance, No. 266, in its entirety.

Commissioner Kaiser made a motion to approve Ordinance No. 266-A, Repealing in the Code of Ordinances of Lower Pottsgrove, Chapter 20, Part 4 – Solid Waste Management, Sections 401 Through 414 and Enacting New Sections 401 Through 414. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Ordinance No. 267-A—Mr. Hawthorne presented Ordinance No. 267-A for approval. This ordinance repeals the current recycling ordinance, No. 267, in its entirety.

Commissioner Kaiser made a motion to approve Ordinance No. 267-A, Repealing in the Code of Ordinances of Lower Pottsgrove, Chapter 20, Part 2 Entitled Recyclable Waste, Sections 201 Through 214 And Enacting New Sections 201 Through 215. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

CORRESPONDENCE AND INFORMATION:

Audit Proposals—Mr. Hawthorne requested authorization to engage Reinhart and Company, Certified Public Accountants, to perform the following audits for the year ending December 31, 2012:

• Township Audit	\$10,600	(Last year's fees: \$10,300)
• Tax Collector Audit	\$ 1,695	(Last year's fees: \$ 1,645)
• Ringing Hill Fire Co. Audit	\$ 1,825	(Same as last year)
• Sanatoga Fire Co. Audit	\$ 1,825	(Same as last year)

Commissioner Kaiser made a motion to engage Reinhart and Company, Certified Public Accountants, to perform the Lower Pottsgrove Township Audit (\$10,600), The Lower Pottsgrove Tax Collector Audit (\$1,695), the Ringing Hill Fire Company Audit (\$1,825) and the Sanatoga Fire Company Audit (\$1,825) for the year ending December 31, 2012. Commissioner Klotz seconded the motion. Vote was 5-0 in favor.

The following information was included in the Commissioners' packets:

1. Copy of correspondence from Thomas Sullivan, Montgomery County Department of Public Safety to Commissioner Bruce L. Castor, Jr. Re: Motorola Proposal Analysis.

SUBDIVISION AND LAND DEVELOPMENT:

None.

OLD BUSINESS:

2013 Tentative Budget—Commissioner Kaiser made a motion to approve the Lower Pottsgrove Township 2013 Tentative Budget. Commissioner McGroarty seconded the motion. Vote was as follows: Commissioners Spadt, Aye; Commissioner Kaiser, Aye; Commissioner McGroarty, Aye; Commissioner Foltz, Nay and Commissioner Klotz, Nay. Motion carried and the 2013 tentative budget was approved by a vote of 3-2.

Ordinance No. 146-MM—Commissioner Kaiser made a motion to advertise Ordinance No. 146-MM, adopting the 2013 Annual Budget, and the Tentative Budget will be available for public inspection at the Township Office on November 21, 2012 and, if amended, the budget is required to be re-advertised if the amendment equals 10% of the total aggregate amount or 25% of a department total. Commissioner McGroarty seconded the motion. Vote was as follows: Commissioners Spadt, Aye; Commissioner Kaiser, Aye; Commissioner McGroarty, Aye; Commissioner Foltz, Nay and Commissioner Klotz, Nay. Motion carried by a vote of 3-2.

Ordinance No. 133-LL—Solicitor Holloway explained that Ordinance No. 133-LL establishes the real estate property tax rate for the year 2013, which includes the tax rate for general services and the tax rate for fire services purposes. The proposed tax rate for general services remains the same; the tax rate for fire services purposes is .58 mills and reflects an increase. A prior Board approved incremental increases to the fire tax and the last increase will be in 2014.

Commissioner Kaiser made a motion to advertise Ordinance No. 133-LL, Fixing the Real Estate Property Tax Rate for the Year 2013. Commissioner McGroarty seconded the motion. Vote was as follows: Commissioners Spadt, Aye; Commissioner Kaiser, Aye;

Commissioner McGroarty, Aye; Commissioner Foltz, Nay and Commissioner Klotz, Nay. Motion carried by a vote of 3-2.

Ordinance No. 134-MM—Commissioner McGroarty made a motion to advertise Ordinance No. 134-MM, Fixing the Rate of Assessment of Street Lighting in the Township for the Year 2013. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Delinquent Tax Collection—Commissioner Spadt said that at the last meeting, the Board discussed whether or not the Township should continue to have Portnoff collect its delinquent real estate taxes or be forced into using the County service.

Commissioner Kaiser reported that he reviewed the collection statistics provided to him by Michele Christman. It appears that there was a slight decrease in outstanding past due taxes since Portnoff started collecting in 2011 for the tax year 2010.

Solicitor Holloway advised if the Township stays with Portnoff, it would have to pay the County a 5% commission. For example, if the Township has \$40,000 in delinquent taxes collected, the County's fee would be \$2,000. Solicitor Holloway said, in Portnoff's favor, that the County lacks, even with the new system, payment plans and hardship options. The County-endorsed collector is not offering these options.

Commissioner Spadt's opinion was that the Township should stay with Portnoff and revisit the matter next year. Commissioner Kaiser had the same feeling; he felt that the payment plans offered by Portnoff were a service to taxpayers during times like these.

Solicitor Holloway reported that he and Mr. Hawthorne reached out to Portnoff and asked them to modify their existing contract to make it easier for the Township to opt out of the contract, even before the year is up. Commissioner Kaiser asked if Portnoff would keep their book of business and the Solicitor confirmed they would. Commissioner Foltz said there was an article in the Mercury stating Pottstown Borough will be using the County to collect its delinquent taxes because it would be obligated to pay the County roughly \$39,000 in commission, whether they used them or not. Considering prior years collection statistics, Commissioner McGroarty estimated that the commission Lower Pottsgrove would pay would be approximately \$2,000. Commissioner Klotz did not think Montgomery County would be as effective as Portnoff in collecting taxes and providing service.

Commissioner Klotz made a motion to engage the services of Portnoff Associates to collect Lower Pottsgrove Township's delinquent taxes for at least another year, in accordance with the modified terms of its contract. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Solicitor Holloway stated that there is still legislation pending to eliminate the County's ability to collect 5% on any taxing entity they do not collect for. He advised that the Board can send a letter of endorsement for that legislation if it so desires. Commissioner

Klotz made a motion to send the letter of endorsement. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 5-0 in favor. Solicitor Holloway will provide Mr. Hawthorne with the bill information.

NEW BUSINESS:

Traffic Signals Maintenance Agreement—Mr. Hawthorne reported the Township has had a contract with Telco for traffic signal maintenance since 2007. The state auditor recommended that the Township request proposals for an up-to-date maintenance contract. Mr. Hawthorne presented a proposal from Traffic Planning and Design (TPD), in the amount of \$5,785, for preparation of the bidding and contract documents for an annual traffic signal maintenance contract. Solicitor Holloway advised the Township would not be going out for a formal bid because of the size of the contract. The process would involve getting quotes and it would be challenging for Mr. Hawthorne to prepare the specifications because he does not have the technical knowledge.

Finance Director Michele Christman reported that the Township pays Telco approximately \$7,000 to \$8,000 per year to maintain the traffic signals. This figure includes \$4,000 for the contract, plus overtime and parts. The Board discussed whether or not it would be economically feasible, in a tight budget year, to spend \$6,000 for bid preparation services, on a line item that costs us approximately \$7,000.

It was the consensus of the Board to take no action at this time.

Meeting Calendar—Commissioner Klotz made a motion to approve the 2013 meeting calendar for all Boards and Commissions of Lower Pottsgrove Township. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Bauer Zoning Relief—Solicitor Holloway explained that Paul A. Bauer, III replaced the existing sign on the front of his building at 2050 East High Street and that existing sign is a lawful, non-conforming sign. According to Lower Pottsgrove Township's Zoning Ordinance, only one free-standing sign on the front yard is permitted; front wall signs are not permitted. The number of signs for the front is restricted to one. The only exception is a changeable copy sign, which is the type of sign that is physically or electronically altered by taking the letters off and replacing them.

The Township determined that Mr. Bauer's existing front wall sign is not a changeable copy sign as intended by the Ordinance and advised him if he wished to replace or alter that sign, he would need zoning relief by the Lower Pottsgrove Township Zoning Hearing Board. Mr. Bauer is now asking for an interpretation of the Township's Zoning Ordinance, proposing that his sign is a changeable copy sign and therefore permitted by right. Solicitor Holloway disagrees with that interpretation. Mr. Bauer is also requesting a variance.

Solicitor Holloway's concern is that an interpretation sets legal precedent; a variance does not. The Solicitor recommended that the Board of Commissioners consider opposing the interpretation request, but not the request for a variance.

The Commissioners and Solicitor Holloway discussed Mr. Bauer's request. After discussion, Commissioner McGroarty made a motion to oppose the interpretation of changeable copy, as proposed by Paul A. Bauer, III, and authorized Solicitor Holloway to write a letter to the Lower Pottsgrove Township Zoning Hearing Board advising them of the Board of Commissioners' position. Commissioner Kaiser seconded the motion. Commissioner Foltz recused himself from vote due to a conflict of interest. Motion carried by a vote of 4-0 in favor.

Warrant #806— Commissioner Klotz made a motion to approve Warrant #806 for the month of October 2012. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Acceptance of Treasurer's Report—Commissioner Klotz made a motion to accept the Treasurer's Report for the month of October 2012, as submitted by Jennifer Marsteller. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

COMMISSIONERS' COMMENTS:

Commissioner Klotz thanked Commissioner Kaiser, Commissioner McGroarty and staff for all the time spent on the budget. He said it is not easy to come up with the numbers.

Commissioner Klotz voted against the tentative budget because he did not want to vote in favor of taking anything away from Fire Department funding, when there are other areas that can be touched.

Commissioner Klotz said his thoughts and prayers are with the family and friends of Tim Paciello, a Pottsgrove High School student who was killed in an accident on E. High Street. There will be a candlelight vigil held from 4:30 p.m. to 5:30 p.m. on November 16 at Pottsgrove High School. The student section will be wearing black at the championship football game later that night.

Commissioner Klotz said as a Township, we should honor our Pottsgrove High School championship teams. He recommended presenting plaques to the coach of the Cross Country Team and the Band Director at a future Board meeting. The Board agreed with and authorized Mr. Hawthorne to order the plaques. Mr. Hawthorne will also send congratulatory letters to both on their accomplishments.

Commissioner Klotz has always had fire trucks and police escorts when the Pottsgrove High School football team returned to the Township after winning a championship game. Chief Foltz thought there could be some safety issues with the escorts turning into a parade, which requires permits. Commissioner Klotz suggested sitting down with the Police Chief and the Fire Chiefs and developing a plan. Commissioner Foltz suggested including the Fire Marshal in the planning.

Commissioners Kaiser and McGroarty offered their condolences to the Paciello family. **Commissioner Foltz** said it is always sad when a young person loses his life.

Commissioner Foltz asked for an update on street lights that are out in the Township. Mr. Hawthorne said Keith Place has been in touch with the owners of the empty drugstore and he cannot force them to replace the light. Chief Foltz had Sgt. Greenwood provide a list of lights that are out and the entire list was turned over to PECO. Mr. Hawthorne will follow up with Jen Corley on the status of that list.

Commissioner Spadt joined the Board in expressing sympathy to the Paciello family and friends. He also thanked Commissioner Kaiser and Commissioner McGroarty for their work on the budget, which becomes increasingly difficult as the economy continues its slow recovery.

Commissioner Spadt said to Commissioner Klotz that there is an honest disagreement about the budget and Commissioner Klotz is totally entitled to his opinion. He acknowledged that Commissioner Foltz has a similar disagreement. Commissioner Spadt noted that there is no tax increase in 2013; however, expenses continue to go up and revenue continues to fall. He felt it was healthy to have an honest disagreement among Board members.

MANAGER'S COMMENTS:

Mr. Hawthorne had no comments.

Ms. Elliott spoke to Ed Wagner, who explained the arrangement New Hanover Township has with Hetrick Gardens as a yard waste drop off facility. She has a call into Matt Hetrick to see if Lower Pottsgrove can make similar arrangements with Hetrick Gardens. She will keep the Board posted.

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

Next meeting will be held on Monday, December 3, 2012 at 7:00 p.m.

Respectfully submitted,



Michele M. Cappelletti
Township Secretary