

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
December 3, 2012

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Monday, December 3, 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; 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; Chris Wilcox, Emergency Management Coordinator; Lew Babel, Fire Marshal; Jennifer Marsteller, Treasurer/Tax Collector; Scott Exley and Chad Camburn, Township Engineers and Michele Cappelletti, Secretary.

COMMENTS FROM VISITORS:

Bill Wolfgang, Pruss Hill Road, asked if there will be a tax increase next year. Commissioner Spadt advised there will be no tax increase in 2013. Mr. Wolfgang asked if the Township is putting money aside for the Pruss Hill Road Bridge. Commissioner Kaiser said we are working on a 5-year plan and determining what funds can be used for the Pruss Hill Road Bridge and other capital improvements. Mr. Wolfgang was concerned because school buses and trucks that exceed the weight limit are ignoring the signs and using the Bridge. Chief Foltz said the police are still periodically enforcing the weight restrictions.

Tom Troutman, 2469 E. High Street, asked about putting a crosswalk on E. High Street, near the intersection of Sunnyside Avenue. Mr. Troutman is concerned because this location was recently the scene of a fatal pedestrian accident. He said there are already crosswalks at the intersections of E. High Street and Pleasantview Road and E. High Street and Heritage Drive, but felt one was needed at this location. High Street is under PennDOT's control, but Commissioner Spadt said the Township can look into it. Commissioner Klotz agreed with Mr. Troutman but felt it would be difficult to put a crosswalk at that location. He suggested installing signs that would direct pedestrians to the other crosswalks on E. High Street.

Speaking strictly on his own, not as a member of the Township's Parks and Recreation Board, **Mr. Troutman** said \$60,000 comes out of the Parks and Recreation Budget for the Library and \$1,750 comes out for Senior Citizens. He estimated there are 1,000 Lower Pottsgrove Township residents who use the Pottstown Area Seniors' Center (PASC). The PASC is trying to raise funds for a new Center and Mr. Troutman felt, in all fairness, that some of the \$60,000 for the Library could be directed towards the Seniors' Center.

Mr. Troutman asked if the Township can enact a Parks and Recreation tax. Mr. Troutman was under the impression that this can be done and he suggested a fixed amount, such as \$12.00 per housing unit per year. He said Parks and Recreation is strapped for money because there is no construction and grants are not coming through. Based on 5,000 housing units at \$12.00 per year, a Parks and Recreation tax would generate \$60,000. Commissioner Spadt said Mr.

Troutman's proposal would involve raising taxes. Mr. Troutman suggested enacting one next year and felt a fixed, small amount per year would not be a problem.

APPROVAL OF MINUTES:

Commissioner Klotz made a motion to approve the meeting minutes of the November 15, 2012 Board of Commissioners meeting. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

REPORTS:

Police

Chief Foltz reported that there were 960 reported calls for service, which included 55 criminal investigations. 21 adults were arrested and 3 juveniles were handled. He highlighted the following from his report:

1. Criminal Investigations/Arrests:

- a. A fatal accident involving a pedestrian on November 12, 2012 is still under investigation.

2. Fleet:

- a. Marked Patrol Unit (88-04) was recently repaired from body damage caused during a summer t-storm. Repairs were covered by auto insurance.
- b. Marked Patrol Unit (88-09) received minor body damage during Hurricane Sandy. Damage was repaired and paid for out of pocket.

Resolution No. 961—Chief Foltz requested that the Board consider approving Resolution No. 961, authorizing an agreement between the Township and an Animal Control Officer (ACO). The salary for the ACO is earmarked in the 2013 budget.

Educational Program—Chief Foltz worked with the Montgomery County Adult Probation and Parole Department to set up a community education program on sex offenders in the community. Program is tentatively scheduled for January 9, 2013 at 7:00 p.m. and will be held at Lower Pottsgrove Elementary School. He asked for the Board's availability on that date and time. Most of the Commissioners will be available and the Board authorized Chief Foltz to make the arrangements.

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.

OLD BUSINESS:

Resolution No. 961—Commissioner Spadt presented, for the Board's consideration, Resolution No. 961, Authorizing Execution of an Animal Control Officer Agreement between the Township and Jon W. Daywalt.

Commissioner Klotz made a motion to approve Resolution No. 961. Commissioner McGroarty said the ACO position was discussed under the Police Budget and asked if the Township was any closer to a resolution on the Police contract. Commissioner Spadt said we are closer to a resolution and are trying to schedule a meeting to resolve a dispute about one item.

Commissioner Kaiser asked if the Board wanted to postpone approving the ACO agreement until the Board knows the final resolution of the police contract. Commissioner Spadt felt the compensation for the ACO position was not a high amount of money. Chief Foltz said the Township will pay the ACO a flat, yearly fee of \$4,000; we did not choose the option to pay for each call-out.

Commissioner McGroarty said we will look at the ACO agreement on a year to year basis and it was a lot easier for the Township to have an ACO, instead of using police officers for animal control duties. Commissioner Spadt said we can terminate the contract on 30-days notice. Bill Wolfgang asked if anyone looked into working with other municipalities and sharing an ACO. He was advised that Mr. Daywalt is used by all the local municipalities.

After discussion, Commissioner McGroarty seconded Commissioner Klotz's motion to approve **Resolution No. 961**, Authorizing Execution of an Animal Control Officer Agreement between the Township and Jon W. Daywalt. Motion carried by a vote of 5-0 in favor.

Resolution No. 960—Commissioner Spadt reported that all requirements were met to confer Civil Service status upon Chief Michael A. Foltz in his capacity as Chief of Police, pursuant to the Civil Service Rules and Regulations. He presented Resolution No. 960 for the Board's approval.

Commissioner Klotz made a motion to approve Resolution No. 960, Acknowledging the Successful Completion of the Noncompetitive Civil Service Examination Process by Chief of Police Michael A. Foltz and Confirming His Qualification to Hold the Rank of Chief of Police in a Civil Service Capacity. Commissioner McGroarty seconded the motion. Commissioner Foltz abstained from voting. Vote was 4-0 in favor.

Emergency Management

Chris Wilcox, Emergency Management Coordinator, highlighted the following information from his October 2012 report:

Hurricane Sandy:

1. The Township's Emergency Operations Center (EOC) was activated due to Hurricane Sandy. The EOC was staffed by volunteers and Township staff.
2. Township Manager Rod Hawthorne and Chief of Police Mike Foltz conducted a windshield assessment of damage in the Township. Chief Foltz and EMC Wilcox then conducted an in-depth preliminary damage assessment
3. Documentation and forms have been completed and submitted to Montgomery County for potential reimbursement.

Route 422 Project:

1. Chief Foltz and EMC Wilcox attended a meeting with GVF for updates on the Route 422 project.

Fire/Fire Marshal

Fire Marshal Lew Babel reported that October was a good month and fire calls were down. The statistics are as follows:

Station	Total Calls	Total Hrs. of Service	Total Personnel Training Hrs.	Total Fundraising Hrs.
	Oct. 2012	Oct. 2012	Oct. 2012	Oct. 2012
Sanatoga (Station 58)	19	11	225	Not provided
Ringing Hill (Station 59)	21	14	Not provided	Not provided

Highway—Public Works Department: Commissioner Foltz reported that the Public Works Department had a busy month and read the November 2012 Public Works Report. Report will be posted on the bulletin board.

C.O.G—Commissioner Foltz advised that the next C.O.G. meeting will be held on January 8, 2013.

Engineering

Mr. Exley reported that Chad Camburn has developed a standardized engineer's report. A memo and tables will be provided to the Board each month with updates on the current status of active projects and recent engineering activities. Mr. Exley updated the Board on recent activities for 2209 East High Street (Bella Italia), Raven's Claw, Berean Bible and Tri-County Urology. He also reported that the new Floodplain Ordinance must be adopted by June 3, 2013.

Commissioner Klotz asked about the internal building column foundations at 2209 East High Street. Mr. Camburn said Keith Place is handling that.

Mr. Exley hosted a meeting at his office to introduce and start a dialogue between the Lower Pottsgrove Township Commissioners and Montgomery County Commissioner Josh Shapiro and Deputy Chief Operating Officer Lee Soltysiak. Mr. Exley said the meeting went well and everyone was honest and spoke up. Commissioner Foltz was impressed and liked what Commissioner Shapiro had to say and the way he is working with people. Commissioner Spadt thanked Mr. Exley for setting up the meeting.

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

Solicitor

Delinquent Tax Collection—Solicitor Holloway reported that at the November 20, 2012 meeting, the board voted to stay with Portnoff Law Associates for the collection of its delinquent taxes. President Spadt signed an addendum to the Township's current contract with Portnoff. The addendum contains language that will give the Township some latitude should it have to switch out of the contract.

Diesel Fuel Bid—Solicitor Holloway reported that he reviewed the diesel fuel bids opened at 2:00 p.m. on November 28, 2012. All bids were found to be in order.

Parks and Recreation—Ms. Elliott reported that Regional Recreation and Pottstown Metropolitan Regional Planning Commission have combined their November and December meetings and will be meeting on Thursday. Ms. Elliott will have a report in January 2013.

CORRESPONDENCE AND INFORMATION:

The following information was included in the Commissioners' packets:

1. Letter from Rodney P. Hawthorne to Senator Rafferty supporting legislation to eliminate Montgomery County's ability to collect 5% on taxing entities.
2. Letter to Rodney Hawthorne from Monica L. Olsen, Claim Examiner, IRM. Re: Stephen Knepp Claim.
3. Letter to Rod Hawthorne from Craig L. Adams, PECO extending thanks for support throughout Hurricane Sandy.

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 November 28, 2012. The following bids were submitted:

Contractor	Bulk price per gallon at 4:00 P.M. on November 21, 2012	Discount
Penn Petroleum T/A William R. Gift	\$3.425	\$0
Isobunkers DBA Atlantic Coast Energy	\$3.5392	\$0
Superior Plus Energy Services	\$3.5874	\$0
Suburban Heating Partners, LLC Farm and Home Oil Company	\$3.6003	\$0
Price is subject to an Escalator and/or De-escalator Clause to be determined by the market price on the day of delivery.		

Mr. Hawthorne requested that the Board award the diesel fuel contract to the lowest bidder, Penn Petroleum Inc. T/A William R. Gift, Boyertown, PA 19518.

Commissioner Klotz asked if the quoted price was for an entire year. Solicitor Holloway stated the pricing can change depending on the market. He explained that the bidder provides the market price on the date and time specified in the bid documents. We do not ask the bidder to commit to a certain dollar figure for a full year. Commissioner Klotz asked if the contract would be rebid if the price goes up. Solicitor Holloway said the contract allows the price to fluctuate.

Commissioner Foltz made a motion to award the contract for the supply and delivery of bulk diesel fuel to three locations in the Township to Penn Petroleum Inc. T/A William R. Gift, 2314 Farmington Avenue, Boyertown, PA 19518. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

NEW BUSINESS:

Emergency Lighting—Commissioner Foltz reported that the emergency lighting equipment in the Municipal Building is obsolete. Two completely new units are needed at a cost of \$500 each (\$1,000 total). Commissioner Foltz will install the units at no cost to the Township.

Mr. Hawthorne said the Township has grant funds from Workers' Comp that will cover the cost of the units. Commissioner Foltz explained that emergency lights work for 5 to 10 minutes for the purpose of getting people out of the building. They are not intended to be used for people to work by. Commissioner Spadt commented that is what the generator is for.

Hiring of a Road Crew Employee—Mr. Hawthorne requested authorization to advertise for a road crew employee to replace Matt Price. This position is included in the 2013 budget.

Commissioner Foltz made a motion to advertise for a road crew employee. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

RESOLUTIONS AND ORDINANCES:

Reappointment Resolutions—Commissioner McGroarty made a motion to approve the following reappointments to Township Board and Commissions:

- Resolution No. 956 reappointing James Krynski to the Lower Pottsgrove Township Authority;
- Resolution No. 957 reappointing Robert Mohollen to the Zoning Hearing Board;
- Resolution No. 958 reappointing Michael Font and Gregory Delp to the Building Code Appeals Board and
- Reappointment of James C. Phillips as Lower Pottsgrove Township's representative on the Pennsylvania Stormwater Coalition.

Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Mr. Hawthorne reported that Jim Phillips will no longer be an alternate delegate on the Montgomery County Tax Collection Committee. Treasurer/Tax Collector Jen Marsteller is the Township's voting delegate and she has agreed to stay on in this capacity.

Warrant—Warrant No. 807 for November 2012 will be distributed via email for the Commissioners' review.

ADDITIONAL COMMENTS:

Chief Foltz highlighted a few more items from his report:

1. There has been a considerable increase in the theft of copper wiring in vacant houses. Chief Foltz issued a press release notifying the public of this problem.

2. Approximately 8 to 10 thefts from vehicles have occurred in the northern part of the Township. A press release was issued notifying the public about the thefts.
3. Pennsylvania State Police have taken over traffic buffering/calming details for the 422 Corridor Project, relieving Lower Pottsgrove Township of that responsibility.

COMMISSIONERS COMMENTS:

Commissioner Klotz said the “escort season” has ended for Pottsgrove sports and the fire companies brought a couple of state champions home. Commissioner Klotz will be meeting with Chief Foltz and Fire Marshal Babel to develop a plan for escorting the teams in the future. He expressed his thanks to the Police and Fire Departments for this great community service.

Commissioner Klotz attended the meeting with Commissioner Shapiro at Scott Exley’s office. Commissioner Klotz said there was not a Republican/Democrat feeling in the room; Commissioner Shapiro just wants to get things done. He is a bi-partisan politician who really cares. Commissioner Shapiro has opened his office and staff to us and knows about Lower Pottsgrove’s issues, such as the Keim Street Bridge project. Commissioner Klotz is looking forward to working with Commissioner Shapiro and thanked Mr. Exley for hosting the meeting.

Commissioner Kaiser had no comments.

Since this is the last full meeting of 2012, **Commissioner McGroarty** took the opportunity to thank Chief Foltz, Fire Marshal Babel, Chad Camburn, Scott Exley and Jen Marsteller for another great year. He congratulated Chief Foltz on his first year as chief.

Commissioner Foltz had no comments.

Commissioner Spadt said Brennan Marion of Homsher Hill would like to present some ideas to the Board and resubmit a modified plan for his Bleim Road project. Commissioner McGroarty asked if Mr. Marion has had any discussions with staff or the Township Planning Commission regarding his plans. Commissioner Spadt said he has not; he is in the preliminary planning stages and just wants to gauge the Board’s feelings. The Board authorized Mr. Hawthorne to arrange for Brennan Marion to present to the Board at a future meeting.

There being no further business, the meeting was adjourned at 7:40 p.m.

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

Respectfully submitted,



Michele M. Cappelletti
Secretary