

**LOWER POTTS GROVE TOWNSHIP    BOARD OF COMMISSIONERS**  
**February 4, 2013**

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Monday, February 4, 2013 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:** Michael McGroarty, James D. Kaiser and Stephen M. Klotz.

R. Kurtz Holloway, Solicitor; Rodney P. Hawthorne, Manager; Alyson E. Elliott, Assistant Manager; Michael A. Foltz, Chief of Police; Lew Babel, Fire Marshal; Chris Wilcox, Emergency Management Coordinator; Jennifer V. Marsteller, Treasurer/Tax Collector; Scott Exley and Chad Camburn, Township Engineers and Michele Cappelletti, Secretary.

Jonathan H. Spadt, President and Bruce L. Foltz, Vice President were absent from the meeting.

**COMMENTS FROM VISITORS:**

**Wil Hallman, Gary Gearhart and John McMenamin** of Hallman Retirement Neighborhoods (HRN) were present at the meeting. Mr. Hallman said there has been a lack of communication between the Township and HRN regarding the Prizer House. He said they were given a list of things they need to remedy by Keith Place but have heard nothing about a meeting with staff and HRN.

Commissioner McGroarty recollected that at the last meeting, Mr. McMenamin approached the Board about the U&O for the Prizer House. After discussion, the Board instructed Township staff and the Engineers to look into what took place at the meetings with HRN and to report their findings back to the Board at tonight's meeting.

Mr. Hawthorne advised that there has been communication with Mr. Hallman's attorney, who asked Mr. Hawthorne to coordinate meeting dates with all parties involved. Since there were conflicts with the dates that were proposed, Mr. Hallman's attorney will get back to Mr. Hawthorne with more dates and the meeting will then be scheduled.

**APPROVAL OF MINUTES:**

Commissioner Klotz made a motion to approve the minutes of the January 24, 2013 Board of Commissioners meeting. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

**REPORTS:**

**Police**

Chief Foltz reported that there were 1,029 reported calls for service, which included 77 traffic violations and 4 DUI arrests. He highlighted the following from his report:

**1. Calls for Service/Departmental Activities:**

- a. "Protecting Your Children Against Sex Offenders" seminar was held at Lower Pottsgrove Elementary School on January 9, 2013.

- b. Sgt. Walters and Chief Foltz attended Open House at Western Montgomery Career & Technology Center on January 9, 2013.

**2. Criminal Investigations/Arrests:**

- a. Ofc. Dan Kienle recently filed charges on two individuals identified as having been involved in several thefts from vehicles and theft of vehicles in the Township during the early part of 2012. This investigation also assisted other agencies in clearing similar thefts.
- b. Det. Campbell continues to work on an armed robbery that occurred at the Sunoco Station in December. Actor has yet to be identified from surveillance video. Det. Campbell will be working with Facial Recognition Software to hopefully develop a viable suspect.
- c. On January 26, 2013, police responded to a report of a hunting accident on Pruss Hill Road. PA Game commission has jurisdiction over this case.

**3. Fleet:**

Two new 2013 Dodge Chargers have been ordered through New Holland Dodge Jeep Chrysler, a Costars authorized dealer. Delivery will be in April or early May.

Once the two new cars are received, Chief Foltz proposed keeping the 2010 Dodge Charger (Marked Patrol Unit 88-3 with approx. 72,000 miles) and retrofitting it as the unmarked SRO vehicle. The current SRO vehicle, a 2006 Ford Crown Victoria, has almost 100,000 miles and needs a new transmission. Instead of putting money into this vehicle, Chief Foltz felt it would make more sense to retrofit the newer car and use it as the SRO vehicle. He proposed using funds left over from a 2007 grant from the District Attorney's office to offset the cost to retrofit the 2010 Charger. The 2006 Ford Crown Victoria would be sold on Municibid at a later date.

Commissioner Klotz made a motion to accept Chief Foltz's recommendation to keep the 2010 Dodge Charger in service as an SRO vehicle and to retrofit this vehicle with the appropriate equipment using the balance of the 2007 District Attorney's grant (\$3,857.53) to offset costs.

Commissioner McGroarty asked if it would harm us to wait until we put the 2006 Ford on Municibid and then do everything at once. Commissioner Kaiser said we usually do it all together. Chief Foltz said we are not yet ready to list the car on Municibid and the reason he proposed retrofitting the 2010 Charger at this time is so the equipment can be ordered.

After discussion, Commissioner Kaiser seconded the motion made by Commissioner Klotz and it was unanimously approved. Vote was 3-0 in favor.

**4. Miscellaneous:**

- a. Montgomery County Radio Committee reported that a contract has been signed with Motorola for the new communications system. It is still undetermined if the County will pick up any of the expenses for the purchase

of new radios. Chief Foltz suggested holding off on the purchase of any new radios until that decision is made, unless exigent circumstances occur and we need a replacement. He recommended budgeting for the purchase of new radios in 2014.

- b. Intergraph, our CAD provider, presented a short demo on their RMS system that is being considered for use by County Agencies. It is unknown if we can integrate our Visual Alert into the Intergraph system, or if we would need to completely switch our RMS over to Intergraph. Chief Foltz is monitoring and will keep the Board posted.

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 regarding his report.

### **Fire Marshal**

The Fire Marshal was called from the meeting for an emergency. His report listed the following statistics for the Year 2012:

<b>Station</b>	<b>Total Calls</b>	<b>Total Hrs. of Service</b>	<b>Total Personnel Hrs.</b>	<b>Total Personnel Training Hrs.</b>	<b>Total Fundraising Hrs.</b>
	<b>2012</b>	<b>2012</b>	<b>2012</b>	<b>2012</b>	<b>2012</b>
<b>Sanatoga (Station 58)</b>	305	262	2,310	2,648	Not provided
<b>Ringling Hill (Station 59)</b>	327	310	1,830	1,493.5	3,957

The following statistics are for December 2012:

<b>Station</b>	<b>Total Calls</b>	<b>Total Hrs. of Service</b>	<b>Total Personnel Hrs.</b>	<b>Total Personnel Training Hrs.</b>	<b>Total Fundraising Hrs.</b>
	<b>Dec. 2012</b>	<b>Dec. 2012</b>	<b>Dec. 2012</b>	<b>Dec. 2012</b>	<b>Dec. 2012</b>
<b>Sanatoga (Station 58)</b>	22	15	81	119	Not provided
<b>Ringling Hill (Station 59)</b>	24	17	Not provided	12	307

Ringling Hill Fire Company experienced computer problems in October and November, 2012 and did not report the following statistics:

<b>Station</b>	<b>Total Personnel Training Hrs.</b>		<b>Total Fundraising Hrs.</b>	
	<b>Oct.</b>	<b>Nov.</b>	<b>Oct.</b>	<b>Nov.</b>
<b>Ringling Hill (Station 59)</b>	175	43	311	248

All reported hours are approximate.

**Highway—Public Works Department:** Report for January 2013 will be posted on the bulletin board.

**C.O.G.—**No report.

**Engineering—**As directed by the Board of Commissioners at its January 17, 2013 meeting, Mr. Exley and Mr. Camburn reviewed the existing site conditions at the Buchert Ridge property as they pertain to the potential use and occupancy of the Prizer House community center.

Mr. Exley stated that first and foremost, the township staff, engineer, solicitor and Board of Commissioners are concerned with the safety and welfare of the residents of the Buchert Ridge Community (BRC), their visitors, the owner's employees, and other third parties on the premises. The Township Engineers believe that permitting the use and occupancy of the community center, without all of the points in the Bursich report being adequately addressed, would jeopardize their safety and welfare. Mr. Exley said at the direction of the Board, Township staff met with BRC representatives in December 2011 and January 2012 to identify the steps necessary for a use and occupancy permit to be issued. To date the steps agreed to by both parties, which have been documented, have not been completed by BRC. Mr. Exley then proceeded to explain the specific issues and concerns outlined in his report.

Commissioner McGroarty referred to a memo prepared by Keith Place, Director of Code Administration/Zoning Officer for Lower Pottsgrove Township that was provided to the Board. Mr. Place's memo was prepared at the direction of Mr. Hawthorne. Mr. Hawthorne noted that Mr. Place has 16 state and 20 national code certifications and he has worked hard to get the certifications that are required for him to do his job. Mr. Place advised in his memo that his concern is that if a U&O is issued without the proper code requirements being met, it could result in his decertification and could be the basis for future punitive actions against him and/or Lower Pottsgrove Township.

Commissioner McGroarty said the engineers and staff have provided the Commissioners with the information they asked for. The next step is to provide the information to Mr. Hallman and his legal counsel. Mr. Hawthorne said once all the information is reported to the full Board of Commissioners (two commissioners were absent from this meeting), a memo will be available to Mr. Hallman and his staff. Mr. Hawthorne is currently working on setting up a meeting with the Township's full staff and HRN's full staff.

Mr. Hallman said he has no problem with what Keith is asking, but this has nothing to do with some of the engineer's issues. He said the Prizer House will be used as a temporary community center for BRC residents and will not be open to the public. He felt the parking is being blown out of proportion.

Mr. Hallman said if there is a documented agreement, he would like to see it. Mr. Hawthorne said we will have a meeting and provide the documentation. Mr. Hallman went on record and said we have never received such a document.

Commissioner Klotz advised that there cannot be any action by the Board until everything is clarified as to what was said and agreed upon. He said the issues with the handicapped parking spots and police and fire access scare him. Mr. Hallman and Commissioner Klotz further

discussed the parking situation and Mr. Hallman said they (HRN staff) have to answer to their people and they are looking out for them. Commissioner Klotz said he understood that Mr. Hallman is an expert with senior citizens but we are dealing with the law.

Commissioner McGroarty asked Mr. Hawthorne to advise the Board of the meeting date so some of the Commissioners can be in attendance. He said we are not trying to stonewall; he wants to keep this moving forward. Mr. Hallman said he would appreciate if at least one Commissioner could be present at the meeting.

Gary Gearhart commented that after Keith did a pre-walk through, he told the BRC representative that he was going back to the office to write a temporary U&O.

### **Treasurer**

Ms. Marsteller presented the Tax Collector's Monthly Report to Taxing Districts for the month of January 2013 to the Commissioners for review.

**Deputy Tax Collector**—The Solicitor reported that Ms. Marsteller has asked for the appointment of a Deputy Treasurer/Tax Collector. The Deputy would cover for Ms. Marsteller when she takes time away from the office at the end of June.

Solicitor Holloway explained that a Deputy Treasurer/Tax Collector may be appointed by the Township Board of Commissioners and can only be appointed during the Treasurer/Tax Collector's term of office. Ms. Marsteller's term expires at the end of this year and the Deputy's term would also expire at that time. Additionally, the Deputy Treasurer/Tax Collector is required to be bonded.

Ms. Marsteller requested that her mother-in-law, Virginia Smith, be appointed as the Deputy Treasurer/Tax Collector.

As a point of information, Solicitor Holloway advised that in 2014, things will be changing. The elected tax collector will no longer automatically be the treasurer. The tax collector will be elected, and the appointed treasurer may or may not be the elected tax collector.

Commissioner Klotz would like the full Board to consider Ms. Marsteller's request. Commissioner McGroarty proposed tabling the matter until the next meeting when the full Board is present. Ms. Marsteller would like to have her request considered as soon as possible so she can make travel arrangements. Solicitor Holloway asked if the bonding company would accept an application in advance of the appointment. Ms. Marsteller will contact the bonding company and find out.

Commissioner McGroarty said the matter will be put on the agenda for consideration at the February 21, 2013 Board of Commissioners meeting.

### **Solicitor**

**Chief of Police Contract Revisions**—The Solicitor reported that the Board is aware that some things have changed since Chief Foltz entered into his contract last year. Solicitor Holloway provided the Board with a memo outlining proposed revisions concerning annual salary through

the end of 2013, pay rate for certain reimbursable special details and Civil Service Status as Chief of Police.

Commissioner Klotz made a motion to authorize the proposed revisions to Chief of Police Michael A. Foltz's terms of employment. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

**AM 3686, Inc. Liquor License Transfer**—As requested by the Board at its January 24, 2013 meeting, Solicitor Holloway provided information about the restaurant that is transferring a liquor license to 1380 N. Charlotte St. According to the owner's realtor, the liquor license is an "E" license, which is for malt and brewed beverages only. These beverages will be available for on-premises consumption and carry-out and the majority of sales will be for on-premises consumption.

Commissioner Klotz found it hard to believe that the majority of the sales will be on-premises. He felt that the majority of sales would be from takeout 6-packs and this is one of his pet peeves.

#### **Parks and Recreation and Pottstown Metropolitan Regional Planning**

Ms. Elliott reported that the Parks and Recreation Board and the Planning Commission did not meet in January due to inclement weather.

Ms. Elliott delivered a joint Parks and Recreation and Regional Planning Report concerning grants for smaller sized recreational projects.

Ms. Elliott reported that the regional recreation study is ready to be concluded and presented to various communities. It has been determined that one regional recreation coordinator would work for all seven municipalities. The Pottstown Health and Wellness Foundation and DCNR support the hiring of a regional recreation coordinator. The duties of the coordinator would be primarily to offer technical assistance to the municipalities.

Ms. Elliott also reported that The Montgomery County Planning Commission is working on a model sign ordinance and is looking at LED and billboard signs.

Mr. John Cover of the Montgomery County Planning Commission is tentatively scheduled to deliver a presentation on the Fiscal Impact Study at the March 21, 2013 Board of Commissioners meeting.

#### **Emergency Management**

Chief Foltz delivered the Emergency Management Report for the month of January 2013. EMC Wilcox was called from the meeting for an emergency.

#### **Lower Pottsgrove Township Authority (LPTA)**

Mr. Hawthorne reported that the LPTA has invited representatives from Upper Pottsgrove and West Pottsgrove to its next meeting to discuss their mutual concerns about the Borough of Pottstown. Pottstown's Borough Manager has come up with a 5-year plan for upgrades to the sewer system, which will cost Lower Pottsgrove Township an additional \$1.4 million. Lower Pottsgrove, Upper Pottsgrove and West Pottsgrove have no say in the decisions made by the

Borough and they would like to have a seat at the table. All four communities should work together and currently this is not happening.

**CORRESPONDENCE AND INFORMATION:**

The following information was included in the Commissioners' packets:

1. MCATO Spring Convention info.
2. Lower Pottsgrove Historical Society Strawberry Festival info.

**SUBDIVISION AND LAND DEVELOPMENT:**

**None.**

**OLD BUSINESS:**

**Report on Buchert Ridge—See REPORTS: Engineering.**

**NEW BUSINESS:**

**Discussion on Deputy Tax Collector/Treasurer Position—See REPORTS: Treasurer.**

**RESOLUTIONS AND ORDINANCES:**

**None.**

**Warrant**—Warrant No. 809 for January 2013 will be distributed via email for the Commissioners' review.

**Comments from Scott Exley**—Regarding the issues with Buchert Ridge Community, Mr. Exley said it was tough to sit there and take shots when they have gone above and beyond on this project. Several meetings have been held with HRN's engineer in December 2011 and January 2012. Everything that was discussed and agreed to by all parties is documented. They wanted to get into the Prizer House and, to help them because they were short staffed, the Township engineers offered to help with the conservation district, stormwater, PennDOT, grading, etc. This was offered and memorialized in writing. The project sat. The engineers contacted HRN and were told the project is "back-burnered" for now. This is also in writing. Mr. Exley wanted to make it clear that the Township engineers are doing everything they can to help HRN get to the finish line.

**COMMISSIONERS COMMENTS:**

Regarding Buchert Ridge Community, **Commissioner Klotz** said that at the last meeting, he said let's try to get them in; however, Commissioner McGroarty wanted to see what the issues were before making a decision. Now, after seeing the review letter, Commissioner Klotz thanked Commissioner McGroarty for taking that approach. He also thanked staff for getting the information to the Board so they can make the right decision. He appreciated the information and his opinion has changed.

**Commissioner Klotz** said the new housing industry is booming again and asked Mr. Hawthorne if the Township has heard anything. Mr. Hawthorne said the Township has not received any new applications for residential or commercial development to date. There will be a presentation by Brennan Marion at the March 4, 2013 Board of Commissioners meeting on a proposed

development of townhomes and single family homes on his property located at Bleim and Pleasantview Roads. Commissioner Klotz asked if this plan was approved before. Mr. Hawthorne advised Mr. Marion is proposing a plan that is different from the approved plan.

**Commissioners Kaiser and McGroarty** had no comments.

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

Next regularly scheduled meeting will be held on Thursday, February 21, 2013 at 7:00 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Michele M. Cappelletti".

Michele M. Cappelletti  
Secretary