

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
November 7, 2013

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Thursday, November 7, 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: 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; Edward C. Wagner, Manager; Alyson E. Elliott, Assistant Manager; Michael A. Foltz, Chief of Police; Lew Babel, Fire Marshal; Scott Exley, Township Engineer and Michele Cappelletti, Secretary.

Jennifer V. Marsteller, Treasurer/Tax Collector was absent.

COMMENTS FROM VISITORS:

Tony Doyle, 1745 Kepler Road, said there is a lot of talk in the State and County about pension reform. He asked if this subject has been brought up by the Board. Commissioner Spadt said it has been discussed and there has been talk about moving to 401K plans.

Mr. Doyle asked Commissioner Foltz if the generator is up and running. Commissioner Foltz said it is operational and Mr. Hawthorne said there are a few things that need to be adjusted. Mr. Doyle gave Commissioner Foltz credit for his years of determination to get the generator installed.

Mr. Doyle asked if there is a list of roads that were paved this year. Commissioner Spadt said yes, there is a list.

APPROVAL OF MINUTES:

Commissioner Klotz made a motion to approve the minutes of the October 24, 2013 Board of Commissioners meeting. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

REPORTS:

Police

Chief Foltz reported there were 1,059 calls for service during the month of October 2013. There were 127 criminal investigations; 32 adults were arrested and 4 juveniles were handled. He highlighted the following from his report:

1. Training:

- a. On October 11, 2013 Chief Foltz attended an Active School Shooter exercise at York County Regional High School in Springettsbury Township, York County.
- b. SRO William James attended the PJOA training conference in Harrisburg from October 15-17, 2013.

- c. Ofc. James Kenney participated in a MIRT (Major Incident Response Team) drill at the TSA offices in Tinicum Township, PA on October 27, 2013. Overtime costs are reimbursable from Homeland Security.
- 2. Criminal Investigations/Arrest:**
- a. On October 19, 2013 police responded to a domestic incident on Dogwood Court. The investigation resulted in the arrest of the male subject charging him with Attempted Homicide, Aggravated and Simple Assault, Reckless Endangerment and other related charges.
- b. Detectives, with assistance from the U.S. Marshal's Office, tracked down and apprehended the fourth and final suspect involved in the pizza delivery driver robberies that took place this past summer. Subject was apprehended in Philadelphia.
- c. During the early morning hours of October 25, Ofc. David Slothower was patrolling 422 EB when he was nearly struck by a speeding vehicle. Ofc. Slothower initiated a vehicle stop as the car exited at the Sanatoga Interchange; the car stopped briefly but fled back onto 422 EB. PA State Police picked up the pursuit and using legal intervention they apprehended the suspect.
- d. Ofc. Scott Weidenhammer and the Montgomery County Detectives concluded their investigation of the fatal pedestrian accident at Charlotte and Mervine Streets. Bus driver has been charged with Involuntary Manslaughter and careless driving. Press release was issued by Montgomery County DA's office.

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.

Commissioner Klotz noted that the Calls for Service are increasing and criminal violations are going up. He asked Chief Foltz if he has seen that the Department is busier or if there is stress on the Department. Chief Foltz said from 2012, the calls were up considerably for this month; from 2011, activity plateaued. He explained if 1 individual commits 5 crimes, each crime is counted individually and all 5 counts are included in the statistics. Chief Foltz did point out that the Department is seeing more violent crimes.

Commissioner Klotz asked Chief Foltz if the Department is properly staffed. In Chief Foltz's opinion, presently the Department is adequately staffed with 17 officers; however, the Chief would like to see more officers added for logistical support.

Fire Marshal

Mr. Babel reported the following statistics in his November report:

Station	Total Calls	Total Hrs. of Service	Total Personnel Hrs.	Total Personnel Training Hrs.	Total Fundraising Hrs.
Sanatoga	23	Details will be provided next month.			
Ringling Hill (Station 59)	19	22	123	155	255

(Hours are approximate)

Mr. Babel expressed his appreciation to Mr. Exley for his help with getting a hydrant in place in the Southview Development.

Mr. Babel advised that the rededication of the Veterans Memorial at Sanatoga Chapel will be held on Sunday, November 10 at 1:00 p.m. He would appreciate if everyone could attend.

Emergency Management

Emergency Management Coordinator Chris Wilcox delivered the following report:

1. There were no Township EOC activations during September or October 2013.
2. EMC Wilcox and Donald Woodley attended the Radiological Officer Refresher course at Upper Uwchlan Township.
3. Biannual Exelon Drill will be held on Tuesday, November 19, 2013 at approximately 16:30 hours.
4. The phones in the meeting room designated for Emergency Management have been changed from Verizon to the Township's in-house phone system. Phone number remains the same. Cost of the switch over was \$597.50. The Township will realize a savings of \$960.00 per year.

Commissioner Foltz thanked Mr. Wilcox for changing over the phone service. Commissioner Klotz asked if that will take care of the problem with the phones losing power. Mr. Wilcox said the generator will take care of that, since the phones are now operating on our own system.

Highway—Public Works Department: Commissioner Foltz read the Public Works Report for October 2013. Report will be posted on the bulletin board.

Commissioner Foltz said the Township saved quite a bit of money on two large projects that were completed by Township staff in October – the North Adams Street Co-Op Storm Sewer Project with the Borough of Pottstown and installation of cable in Gerald Richards Park for the security camera system. He thanked John Fogel and the Road Crew for the work they did on these two projects.

C.O.G.—Commissioner Foltz reported that the next C.O.G. meeting will be held on Tuesday, November 12 at New Hanover Township.

Engineering

Scott Exley of Bursich Associates provided an Engineers' Report updating the Board on various projects and activities going on in the Township. He advised that the Pottsgrove High School expansion plan came in and they are starting to review it.

Treasurer— Ms. Marsteller's report for October 2013 will be emailed to the Commissioners.

Solicitor

LERTA District—Solicitor Holloway is working with Brian O'Leary of the Montgomery County Planning Commission to determine if the area on N. Charlotte Street between Mervine Street and Kauffman Road can qualify as a blighted area. One suggestion offered by Mr. O'Leary involves the Township obtaining information from existing property owners attempting to sell or lease their properties. Solicitor Holloway discussed this with Mr. Hawthorne and Mr. Wagner and they support approaching property owners for the information.

Solicitor Holloway requested authorization from the Board to contact current owners and their real estate agents. It was the consensus of the Board to authorize Solicitor Holloway to proceed.

BCW Cornerstone Realty Rezoning Request—Solicitor Holloway and Chuck Garner have worked out an effective and efficient way to accomplish rezoning of this tract from Heavy Industrial to Interchange. There will be further discussion on this matter during tonight's meeting.

Parks and Recreation and Pottstown Metropolitan Regional Planning

Fall Festival—Ms. Elliott reported that the Fall Festival was held on October 26, 2013. She thanked John Fogel and Jennifer Griffith for their dedication to this event.

Regional Recreation—Ms. Elliott reported that the Regional Recreation Coordinator grant application will be submitted to DCNR. She also reported that the Regional Recreation Board looked at recreation from a regional perspective and a lot of good ideas were discussed.

Regional Planning—Ms. Elliott reported the Regional Planning Commission is working on updating the Regional Comprehensive Plan and, since Lower Pottsgrove Township is part of Regional Planning, it is now time to review and update our future land use plan. Commissioner Spadt asked about guidelines with respect to the Regional Plan. Ms. Elliott said we will look at keeping our land use plan consistent with the regional comprehensive plan, which will give us more flexibility and be more attractive for economic development.

Authority

Mr. Hawthorne advised the Authority meeting will be held on November 12 and he will have a report after that meeting.

CORRESPONDENCE AND INFORMATION:

None.

OLD BUSINESS:

Recommended Changes to the Zoning Ordinance—Ms. Elliott presented recommended changes to the Zoning Ordinance, which were outlined in her memo dated October 3, 2013.

The Commissioners discussed holding off on the proposed zoning changes until a later date, as they want to have enough time to discuss the changes. Commissioner Klotz had questions about impervious coverage. Commissioner Foltz felt the Board has a lot on its plate right now with budget, filling vacancies, etc. and would like to hold off until the first of the Year.

The Board also discussed how to proceed with filling the vacancy on the Zoning Hearing Board. Commissioner Spadt's recommendation was to change the start time of the Board of Commissioners meeting on November 21 to 6:00 p.m. to allow for discussion of the recommended zoning changes and to interview applicants for the Zoning Hearing Board vacancy. It was the consensus of the Board to start the meeting on November 21 at 6:00 p.m.

Discussion of Zoning Board Replacement and Scheduling Interviews—Commissioner Spadt advised that the applicants who applied to fill the vacancy on the Zoning Hearing Board will be

interviewed by the Board and the interviews will be public. Commissioner McGroarty recalled when the Board filled an opening on the Authority, the Chairman of the Authority had a committee interview the applicants one at a time. Commissioner Klotz and Commissioner Foltz said they would like to be on the interview committee for selection of the Zoning Hearing Board member. Commissioner Spadt recommended conducting the interviews prior to the November 21 meeting, so the Board can take action at that meeting.

Commissioner Klotz said there is also a vacancy for an alternate member of the Zoning Hearing Board, as Scott Fulmer is resigning his position effective December 31, 2013. Commissioner Foltz made a motion to accept, with regret, the resignation of Scott Fulmer from the Lower Pottsgrove Township Zoning Hearing Board. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Traffic Signal Maintenance Contract—Mr. Hawthorne advised that the Township received proposals for the 2013-2014 Traffic Signal Maintenance contract.

In 2012, the Township was billed for 51 hours of overtime for traffic signal maintenance. Estimated total yearly cost for each contractor, including 51 hours of overtime (OT), is as follows:

Signal Service, Inc.	1020 Andrew Drive West Chester, PA 19380 Attention: Bill Conrad	Lump sum proposal \$ 3,400.00 51 hrs. @ \$100 per hour + <u>5,100.00</u> Estimated Annual Cost = \$ 8,500.00
Telco Inc.	1224 Cross Keys Road Reading, PA 19605 Attention: John Hivner	Lump sum proposal \$ 4,294.00 51 hrs. @ \$82.50 per hour +<u>4,207.50</u> Estimated Annual Cost = \$ 8501.50

Mr. Hawthorne said the Township has had a history with Telco for many years and he recommended staying with Telco. He also pointed out that Signal Service altered the insurance clause of the contract but Telco agreed to comply with all of the Township's insurance requirements.

Commissioner Foltz stated that Telco's hourly rate for overtime is less than Signal Service and asked if that should have any bearing on the Commissioners' decision. Solicitor Holloway said there is no legal restriction on who is awarded this contract.

Commissioner Foltz made a motion to award a one-year contract for traffic signal maintenance to Telco Inc. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Snow Plowing Proposals—Mr. Hawthorne reported that the Township received two proposals for snow plowing.

Howard Lynch Plastering and Stucco submitted the following proposal:

Description of Equipment	Estimated Hours of Use	Hourly Rate Bid	Estimated Total
¾ ton pickup truck w/minimum 8 ft. power angle blade w/operator Model or Series ID: 2008 Chevy 2005 Ford	40+/-	\$120.00	\$4,800.00
Dump truck (33,000 # or 5 ton equivalent) w/9 ft. or 10 ft. power angle blade w/operator	42+/-	No proposal submitted	
80,000 # maximum triaxle dump truck w/operator	42+/-	No proposal submitted	
1 ton truck (or above) w/operator, w/snow plow	42+/-	No proposal submitted	

Reading Materials Inc. submitted the following proposal:

Description of Equipment	Estimated Hours of Use	Hourly Rate Bid	Estimated Total
¾ ton pickup truck w/minimum 8 ft. power angle blade w/operator Model or Series ID: Ford 250	40+/-	\$136.00	\$5,440.00
Dump truck (33,000 # or 5 ton equivalent) w/9 ft. or 10 ft. power angle blade w/operator	42+/-	\$127.00	\$5,334.00
80,000 # maximum triaxle dump truck w/operator Model or Series ID: Mack	42+/-	\$159.00	\$6,678.00
1 ton truck (or above) w/operator, w/snow plow Model or Series ID: Ford 350	42+/-	\$145.00	\$6,090.00
936 Rubber Tire Loader w/operator		\$172.00	
950 Rubber Tire Loader w/operator		\$207.00	
966 Rubber Tire Loader w/operator		\$225.00	

Mr. Hawthorne advised that not all of the equipment stated in Reading Materials proposal will be used. For example, he said the 936, 950 and 966 Tire Loaders are only used during heavy snowfalls and they have not been used yet. Mr. Hawthorne recommended that the Board accept both proposals. Commissioner Foltz asked who is the first call out. Mr. Hawthorne said if it is a large storm, it would be Reading Materials.

Commissioner Klotz made a motion to accept the proposals submitted by Howard Lynch Plastering and Stucco and Reading Materials Inc. for the 2013-2014 snow plowing season. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Code Inspections, Plan Review, Third-Party Inspection Agencies—The Township received proposals from the following Third-Party agencies: Mark John (Underwriter Inspection Service, Inc.), Keystone Municipal Services, Barry Isett Associates, Inc., Czop Specter and Codes Inspections, Inc.

The Board discussed the services and rates proposed by the various agencies. Mr. Wagner's recommendation was to stay with Mark John until the end of the year. Commissioner Klotz made a motion to appoint Mark John (Underwriter Inspection Service, Inc.) as Lower Pottsgrove Township's Third-Party Code Enforcement Officer and Assistant Zoning Officer, on an as needed basis, at the rate of \$60.00 per hour, until December 31, 2013. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

BCW Rezoning Request—Mr. Wagner reported he, Commissioner Foltz, Solicitor Holloway, Mr. Hawthorne and Ms. Elliott met to discuss the rezoning of the BCW property located at 489 Armand Hammer Boulevard. The Township will start the process to rezone this tract from Heavy Industrial to Interchange with an overlay, which will open the property up to more appropriate uses and would allow for a fast-food establishment (such as Sheetz, Wawa, Turkey Hill, etc.) to be located there. Chuck Garner, BCW's attorney, has informed the Township that his client agrees to pay the costs associated with the overlay.

At the November 21, 2013 meeting, Solicitor Holloway will have the ordinance ready for the Board to make a motion to advertise it. Commissioner Foltz wants to keep the project moving.

SUBDIVISION AND LAND DEVELOPMENT:

Resolution No. 993, T. J. Maxey Enterprises, LLC—Ms. Elliott requested approval of Resolution No. 993, granting preliminary/final land development approval of a minor land development and lot line adjustment called T. J. Maxey Enterprises, LLC. Ms. Elliott advised the Lower Pottsgrove Planning Commission and the Montgomery County Planning Commission recommend approval.

After discussion, Commissioner Klotz made a motion to approve Resolution No. 993, granting preliminary/final land development approval of a minor land development and lot line adjustment called T. J. Maxey Enterprises, LLC. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

NEW BUSINESS:

Portnoff Law Associates Ltd. Addendum—Solicitor Holloway advised that the contract with Portnoff Law Associates, Ltd. expires on December 31, 2013. He advised that Portnoff has provided a suggested Addendum to the Agreement between the Township and Portnoff, which extends the Agreement for two years.

After discussion, Commissioner Kaiser made a motion to authorize approval of the Addendum, which extends the Township's Agreement with Portnoff Law Associates until December 31, 2015. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Appointment of Treasurer and Deputy Treasurer—Solicitor Holloway advised there has been a change in the law that separates the positions of Tax Collector and Treasurer. The Tax

Collector is an elected position and the Treasurer is an appointed position; therefore, there could be two different people holding these positions. There is no provision under the law for a Deputy Tax Collector, but the Board could appoint a Deputy Treasurer if it chooses to do so.

Solicitor Holloway advised that the position of Treasurer should be included on the 2014 reorganization resolution. If the Board decides to appoint a Deputy Treasurer, that position should be listed as well. The Board will also need to decide the compensation for these positions.

RESOLUTIONS AND ORDINANCES:

Resolution No. 994—Commissioner Klotz made a motion to approve Resolution No. 994 appointing Edward C. Wagner as Lower Pottsgrove Township's Open Records Officer, effective immediately. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Warrant—Warrant No. 818 for October 2013 was distributed via email for the Commissioners' review.

COMMISSIONERS COMMENTS:

Commissioner Klotz congratulated the Pottsgrove High School football team for being PAC 10 champions. He thanked Lew Babel, the Fire Companies and all the volunteers for coming out and helping the team to celebrate. He also thanked the Police Department and said everything went smoothly.

Commissioner Klotz congratulated the Pottsgrove High School Cross Country team on a job well done and for placing 2nd in the state championship.

Commissioner Kaiser and **Commissioner McGroarty** also congratulated the Pottsgrove High School sports teams.

Commissioner McGroarty congratulated the winners of the November 5, 2013 general election, Jennifer Marsteller and Shawn Watson. He wished them good luck when they take their seats in January 2014.

Commissioner Foltz asked Mr. Hawthorne if he was working on gathering information on LED lighting. Commissioner Foltz said there will be a cost upfront but changing over to LED lighting will ultimately save the Township money. Mr. Hawthorne has information and advised the Township would have to buy 91 lights. The matter will be on a future agenda for discussion.

Commissioner Foltz asked for the status of the grant application for the LED sign for the Municipal Building. He said there is hearsay that the grant is not available. Ms. Elliott said as far as she knows the grant is available and the application is being reviewed by DCNR. Mr. Wagner advised that matters relating to the sign were discussed at the October 25 Township's Parks and Recreation meeting.

Commissioner Spadt added his congratulations to Jen and Shawn and said he is looking forward to working together. He also congratulated the winners of the Pottsgrove School Board race.

Montgomery County Regional Planning Commission--Scott Exley informed the Board that the Montgomery County Planning Commission is preparing to write a new comprehensive plan and it is reaching out to the communities for input. He advised that the Steering Committee will meet on Monday, November 18, 2013 at 7:00 p.m. at the Steel River Playhouse in Pottstown. They would like to encourage the elected officials and the public to be part of it.

Next regularly scheduled meeting will be held on Thursday, November 21, 2013 at 6:00 p.m.

Respectfully submitted,



Michele M. Cappelletti
Secretary