

**LOWER POTTS GROVE TOWNSHIP    BOARD OF COMMISSIONERS**  
**December 2, 2013**

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Monday, December 2, 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:** 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; Chad Camburn, Township Engineer, Jennifer V. Marsteller, Tax Collector/Treasurer and Michele Cappelletti, Secretary.

Jonathan H. Spadt, President was absent.

**COMMENTS FROM VISITORS:**

**None.**

**APPROVAL OF MINUTES:**

Commissioner Kaiser made a motion to approve the minutes of November 21, 2013, Commissioner McGroarty seconded the motion.

Commissioner Klotz said at this meeting, a commissioner voted on the budget and other agenda items via telephone. He was checking on the legitimacy of this action and asked why there was no attempt to contact him by phone to participate in the meeting. Commissioner Klotz also stated that the meeting was advertised to start at 6:00 p.m. to allow for a zoning presentation that never happened.

Solicitor Holloway advised that there was nothing invalid about the meeting held on November 21, 2013. The required public notice was met; the meeting was advertised to start at 6:00 p.m. and it did start at 6:00 p.m.

Commissioner Klotz said maybe the reason he was not called was ethical rather than legal. Commissioner Kaiser took exception to Commissioner Klotz's comments. He said he prearranged so he was available by phone and he participated in the entire meeting. Commissioner Klotz felt not being called to participate was an ethical situation and that was up to the Board President.

Commissioner McGroarty said he unexpectedly missed a meeting for personal reasons and he had no expectation that he would get a phone call (to participate in the meeting).

Commissioner Foltz said the meeting was advertised to start at 6:00 to allow Alyson Elliott to do a zoning presentation but that presentation was taken out. At the meeting on November 21, Commissioner Foltz asked the Board to wait for Commissioner Klotz to arrive at 7:00 p.m. but

the meeting proceeded without him. Commissioner Foltz felt this falls back on the way the President ran the meeting.

Commissioner Klotz said he would like to see a resolution passed next year to not allow the Commissioners to participate in a meeting by telephone. Commissioner Kaiser said this was a step back and, by exception, phone participation should be allowed.

Commissioner Klotz disagreed and said the Commissioners are voted into office and should be at the meetings. Commissioner McGroarty applauded Commissioner Kaiser for taking time to arrange to be available at 1:00 a.m., his time.

Commissioner Foltz said the Board can pass a resolution to not allow phone participation. In his opinion, if the Board does not pass such a resolution, there could be 1 commissioner present at a meeting and the rest on the phone, which is ridiculous.

With the motion on the floor and seconded, the Board voted unanimously to approve the November 21, 2013 Board of Commissioners meeting minutes. Vote was 4-0.

#### **COMMENTS FROM VISITORS:**

**Tom Troutman**, E. High Street, expressed concern about the amount of money the Township allocates to the Library vs. the Senior Citizens. He asked why the Library gets preference. Commissioner Kaiser said the Library delivers an annual presentation and the statistics indicate its programs and services benefit all age groups, including the Senior Citizens. Mr. Troutman also thanked the Board for no tax increase in 2014.

#### **REPORTS:**

##### **Police**

**Emergency Action Plan**—Chief Foltz reported that the Township's insurance carrier, Delaware Valley Health Insurance Trust (DVHIT), recommended that the Township have an Emergency Action Plan (EAP) in place. He presented for approval Resolution No. 995, which approves an EAP for the Township Administration Office and Police Department. Commissioner Kaiser made a motion to approve Resolution No. 995 adopting the Emergency Action Plan of Lower Pottsgrove Township. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Commissioner Foltz said it was great to have an EAP, there hasn't been one in place for many years, and he thanked Chief Foltz for initiating this. Chief Foltz and EMC Chris Wilcox will work together to set up a staff training.

Chief Foltz reported there were 976 calls for service during the month of November 2013. There were 69 criminal investigations; 28 adults were arrested and 9 juveniles were handled. He highlighted the following from his report:

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

- a. On November 17, police assisted Limerick Township PD with a barricaded suicidal subject with an apparent hostage. CMERT was deployed. Subject was apprehended.
- b. On November 20, several Lower Pottsgrove Police officers conducted training for staff at Tri-County Area Federal Credit Union. Training was well received.

c. The Police Department received a cash donation of \$250 from Valley Forge Baptist Temple for "Civil Service Celebration Day" which was held at the church on October 8. The donation was used to offset the costs associated with the purchase of a new investigation tool.

**2. Traffic Enforcement:**

a. No traffic enforcement details were conducted outside routine patrols due to limited funding and manpower.

**3. Criminal Investigations/Arrests:**

- a. Det. Kienle continues to work on the National Penn Bank Robbery case.
- b. Detectives have been working on various thefts and theft from vehicle cases that occurred throughout the month.
- c. Ofc. Musselman resolved a littering issue in the Ringing Rocks Park/Pond.
- c. Ofc. Meitzler investigated a false report of alleged sexual harassment.

**4. Fleet:**

- a. There was a minor traffic mishap with one of the 2012 Dodge Chargers. Repair cost was \$733.
- b. Three (3) police vehicles sustained yellow road paint damage following PennDOT line painting around the station. The cars will go to a detail shop to have the paint removed professionally. The Department intends to submit the bills to PennDOT Customer Claims.

**5. Overtime:**

- a. There was a marked increase in overtime to fill open shifts and maintain 2-officer coverage as a result of scheduled leave time combined with officer injuries.
- b. Special assignments included contracted services for both Pottsgrove High School football games and 422 construction traffic calming/control activities.

**Sight Distance Concerns**—LTAP was contacted for technical assistance regarding site distance at two intersections in Lower Pottsgrove Township: Bahr Road/Buchert Road Intersection and High Street/East Court Intersection. A copy of a memo from LTAP was attached to Chief Foltz's report.

**Animal Control**—Commissioner Klotz noted there were animal complaints on Chief Foltz's report and asked if those complaints were handled by the Animal Control Officer. Chief Foltz responded yes, the Township pays ACO John Daywalt a flat fee of \$4,000 per year to handle all complaints relating to animal control.

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.

**Emergency Management**

Chief Foltz presented the Emergency Management Report in EMC Chris Wilcox's absence:

- 1. There were no Township EOC activations during November 2013.
- 2. The Township participated in the Biannual Exelon Drill on Tuesday, November 19, 2013. A PEMA representative was present and he gave the Township a good review.

3. EMC Wilcox and Chief Foltz worked on the EAP for the Township Building.

### Fire Marshal

Mr. Babel reported the following statistics for October 2013:

Station	Total Calls	Total Hrs. of Service	Total Personnel Hrs.	Total Personnel Training Hrs.	Total Fundraising Hrs.
Sanatoga (Station 58)	16	10	89	28.5	N/A
Ringling Hill (Station 59)	19	14	88	109	250

(Hours are approximate)

Mr. Babel said Fire Prevention Week was held from October 5-12, 2013. He expressed his appreciation to both companies for handling Fire Prevention Week activities for all schools and day care facilities in our Township.

Mr. Babel has pictures from Joe Zlomek of the rededication of the Veterans Memorial at Sanatoga Chapel if anyone would like to see them.

**Highway—Public Works Department:** Commissioner Foltz read the Public Works Report for November 2013. Report will be posted on the bulletin board. He noted that the Township saved money by having equipment serviced in-house.

Commissioner Foltz asked if the security camera system was up and running. Chief Foltz said the system is active and recording.

**C.O.G.**—Commissioner Foltz reported that the next C.O.G. meeting will be held in January 2014.

### Engineering

Chad Camburn of Bursich Associates provided an Engineers' Report updating the Board on various projects and activities going on in the Township. New activity is highlighted on the tables included with the written report. Mr. Camburn reported on the following projects:

- 1. Breidenbach Minor Land Development**—Bursich awaiting a construction estimate from the applicant to develop the financial security sum.
- 2. 2766 East High Street (Maxey property)**—Bursich awaiting a construction estimate from the applicant to develop the financial security sum.
- 3. Pottsgrove High School Expansion**—Applicant intends to apply for a zoning hearing for relief associated with the planned improvements.
- 4. 1338 Lynn Drive**—Bursich is currently reviewing revised plans to subdivide property into three lots. Previous application proposed to subdivide into two lots.
- 5. 1400 North Charlotte St. (Planet Fitness Site)**—Township staff met with Parke Bank to discuss their intentions to complete all phases of construction as soon as possible. Township staff provided a list of steps to assist them in moving forward.

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

**Deputy Treasurer**—Ms. Marsteller said the cost to bond Virginia Smith as Deputy Treasurer (for Jennifer Marsteller's 4-year upcoming term) is \$280 annually or \$911 for 4 years. Mr. Wagner said the law has changed. The Tax Collector is elected, but the Township's treasurer and/or deputy treasurer would need to be appointed by the Board at its reorganizational meeting on January 6, 2014.

**Solicitor**

**LERTA District**—At the last meeting, the Board authorized Solicitor Holloway and Mr. Wagner to reach out to property owners along N. Charlotte Street between Mervine Street and Kauffman Road to get feedback. Mr. Wagner sent letters to the property owners and asked for a response by December 6. Solicitor Holloway personally followed up with Parke Bank (Planet Fitness).

Solicitor Holloway recommended, in anticipation of establishing a LERTA District, that the Board look at the zoning and uses currently permitted in that area. The Board can then decide if the current zoning and uses are what they want to see there, or if changes need to be made so ultimately that area can thrive again. Solicitor Holloway felt it was important to have this process ongoing beyond LERTA and asked the Board to consider forming a committee to examine zoning uses allowed in areas where there is open, developable land.

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

Ms. Elliott reported that the Township's Parks and Recreation Board will not meeting again until January 2014.

**Regional Recreation**—Regional Recreation will be hosting a presentation by Curtis Strasheim, who was hired by Warwick Regional Recreation to serve as its Recreation and Parks Director. Ms. Elliott invited the Board to attend the presentation on Thursday, December 5 at 5:00 p.m. at the Health and Wellness Foundation.

**Regional Planning**—The BCW amendment to the zoning map will be on Regional Planning's agenda. Ms. Elliott will report back. Regional Planning has also been discussing different land uses and various ways we can plan ahead to improve our fiscal status.

**Authority**

**Rate Change**—Mr. Wagner reported the 2014 proposed budget includes raising the sewer capital from \$6.00 to \$12.00 per quarter. This increase will raise the sewer bill from \$130.00 per quarter to \$136.00 per quarter in 2014. The reason for the increase is to offset costs to upgrade the Sanatoga Pump Station, which could cost as much as \$500,000, as well as upgrades to the Borough of Pottstown's sewer system.

**Borough of Pottstown**—A decision will be made shortly on who will be awarded the contract for the sewer treatment plant operations review and financial and billing review.

**CORRESPONDENCE AND INFORMATION:**

**Rupert Road Bridge**—The Township received a letter from Ken Starr, Director, Montgomery County Department of Assets and Infrastructure regarding reconstruction of the 92-year old deteriorated Rupert Road Bridge. In his letter, Mr. Starr advises that the County is willing to proceed with a bridge reconstruction project if a CON/SPAN structure is installed at this location. The County has also requested that the Township assume ownership of the newly reconstructed bridge upon completion of the bridge replacement project.

Commissioner Klotz asked if the Township takes ownership, is the County looking to pay for the rest of the costs. Mr. Camburn said the Township can pay the engineering fees out of approximately \$325,000 of remaining escrowed monies.

Mr. Camburn explained that a CON/SPAN structure is a pre-fabricated bridge that is dropped into place. If the Township goes with a prefabricated bridge, it takes Bursich's design out of the process. It would still need to be engineered, but that work would be done by CON/SPAN, not Bursich.

After further discussion, Commissioner Klotz supported reconstruction of the bridge and, engineering-wise, supported getting the most for our money. He requested cost estimates and life expectancy of the prefabricated structure. Commissioner Foltz also wants to move forward with the bridge project. Mr. Wagner will provide more information to the Board and Commissioner Klotz wants to be involved in this project.

#### **OLD BUSINESS:**

**Discussion of Township Treasurer and Deputy Treasurer Appointment**—See Treasurer's Report.

**Discussion on Proposed Zoning Changes**—Tabled.

#### **SUBDIVISION AND LAND DEVELOPMENT:**

None.

#### **NEW BUSINESS:**

**Proposals for Township Auditor for 2014**—Mr. Wagner reported the Township received three proposals for the Township, Tax Collector and Fire Companies audits for 2014. Mr. Wagner and Finance Director Michele Christman will review the proposals. Mr. Wagner will bring a recommendation to the Board at the December 19, 2013 meeting for the Board's consideration.

**Food Drive**—Commissioner Foltz reported that Shawn Watson approached Ed Wagner and Chief Foltz about conducting a community food drive. The Township and the Police Department will be collecting canned goods and non-perishables, which will be distributed through the Pottstown Cluster. Mr. Watson would like to coordinate the food drive with the fire companies' annual Santa Run through the Township.

**Holiday Party**—Commissioner Foltz announced the Township's Annual Holiday Party will be held on December 19, 2013 from 11:30 a.m. to 1:30 p.m. The party is funded from personal contributions from the Board.

#### **RESOLUTIONS AND ORDINANCES:**

**Resolution No. 996**—Resolution No. 996 was prepared by Joe Duda, the Township's actuary, and Ryan Cassidy, the Township's labor counsel, to clarify and accentuate the original intent of the Pre-Retirement Death Benefit added to plan by Resolution No. 730 on August 23, 2007.

Commissioner Klotz made a motion to approve Resolution No. 996, clarifying the pre-retirement death benefit provided under the Lower Pottsgrove Township Non-Uniformed Pension Plan. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Resolution No. 997**—Commissioner Klotz made a motion to approve Resolution No. 997, authorizing and directing the Township Manager to Submit an Application for Traffic Signal Approval to the Pennsylvania Department of Transportation. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Warrant**—Warrant No. 819 for November 2013 will be distributed via email for the Commissioners' review.

#### **COMMISSIONERS COMMENTS:**

**Commissioner Klotz** reported that he and Commissioner Foltz interviewed several applicants for the vacancy on the Zoning Hearing Board. The interviews were conducted during an advertised public meeting.

Commissioner Klotz said all the applicants brought different things to the table; however, he and Commissioner Foltz recommended Keith Diener to fill the position. Commissioner Klotz said Keith has been involved in the community for many years and, being in real estate, he is very knowledgeable about the Township.

After discussion, Commissioner Klotz made a motion to appoint Keith Diener to the Lower Pottsgrove Township Zoning Hearing Board to fill the unexpired term of Kenneth Picardi. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Commissioner Klotz** thanked the Police Department for being at the Pottsgrove High School football games. He said it is nice to the officers interact with people in a social, yet professional, way and complemented Officer Diesinger for doing his job as a community policeman.

**Commissioner Klotz** said in the past, the fire companies escorted the football team home after winning a championship. This year, the team won the PAC 10 Championship on its home field and it was very impressive to have the fire trucks there as well. Commissioner Klotz asked Mr. Babel to relay his appreciation to the fire companies for their service to the community.

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

**Commissioner Foltz** pointed out that Ofc. Slothower handcrafted a beautiful cabinet to store equipment in the Police Department. Chief Foltz sent Ofc. Slothower a letter of appreciation and compensated him with comp time for the many hours of his own time he put into building and installing the cabinet.

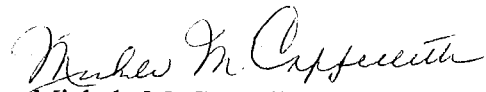
**MANAGER'S COMMENTS:**

Mr. Wagner reported that all carpets in the Township office and Police Department were professionally cleaned on November 22, 2013.

Mr. Hawthorne reported that he received another inquiry from a realtor on the former site of St. Pius X High School. A developer is considering building senior housing and mid-rises (2 to 3-story buildings) on that property. Commissioner Foltz asked if the developer intends to use the standing facility. Mr. Hawthorne advised it would be torn down.

Public meeting adjourned at 8:03 p.m. The next regularly scheduled meeting, which will be the 2013 Close-Out Meeting, will be held on Thursday, December 19, 2013 at 7:00 p.m.

Respectfully submitted,

  
Michele M. Cappelletti  
Secretary