

**LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS**  
**January 23, 2014**

**PUBLIC HEARING**  
**Ordinance No. 306**  
**Amending the Zoning Map and**  
**Adding Certain Areas of Land to the Interchange District**

At 6:45 p.m., Commissioner President Bruce L. Foltz opened the duly advertised public hearing to receive public comment on proposed Ordinance No. 306 to amend the zoning map of Lower Pottsgrove Township. Commissioner Foltz then turned the hearing over to Township Solicitor Robert L. Brant.

Solicitor Brant introduced the following Board Exhibits into the record:

- Proof of publication for legal notice advertising the public hearing (handled by Township Secretary Michele Cappelletti)
- Affidavit of Service dated January 15, 2014 indicating Township Manager Edward C. Wagner posted the property
- Legal Notice describing the ordinance amendment with engineer's legal description of property attached
- Proposed Ordinance No. 306 amending the zoning map and adding land to the Interchange District
- Motion to advertise the public hearing from the approved minutes of November 20, 2013 Board of Commissioners meeting
- Notice to Lower Pottsgrove Township Planning Commission and Montgomery County Planning Commission
- Memo recommending approval from Lower Pottsgrove Township Planning Commission
- Review letter from Montgomery County Planning Commission recommending approval
- Notice of public hearing mailed to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned
- Letter filing proposed ordinance with the Montgomery County Law Library

A large map of the area was displayed indicating the location of the zoning map change.

The applicant's attorney Chuck Garner of Wolf, Baldwin and Associates delivered a short presentation. It was his feeling that the proposed ordinance and map change would allow his client to market the property to get the appropriate uses for that area. Jeff McLellan, representing Cornerstone Realty, was also present at the hearing. Mr. McLellan is the authorized agent of the owner of the property, BCW.

Solicitor Brant asked if there were any questions from the Commissioners. Commissioner Klotz said with the Interchange area undergoing changes, it was good for the Township to be proactive. He asked if the Industrial District was an area the Board

should also consider changing. Solicitor Brant said the Board can make legislative changes to the ordinance as it sees fit and this could be revisited in the future. He added there would be some restraints, such as stormwater, planning and code issues, that would need to be addressed.

Solicitor Brant asked if there were any public comments. Tom Troutman asked for the location of the change and viewed the map on display.

There being no further comments from the Board or the public, Solicitor Brant closed the public hearing at 6:55 p.m. The Board of Commissioners will consider adoption of proposed Ordinance No. 306 at its regularly scheduled public meeting at 7:00 p.m.

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled work session meeting on Thursday, January 23, 2014 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:** Bruce L. Foltz, President; Stephen M. Klotz, Vice President; Shawn Watson and James D. Kaiser.

Robert L. Brant, Solicitor; Edward C. Wagner, Manager; Michele Cappelletti, Secretary.

Commissioner Jonathan H. Spadt was absent.

**ORDINANCE NO. 306 (BCW REZONING):**

**Ordinance No. 306**—Commissioner Klotz made a motion to approve Ordinance No. 306, An Ordinance Amending The Zoning Map Attached To And Incorporated In Chapter 250 Of The Code Of The Township Of Lower Pottsgrove Adding Certain Areas Of Land To The Interchange District. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**APPROVAL OF MINUTES:**

The Township Secretary advised there was an error in the draft minutes of the January 6, 2014 Board of Commissioners meeting. A copy of revised page 1669 was provided to the Board for review.

Commissioner Klotz made a motion to approve the meeting minutes of the January 6, 2014 Board of Commissioners meeting, with the amended language on Page 1669. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**COMMENTS FROM VISITORS:**

**Tom Troutman**, E. High Street, thanked the Budget Committee and Board of Commissioners for increasing the donation to the Senior Citizens. He said he is acting on his own when he asks for increases for the Senior Citizens.

**Mr. Troutman** would like to see more transparency with the budget. He said when he attended the public budget meetings, he sat and listened but was not provided with any documents to refer to.

**Mr. Troutman** requested that when the budget process starts, a notice be sent to the various non-profits asking them if they would like to come in and present their needs. Commissioner Foltz advised that the Township Manager and Finance Director are now the Budget Committee and requested that Mr. Wagner send notice to the non-profits that normally receive funding from the Township. Commissioner Kaiser said the Visiting Nurse Association and the Library send letters to the Township annually. Mr. Troutman asked if next year, could the Township reach out to them and Commissioner Klotz said we will do that.

**Tony Doyle**, 1745 Kepler Road, asked the Board to explain agenda items to the public so they understand what is being voted on. Commissioner Foltz agreed and will explain and discuss items on the agenda.

**Mr. Doyle** referenced an article in the Mercury by Evan Brandt regarding two administrative employees who will get salary increases. He asked if each employee is getting a \$4,100 salary increase or if this amount is to be split between the two employees. Mr. Wagner advised that the two employees will be splitting the total amount of \$4,100. Mr. Doyle felt there should be a correction or apology published in the Mercury correcting the information.

**Mr. Doyle** was in agreement with the elimination of the Assistant Manager's position and felt Mr. Wagner could handle those responsibilities. He commented that looking back, some positions could have been eliminated earlier but understands it's a difficult decision to lay-off an employee.

**Mr. Doyle** expressed concern about taking money out of reserves to balance the budget. He asked how long it has been since the Board raised taxes. Commissioner Kaiser said two years. Mr. Doyle said he would rather have his taxes raised than to keep taking money out of reserves.

#### **CORRESPONDENCE AND INFORMATION:**

None.

#### **OLD BUSINESS:**

None.

#### **NEW BUSINESS:**

**Medical Insurance Cafeteria Plan**—Mr. Wagner reported that the Board is required to adopt a "Cafeteria Plan" authorizing a 5% employee contribution, by payroll deduction, towards the employee's medical benefits. This contribution applies to both uniformed and non-uniformed employees and the Board must authorize participation in the Cafeteria Plan annually.

Commissioner Klotz made a motion to adopt the Cafeteria Plan for a 5% employee contribution to medical insurance in accordance with IRS regulations. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Storm Water Ordinance**—Mr. Wagner reported that the Township's current Storm Water Ordinance needs to be updated to comply with DEP regulations. He requested authorization to advertise the proposed amended ordinance, with a tentative approval date of March 3, 2014.

Commissioner Kaiser made a motion to advertise a proposed ordinance to amend the Lower Pottsgrove Township Storm Water ordinance. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Five-Year Plan**—Mr. Wagner reported he would like to pursue developing a five-year comprehensive plan. He has had two meetings with Department heads and discussed the need for long-range planning. If the Board has no objection, Mr. Wagner would like to start the process the first week of February.

It was the consensus of the Board that a five-year plan was a good idea and Mr. Wagner should carry on with the process. Commissioner Klotz requested that the Board be kept up to date on the progress.

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

**Resolution No. 1008-14**—Mr. Wagner explained that the Township currently does not have a credit card. He requested that the Board authorize the purchase of goods and services by use of a procurement credit card system through Pennsylvania Local Government Investment Trust (PLGIT).

Commissioner Klotz made a motion to approve Resolution No. 1008-14 authorizing issuance of individual procurement cards through PLGIT. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Resolution No. 1007-14**—Solicitor Brant advised that adoption of Resolution No. 1007-14, which sets guidelines for warrantless summary arrests, is a proactive approach on behalf of Chief Foltz, as this action gets the Department closer to accreditation. Approval is mandated by the Police Chiefs Association and without it, the Police Department will not achieve accreditation.

Commissioner Klotz said the Police Committee has discussed the matter with Chief Foltz and supports adoption of the resolution. Commissioner Klotz made a motion to approve Resolution No. 1007-14, adopting guidelines for Lower Pottsgrove Police Department officers when making authorized warrantless summary arrests. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Resolution No. 1009-14**—Commissioner Klotz advised that the Police Committee recommends the appointment of Kathy-Jo Winterbottom to fill the vacancy occasioned by the death of Woody Righter. Ms. Winterbottom was present at the meeting.

Commissioner Klotz made a motion to approve Resolution No.1009-14, appointing Kathy-Jo Winterbottom as a regular member of the Lower Pottsgrove Township Civil Service Commission. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Resolution No. 1010-14**—Commissioner Klotz advised a vacancy also exists for an alternate member of the Civil Service Commission. He recommended appointing Chuck Bleakley to fill this vacancy.

Commissioner Klotz made a motion to approve Resolution No. 1010-14, appointing Chuck Bleakley as an alternate member of the Lower Pottsgrove Township Civil Service Commission. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Warrant #819**— Commissioner Klotz made a motion to approve Warrant #819 for the month of December 2013. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Acceptance of Treasurer's Report**—Commissioner Klotz made a motion to accept the Treasurer's Report for the month of December 2013, as submitted by Jennifer Marsteller. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

#### **COMMISSIONERS' COMMENTS:**

**Commissioner Kaiser** welcomed Kathy-Jo Winterbottom and Chuck Bleakley to the Civil Service Commission and thanked them for volunteering.

**Commissioner Kaiser** said he wasn't at the last meeting when the Board voted to re-open the budget. Regarding the Library, he said the Board is looking at increasing funds but cutting the summer reading program. He asked the Board to reconsider and put the funding back to the original amount. Commissioner Foltz said the Board allowed for the summer reading program and it is included in the funding.

**Commissioner Watson** also welcomed Kathy-Jo and Chuck to the Civil Service Commission.

Zoning Hearing Application #2014-01 was previously provided to the Board for review. **Commissioner Watson** made a motion to authorize the Township Manager to enter an appearance at the zoning hearing on January 28, 2014 at 6:00 p.m., on behalf of the Board of Commissioners, to oppose the application. Mr. Wagner advised the applicant is proposing to build a 32' x 26' pole barn, five feet from the property line, next to the Wesleyan Church. After discussion, Commissioner Klotz seconded the motion and it was

unanimously approved. Vote was 4-0 in favor. Commissioner Foltz recommended that Mr. Wagner call the applicant, as a courtesy, and inform him of the Board's decision.

**Commissioner Klotz** welcomed Kathy-Jo Winterbottom and Chuck Bleakley. He also welcomed Jim Kaiser back to the Board of Commissioners.

**Commissioner Klotz** advised that he has still not visited the Library but he received an overwhelming response from people in the community whose children use the Library. He clarified that the Board is reinstating \$65,000, which includes the summer reading program, which he supports. It was noted that adults from Lower Pottsgrove Township also use the Library.

**Commissioner Klotz** reported that an informal Police Committee meeting was held on Tuesday, January 21, 2014. He advised that the Police Committee would like to hold a monthly meeting at 5:30 p.m. on the same night as the Commissioners' work session meeting. Solicitor Brant will look into the matter and determine if Police Committee meetings need to be advertised.

**Commissioner Foltz** reported he toured the Library and the building is in need of repair. He learned some things about the Library and he is willing to compromise and get back on track.

Sue Davis, Executive Director of the Pottstown Regional Public Library, expressed her appreciation to the Board.

**Commissioner Foltz** said a newsletter called The Police Rap Sheet is very informative and it would be beneficial for the Commissioners to subscribe to it. It is a good outlook on what's going in Montgomery County.

#### **MANAGER'S COMMENTS:**

Mr. Wagner reported that he was approached by the Montgomery County Township Commissioners, who would like to hold a town meeting at the Lower Pottsgrove Township Municipal Building. Available dates are Thursday, February 6, 2014 or Thursday, February 27, 2014 at 7:00 p.m. The Board authorized Mr. Wagner to schedule the town hall meeting for Thursday, February 6, 2014 at 7:00 p.m.

Mr. Wagner advised that on January 7, 2014, E. G. "Woody" Righter passed away. Woody served as a Township Commissioner from 2002 to 2006 and also served on the Civil Service Commission and Vacancy Board. He was a great asset and served the community well.

#### **EXECUTIVE SESSION:**

At 7:40 p.m., Solicitor Brant announced that immediately following tonight's meeting, the Board of Commissioners will recess into an executive session to discuss a personnel matter. The Board of Commissioners will reconvene into public session and advise if any action is taken.

The Board reconvened into public session at 7:42 p.m. No action was taken. There being no further business, the public meeting adjourned at 7:43 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michele M. Cappelletti".

Michele M. Cappelletti  
Township Secretary