

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
April 7, 2014

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Monday, April 7, 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 were in attendance:

Board of Commissioners: Bruce L. Foltz, President; Stephen M. Klotz, Vice President; Shawn D. Watson; James D. Kaiser and Jonathan H. Spadt.

Robert L. Brant, Solicitor; Edward C. Wagner, Manager; Michael A. Foltz, Chief of Police; Lew Babel, Fire Marshal; Chris Wilcox, Emergency Management Coordinator; Jennifer V. Marsteller, Treasurer/Tax Collector; Scott Exley, Township Engineer and Michele Cappelletti, Secretary.

Commissioner Foltz announced the meeting was being recorded.

Solicitor Robert Brant announced that the Board of Commissioners met in executive session from 6:45 p.m. to 6:55 p.m. to discuss a personnel matter.

PRESENTATION:

Mr. Wagner introduced Chief Kelly of Abington Township. Chief Kelly is the Chairman of the Pennsylvania Law Enforcement Accreditation Commission.

Chief Kelly addressed the Board about the Accreditation process. He stated there are 1,250 police departments in the state of Pennsylvania and 330 of those departments are enrolled in the Accreditation Program. Only 90 departments have achieved Accreditation. Chief Kelly said Lower Pottsgrove is in a position to honestly say our Police Department is among the finest in the state and we should feel very proud because this is a great accomplishment.

Chief Kelly then presented A Certificate of Law Enforcement Accreditation to Chief Foltz, Sgt. Greenwood, Ofc. Weidenhammer, Ofc. DiPiano, Ofc. Meitzler and Ofc. Musselman.

Chief Foltz thanked Chief Kelly for taking the time to make this presentation. He recognized Ofc. Weidenhammer, who served as the Department's Accreditation Manager, and his staff. He said everyone in the Department came together and made this happen and he thanked the Board for its support during the process. Chief Foltz also recognized Nikki Weidenhammer for providing food for the Accreditation team during the on-site assessment.

Commissioner Foltz said Chief Foltz, Ofc. Weidenhammer, Shawn Watson, Ed Wagner and he had the opportunity to go to Harrisburg for the Accreditation Commission meeting. He said other departments pursuing re-accreditation or accreditation had to answer many questions posed by the 20-member Board. Lower Pottsgrove's assessment report was accepted and no questions were asked. Commissioner Foltz said it was quite an experience and expressed his appreciation to Chief Kelly for his attendance at tonight's meeting.

Chief Kelly invited the Board to attend the Pennsylvania Chiefs of Police Conference at the Radisson Valley Forge in King of Prussia, Pennsylvania. An awards recognition dinner will be held on Wednesday, July 16, 2014 and the Accreditation Certificate will be officially awarded to the Lower Pottsgrove Police Department at that event.

Commissioner Klotz thanked Chief Kelly for attending. He congratulated Chief Foltz, Ofc. Weidenhammer and the entire Department and expressed his appreciation for all the work the officers put into the Accreditation process. He said the numbers are staggering and he thinks we do have the best police force.

Commissioner Watson said he had the pleasure of meeting Chief Kelly in Harrisburg and thanked him for attending tonight's presentation. He reiterated Commissioner Foltz's comments that many departments were asked multiple questions, but not one question was asked of Lower Pottsgrove. Commissioner Watson complimented Chief Foltz on putting together a very good police force and said he is proud to be a part of it.

Commissioner Kaiser said Chief Foltz has been working on Accreditation for 5 years and he appreciated that he kept the Board informed and updated on the process. He appreciates all the hard work and said this accomplishment is certainly something to be proud of. He offered his congratulations to all.

Commissioner Spadt echoed all the comments of his fellow Commissioners. He quantified the superiority of the police department by saying it is one of the top 90 out of 1250 departments in the state of Pennsylvania; consequently, the Lower Pottsgrove Township Police Department is in the top 6 or 7 percent of the departments in the entire state. He said hats off to Chief Foltz and the Department and he thanked Chief Kelly for his help.

Mr. Wagner commented that the Accreditation Commission meeting in Harrisburg was a great experience. He said Township Administration and Police are a team and he wanted to be there. He congratulated Chief Foltz and all the officers.

Mr. Brant said he has worked with Chief Foltz over the last 3 – 4 months on a number of issues and he has been very impressed with the way Mike has handled himself professionally. Mike's decisions and his wisdom are something Bruce Foltz can be proud of as a father. Having grown up in Lower Pottsgrove, Mr. Brant said it is his pleasure and he is honored to be Solicitor of this Township.

APPROVAL OF MINUTES:

Commissioner Klotz made a motion to approve the minutes of the March 20, 2014 Board of Commissioners meeting. Commissioner Spadt seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

COMMENTS FROM VISITORS:

None.

REPORTS:

Emergency Management

Chris Wilcox, EMC, delivered his report for March 2014:

1. There were no EOC activations
2. He attended the Montgomery County Emergency Management Training at EOC Eagleville. This month's topic was Department of Homeland Security Critical Infrastructure. They also touched on active shooter incidents in schools.
3. While at the EOC, he attended a presentation with Chief Foltz on DragonForce software.

Police

Chief Foltz said it is an honor to achieve Accreditation and he appreciates all the kind words, but a majority of the credit goes to the staff, especially Ofc. Weidenhammer, for the hard work he put into it.

Resignation—Chief Foltz reported he unfortunately accepted a letter of resignation today from Ofc. Royce Repka. He requested that the Board accept Ofc. Repka's resignation, which is effective April 18, 2014.

Commissioner Klotz made a motion to accept the resignation of Ofc. Royce Repka, effective April 18, 2014. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Chief Foltz reported there were 1,007 calls for service in March 2014; 72 were traffic violations and 69 were criminal violations. He highlighted the following from his report:

a. Calls for Service/Departmental Activities:

- a. Between October 2013 and now, there has been a spike in the reportable accidents. Reportable accidents involve an injury or one of the vehicles involved has to be towed from the scene. Chief Foltz assigned a traffic safety officer to investigate and determine the cause factors for this increase. Once the cause factor(s) is determined, the Department can take steps to mitigate the situation.

b. Traffic Enforcement:

- a. The Department has recently been notified that the PA Aggressive Driver Enforcement Funds have been distributed. The Township is eligible for \$1,750.00 in reimbursed time for officers to conduct activities from Monday, March 24 through Sunday, May 4. Officers will begin these enforcement efforts in the next few weeks.
- b. Of the 72 traffic citations issued in March, 26 of them were related to the 422 Construction Zone.

3. Criminal Investigations/Arrests:

- a. Detectives are investigating a misappropriation of funds case involving a group home in the Township. Case is ongoing.
- b. Det. Kienle investigated the theft of a prescription from a local physician's office. Subject was identified and charges were filed.

- c. Detectives investigated a theft of several firearms from a residence in Shaner's Trailer Park. Investigation is ongoing.
 - d. Detectives have finalized the background checks for police applicant eligibility. Tentative meeting date for the Civil Service Commission is April 23, 2014 to discuss certifying an eligibility list.
4. **Fleet:**
- a. Chief Foltz's vehicle (2006 Dodge Charger) was decommissioned as a police unit and has been assigned to the Township Manager. The Township Manager's vehicle (2007 Dodge Durango) has been repurposed and upfitted as a second detectives' car. Chief will use this vehicle until the new Chief's car is delivered.

Accidents on Bleim Road—A resident called in regarding accidents on Bleim Road, specifically the 1100 block (from the Orchard approaching Pleasantview Road). The complaint was that there have been a lot of accidents there and they are getting more frequent and more serious. Chief Foltz conducted a traffic analysis and presented statistics on accidents that occurred on that roadway from January 2012 through March 31, 2014. Information and spreadsheet was attached to Chief Foltz's monthly report.

Resolution No. 1013-14—The Township's insurance carrier, DVHIT, recommended that the Department institute a bloodborne pathogens policy. The purpose is to educate our personnel on how bloodborne diseases are communicated and how to mitigate those issues. Chief Foltz explained under this policy, there are vaccinations and costs involved. There are funds in the budget under Medical to cover the expenses, as well as funding available to us from DVHIT as part of risk mitigation. Chief Foltz requested Board approval of Resolution No. 1013-14 adopting this policy.

Commissioner Spadt made a motion to approve Resolution No. 1013-14 adopting a new policy to be included in the Lower Pottsgrove Township Police Department Policies and Directives Manual on the Control of Bloodborne Pathogens and Other Infection Hazards. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Armand Hammer Boulevard Traffic Light—Commissioner Foltz received a letter from Jeffrey McLellan, President of Cornerstone Realty, explaining traffic safety issues occurring daily at the access and egress bridge onto their property at 1000 Armand Hammer Boulevard. Due to construction conditions, there are periods of heavy traffic at the close of the business day as the tenants wait for the light to turn green in order to cross the bridge to get through the four-way intersection. Mr. McLellan requested that the turn arrow, which is now covered in plastic, be put back into working condition to alleviate the problem. He asked for help from the Commissioners to alleviate this issue.

Commissioner Foltz asked the Board to consider sending a letter to PennDOT requesting that the turn arrow be put back into service. Chief Foltz reported he has been participating in the quarterly 422 corridor project meetings and this discussion came up in the Fall. There was an onsite meeting with the J. D. Eckman crew and PennDOT officials and some timing adjustments were made. However, at that point PennDOT refused to put a turning arrow in for northbound traffic coming out of the complex. PennDOT did consider changing the timing on the light so

northbound traffic would get a green a few seconds ahead of southbound traffic to give the trucks a chance to get flow. Chief Foltz's understanding is that this timing adjustment has been made. Also, one lane coming southbound was supposed to be widened (cones and barrels removed) to open the second right-turn lane. Chief Foltz agrees that a turn arrow would help relieve some of the problem, but that was not the resolution PennDOT approved. Commissioner Foltz pointed out that the traffic conditions do not only affect tractor trailers, employees leaving the complex at change of shift also have to wait at the light.

Commissioner Foltz recommended that the Board authorize Township staff to send a letter to PennDOT expressing the Commissioners support of Mr. McLellan's request. Commissioner Klotz agreed. He said this is a "nightmare intersection" and he felt something had to be changed. Commissioner Spadt made the motion to support the study and to support a resolution as a result. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

E. High Street Speed Limit—Chief Foltz reported that PennDOT approved the Township's request to lower the speed limit to 35 mph the entire length of E. High Street in Lower Pottsgrove Township, effective immediately. The roadway has been marked and the Township will install the signage. Mr. Wagner said 10 signs will be installed and John already has 5. Total cost of the signage will be approximately \$200 (5 signs@\$40 per sign).

Fire Marshal

Mr. Babel highlighted the following statistics from his written report:

Station	Total Calls	Total Hrs. of Service	Total Personnel Hrs.	Total Personnel Training Hrs.	Total Fundraising Hrs.
Sanatoga (Station 58)	Feb. 2014	Feb. 2014	Feb. 2014	Feb. 2014	Feb. 2014
	33	24	180	50	Not provided
Ringling Hill (Station 59)	33	24 ¾	Not provided	26	192

(Hours are approximate)

Mr. Babel reported Sanatoga Fire Company received a new engine which should be in service this month. He invited everyone to stop by the fire station to see it. Commissioner Klotz suggested when the fire companies get new equipment, it should be brought to a meeting so the Commissioners and public can see it. Mr. Wagner advised he has an appointment on April 14 at 7:30 p.m. to see the engine and invited all to attend.

Highway—Public Works Department: Commissioner Foltz read the Public Works Report for March 2014. Report will be posted on the bulletin board.

C.O.G.—Only two members attended the meeting. No report.

Engineering—Bursich Associates provided an Engineers' Report updating the Board on various projects and activities going on in the Township. Scott Exley highlighted the following:

1. **Rupert Road Bridge**—Township staff met with Montgomery County regarding the Rupert Road Bridge. The project is moving along. The County is working on a draft agreement that will address funding, design, construction and transfer of ownership. A precast type of bridge is proposed and pictures were attached to the Engineer's written report.

Mr. Brant asked about the cost of the Bridge. Mr. Exley advised it will cost approximately \$550,000 to \$650,000. Mr. Brant also asked if a joint 105 permit through DEP was needed. Mr. Exley said yes and that will take time. Mr. Brant agreed there will be timing issues with the permitting. Mr. Exley said they are working with DEP to speed up the process.

2. **Keim Street Bridge**—Bursich will start working with TPD to do studies on the alternatives that are going to be proposed for Keim Street Bridge.
3. **Pottsgrove High School Expansion**—Bursich has been working with the applicant's engineer to finalize the plans for final approval. Mr. Wagner advised it is on agenda for the April 24, 2014 Board of Commissioners meeting.

Treasurer—Ms. Marsteller presented the Tax Collector's Monthly Report to Taxing Districts for the month of March 2014 to the Commissioners for review.

Solicitor

Mr. Brant highlighted the following from his written report to the Board of Commissioners:

1. **Southview Development Deeds of Dedication**—The Township now has in hand a Maintenance Bond, a Maintenance Escrow Agreement (signed by the Township and the Developer), Deeds of Dedication for street rights of way for Charlotte Street, Lee Drive, Grant Way and Continental Drive, a Stormwater Best Management Practices Operation and Maintenance Agreement (executed by the Homeowners' Association) and Stormwater Easement Agreements. The Southview Development is in a posture to have the Board accept dedication of those four streets and rights of way. Mr. Brant explained once the Board accepts dedication, a maintenance bond is in effect for two years; therefore, if a problem develops within that time, it is paid for out of that Maintenance Bond. The Solicitor's office prepared a series of resolutions for the Board's approval and by adopting these resolutions, the Board is formally accepting dedication of the four streets and rights of way.

Commissioner Watson made a motion to approve the following resolutions accepting dedication of streets and rights of way in the Southview Development:

- Resolution No. 1017-14, Deed of Dedication of Street Right of Way, Charlotte Street
- Resolution No. 1018-14, Deed of Dedication of Lee Drive
- Resolution No. 1019-14, Deed of Dedication of Grant Way
- Resolution No. 1020-14, Deed of Dedication of Continental Drive

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

Parks and Recreation and Pottstown Metropolitan Regional Planning

Mr. Wagner reported the following:

1. The Easter Egg Hunt will be held at Gerald Richards Park on Saturday, April 12, 2014 starting at 9:30 a.m. Rain date is Sunday, April 12, 2014 at 2:00 p.m.
2. CDBG (Community Development Block Grant) for Sanatoga Park accessibility is due Friday April 11, 2014. The Grant will be submitted to Montgomery County.

Pottstown Metropolitan Regional Planning

The Circuit Rider Grant for the Regional Recreation Coordinator was approved. A draft ad was submitted and interviews will be conducted in late May. Starting salary for this position is approximately \$65,000. Mr. Wagner will be sitting on the interview board.

Lower Pottsgrove Township Authority

Mr. Wagner delivered the following report:

1. JMT was scheduled to conduct a third-party review of the Township's pump stations today. Their schedule to review all ten pump stations was unrealistic and they are now developing a new schedule.
2. I&I (Inflow and Infiltration) was identified at 485 Pleasantview Road (house is under construction). Four different cracks were discovered in the sewer pipe. Lower Pottsgrove Township Authority will cover \$3,600 of the repair cost and the owner will pay \$1,200 to re-line the pipe.
3. Due to I&I work, the Township has a \$60,000 credit in the Budget from the Authority for 2013.

CORRESPONDENCE AND INFORMATION:

Amended Zoning Hearing Application #2014-01—The Board was provided with Kyle Laverty's latest amended plan for his property located at 1377 Hilltop Road. Commissioner Foltz expressed concern about the appearance of Mr. Laverty's property and the vehicles/equipment he has stored outside. Mr. Wagner said the applicant is aware that he has to clean up his property. The Board discussed Mr. Laverty's new proposal and Commissioner Klotz was not in favor of a pole barn building with vinyl siding. He recommended that Mr. Laverty construct a stick frame building.

Mr. Brant said this applicant came to a Board of Commissioners meeting regarding his proposed plan. The Board did not support his plan and authorized Ed Wagner to attend the Zoning Hearing and oppose it. Since that time, Mr. Laverty has amended the original plan. Mr. Brant said the principal issue is, does the Board still continue to oppose what Mr. Laverty is proposing to do and, if so, this needs to be articulated at the upcoming Zoning Hearing.

Mr. Wagner's recommendation to the Board was to require Mr. Laverty to construct a stick frame building, not a pole barn, as recommended by Commissioner Klotz. Mr. Brant summarized that the sense is the proposed plan is more acceptable to the Commissioners than the original plan but the Board still has some concerns about it. Therefore, the Board will send Ed

Wagner to the Zoning Hearing to articulate its concerns, and then let the Zoning Hearing Board decide how they are going to handle it.

Mr. Wagner also presented the following zoning hearing applications to the Board:

- Application #2014-03 of Donna & Michael Moskal, 73 Pinehurst Drive. Applicant is requesting a variance to allow for a deck that encroaches into the rear yard setback.
- Application #2014-04 of Cutillo's Restaurant, 2688 East High Street. Applicant is requesting a variance to allow for an LED changeable sign to replace the existing sign.

The Commissioners were not opposed to either application.

OLD BUSINESS:

None.

SUBDIVISION AND LAND DEVELOPMENT:

See **Solicitor Report -- Southview Development Deeds of Dedication.**

NEW BUSINESS:

Contractor Registration Ordinance—Mr. Wagner requested authorization to advertise an amended contractor registration ordinance. Commissioner Klotz made a motion to advertise Ordinance No. 33-K-3.A of 2014 amending Ordinance No. 33-K-3, Registration of Contractors. Commissioner Spadt seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Ridge Support Technologies—Commissioner Watson made a motion to authorize Ed Wagner to purchase a new server for the Township and 7 PCs for the Police Department through Costars vendor CDW-G in the amount of \$29,060.00 and to engage the professional services of Ridge Support Technologies in the amount of \$8,320.00 to install the equipment purchased from CDW-G. Commissioner Watson further moved to authorize Ed Wagner to enter into a professional services Agreement with Ridge Support Technologies to provide a maximum of 40 hours of technical support to the Township at a rate of \$105.00 per hour. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Proposed Zoning Ordinances—Mr. Wagner explained the Township will soon be in a position to advertise a public hearing to receive public comment on a proposed ordinance establishing the Gateway Residential Overlay (GRO) Zoning District and a proposed ordinance establishing the Gateway Mixed-Use (GMU) Zoning District. The Commissioners were provided with draft ordinances and the amended zoning map for review.

Mr. Wagner advised Michael Furey, Special Counsel for the Sanatoga Green Development, will deliver a presentation to the Board at its April 24, 2014 meeting. At that time, the Board will be asked to consider scheduling a public hearing sometime in early July to consider the proposed zoning ordinances and map. No action was required at this time.

Pottsgrove High School Expansion—Mr. Wagner reported that he received a letter today from Pottsgrove School District's Business Manager, David Nester, requesting that the Township waive the building permit fees for the Pottsgrove High School Expansion Project. The estimated

cost for this project is \$34 million. In the past, the Township waived building permit fees for the Ringing Rocks Expansion and Lower Pottsgrove Elementary School projects. Copies of the letter were distributed to the Commissioners for review and consideration. No action was taken.

RESOLUTIONS AND ORDINANCES:

See **Solicitor Report -- Southview Development Deeds of Dedication.**

Warrant—Warrant No. 823 for March 2014 was distributed via email for the Commissioners' review.

COMMISSIONERS COMMENTS:

Commissioner Spadt announced that he will be resigning as a Board member this year. He advised his term expires at the end of 2015 and he has not decided on a date yet. Commissioner Spadt expressed his desire to work with the Board to find a good replacement and make sure there is a good transition when we do find that person.

Commissioner Spadt had mixed emotions about resigning from a Board he has served on for 10 years. He said the law firm is doing very well and this, along with his family, has to be a priority. Business requires him to travel extensively and it has been reflected somewhat in his attendance. Commissioner Spadt said he has been considering this for awhile and he believes it is what's best for the Township. He commented that the leadership provided by the Police Department, the Township and the Solicitor is fantastic and he is very comfortable with the new things that are going on here. He feels the Township is in good shape and the timing is right for him to make this move.

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

Commissioner Klotz said Accreditation is a great accomplishment for the Police Department and he appreciates the effort of everyone involved.

Commissioner Klotz reported that Lower Pottsgrove Township had a meeting with the Montgomery County Commissioners and a lot was accomplished. He thanked Scott Exley for his role in bringing the County Commissioners to the Township. He said the Commissioners are open to our ideas and they are interested in what is happening in the Western part of Montgomery County.

Commissioner Klotz said it was a shock when Jon told the Board tonight about his resignation but he knows how busy he is. He said people don't realize how much time is put into the job of Township Commissioner and Jon's reasons for resigning are very prominent—business and family always take priority. He thanked Jon for everything he's done during his tenure.

Commissioner Foltz said he was also surprised at Jon's decision and they will work together to find his replacement. He thanked Jon and said at the appropriate time, we will bid you farewell.

Mr. Wagner said he totally understands Commissioner Spadt's decision. He has always enjoyed working with Jon and wished him luck.

Mr. Brant said Jon is a wonderful colleague. In addition to the Board of Commissioners, Bob spent some time working with Jon on the Zoning Hearing Board. Many people don't understand that Jon is prominent in his field and in his area of expertise, Jon is "the guy." He's tantamount to CEO of a large, busy law firm and his expertise here as a Commissioner over the years is something that, in a way, is irreplaceable. He felt Jon was going to be hard to replace but he is to be applauded.

There being no further business, the public meeting was adjourned at 8:07 p.m. Next regularly scheduled meeting will be held on Thursday, April 24, 2014 at 7:00 p.m.

Respectfully submitted,

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

Michele M. Cappelletti
Secretary