

**LOWER POTTS GROVE TOWNSHIP    BOARD OF COMMISSIONERS**  
**May 22, 2014**

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled work session meeting on Thursday, May 22, 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.

After the Pledge of Allegiance, Commissioner President Foltz requested a moment of silence in memory of Camille Troutman. The following attended:

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

Robert L. Brant, Solicitor; Edward C. Wagner, Manager; Michael A. Foltz, Chief of Police and Michele Cappelletti, Secretary.

Commissioner Foltz announced the meeting was being recorded.

**APPOINTMENT OF POLICE PATROL OFFICER:**

**Resolution No. 1024-14**—Commissioner Klotz made a motion to approve Resolution No. 1024-14 appointing Kevin Black as a Township Police Patrol Officer. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Officer Black was sworn in by District Justice Edward C. Kropp, Sr., Magisterial District 38-1-12. Chief Foltz presented Officer Black with his official badge, his certification for Lower Pottsgrove Township and his identification badge.

**PRESENTATION OF CITATION:**

The Honorable Mark Painter, 146<sup>th</sup> District, Montgomery County, presented a citation to Chief of Police Michael A. Foltz paying tribute and offering congratulations to the Lower Pottsgrove Police Department for achieving Accreditation. Individual certificates will be presented to all officers in the Department. Commissioner Foltz thanked Rep. Painter on behalf of the Board of Commissioners.

**APPROVAL OF MINUTES:**

Commissioner Klotz made a motion to approve the meeting minutes of the May 5, 2014 Board of Commissioners meeting. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**COMMENTS FROM VISITORS:**

None.

**CORRESPONDENCE AND INFORMATION:**

**Robert F. Bartelt and Merrill Weber v. Montgomery County Board of Assessment Appeals**—Solicitor Robert L. Brant reported on a proposed Stipulation and Order of

Settlement regarding the premises at 958 Ivy Lane. As a result of the Appeal, the assessment for this property decreased from \$279,000 to \$244,090 and the proposed Stipulation would require refund of an overpayment by Lower Pottsgrove Township in the amount of \$100.12 to the taxpayer. If the Board agreed with the Stipulation and Order of Settlement, Solicitor Brant's recommendation was for the Board to authorize him to sign it.

Commissioner Kaiser made a motion to authorize the Solicitor to sign the Stipulation and Order of Settlement for the property at 958 Ivy Lane. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Request for Assistance from Limerick Township Police Chief**—Chief Foltz reported Waltz's Golf Farm in Limerick will be sponsoring its annual fireworks display on July 4. Typically, they experience a large crowd and heavy traffic during this event. Limerick Township Chief of Police William Albany has requested the assistance of Lower Pottsgrove Township's fire companies. For insurance reasons, this action requires the approval of the Board of Commissioners. It was Chief Foltz's recommendation that the Board of Commissioners approve the deployment of fire police to assist Limerick Township.

Commissioner Watson made a motion to authorize the Sanatoga Fire Company and Ringing Hill Fire Company fire police to provide mutual aid assistance to Limerick Township during the fireworks event at Waltz's Golf Farm on July 4, 2014. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**OLD BUSINESS:**

**P3 Towers**—Larry Romanowski, President of P3 Towers, delivered a presentation on the installation of a cell tower on Township-owned property at Sanatoga Park and/or Gerald Richards Park. Mr. Romanowski's company specializes in the development of cell towers exclusively in partnership with municipalities. If the Board decides to move forward, Mr. Romanowski would perform an evaluation of the sites the Township feels would be appropriate for a cell tower.

Mr. Romanowski advised he takes on the burden for evaluation, engineering, construction and management for the facility. The arrangement is secured with the Township through a site lease. Mr. Romanowski builds and owns the tower, then shares 40% of the revenue with the municipality. He provides access to local municipalities for deployment of its emergency service equipment (police radio, fire radio, road crew) and provides space on the tower for placement of a municipal antenna.

A question and answer session followed Mr. Romanowski's presentation. Commissioner Foltz asked if the towers are solid base or guide wire towers. Mr. Romanowski advised they are all monopoles, with solid base foundations.

Commissioner Foltz asked if a tower at the Public Works Building (Gerald Richards Park area) would affect the antennas on the water tower at K-Mart. Mr. Romanowski did not see it as interfering or taking away from that area and the poor coverage at the municipal building is a good indication that additional coverage is needed here.

Commissioner Watson asked for the radius of coverage. Mr. Romanowski explained it is not so much added coverage, it is added data capacity. He feels the Public Works location is a great fill-in for the water tank and other towers and he looks for areas that will give the carriers the opportunity to boost capacity within a  $\frac{3}{4}$  mile radius.

Commissioner Foltz asked if the tower is fenced in and secure. Mr. Romanowski uses 8 to 10 ft. shadowbox wood fencing and landscaping around the perimeter. Commissioner Foltz asked if P3 Towers maintains the site. Mr. Romanowski advised everything within the leased area is his responsibility. He said it would be a 50 ft. by 50 ft. area exclusive of the access way.

Commissioner Foltz asked if the tower would be 150 ft. high. Mr. Romanowski said the range is between 100 and 150 ft. in height. He would have his RF engineering staff do an analysis to determine the height.

Commissioner Foltz asked if each carrier has his own building. Mr. Romanowski advised everything inside the fenced area is separate and each carrier has its own subleased space for ground equipment.

Commissioner Kaiser asked about the gross revenue and if P3 Towers is billing data usage or annual fees. Mr. Romanowski said the carriers are billed monthly and the average rent for this area is typically about \$2,000 per month per carrier. He estimated \$800 per month for each carrier, approximately \$10,000 per year per carrier, would come to the municipality. The carrier rents escalate 3% every year.

The model Mr. Romanowski likes to use is to launch with one carrier, then have one carrier come on per year for the next four years. Mr. Watson asked if the tower in Upper Pottsgrove has all four carriers and Mr. Romanowski said it does.

Commissioner Kaiser asked how long the contracts are with the carriers. Mr. Romanowski said the leases with the carriers are in 5-year increments, with automatic renewals up to 29 or 30 years. Commissioner Kaiser asked how contracts with municipalities are typically structured. Mr. Romanowski said they mirror the carrier contracts. Commissioner Kaiser asked if the tower stays at the location at the end of the contract period. Mr. Romanowski advised there is a clause in the agreement stating it is the tower owner's responsibility to dismantle and takedown the tower if the contract is not renewed. Mr. Romanowski typically escrows \$5,000 to \$7,500 cash with the municipality depending on the height of the tower and the improvements associated with it. If a carrier terminates its lease, it is responsible to the tower owner to remove its equipment.

Solicitor Brant stated he was present at the staff meeting with Mr. Romanowski, Mr. Wagner and Chief Foltz. He advised the Township's zoning ordinance permits cell towers by special exception. P3 Towers will need to have a zoning hearing and meet certain criteria before he can proceed with building the tower.

Solicitor Brant reviewed the lease for the site and it is consistent with what Mr. Romanowski presented at tonight's meeting. Solicitor Brant has negotiated cell tower agreements in the past and the agreements usually state a specific amount of rent, not a percentage. He did note that 40% seems to be market value for a municipality and this is what Mr. Romanowski has done in other municipalities.

Solicitor Brant advised the Township will continue to own the ground and P3 Towers will own everything vertical on the ground. He said the Township will need to do a title analysis on any Township-owned sites being considered for the tower. He explained if the property was acquired with funds from a governmental body, there could be constraints on what could be built on that property.

Commissioner Kaiser asked if there are any other revenue opportunities or would the tower be strictly wireless. Mr. Romanowski advised if he is approached by another entity, he would contact Mr. Wagner and discuss the proposal. The same 40% would apply.

Commissioner Foltz asked if the tower is built in the Sanatoga Park location, would it affect air traffic. Solicitor Brant advised only if it were in the direct flight path, which would require FAA approval. Mr. Romanowski advised he has a complete study done and secures a No Hazard to Air Traffic Certificate from FAA. He also gets approval from PennDOT Bureau of Aviation as part of his process.

Commissioner Klotz said it seems like a win-win situation and asked why a Township would say no. Mr. Romanowski said sometimes a municipality does not have the room or the appropriate property to build a cell tower; however, he said he runs into very few who do not want to engage.

Solicitor Brant advised Mr. Romanowski's presentation was informational and required no action by the Board of Commissioners.

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

None.

#### **NEW BUSINESS:**

**Civil Service Eligibility List**—Chief Foltz reported the hiring of Officer Black has exhausted the current eligibility list. Since the Police Department budgeted to move ahead and hire an 18<sup>th</sup> officer, it will be necessary to establish a new eligibility list to proceed. Chief Foltz recommended that the Board authorize the Civil Service Commission to meet for the purpose of initiating the application process for eligibility.

Commissioner Watson made a motion to authorize the Lower Pottsgrove Township Civil Service Commission to meet for the purpose of establishing a new eligibility list and to advertise the meeting in order to move forward with the hiring of the budgeted 18<sup>th</sup> officer. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Bike Rodeo**—Chief Foltz announced that the Bike Rodeo will be held on Saturday, May 24, 2014 from 9:00 a.m. to 2:00 p.m. He invited anyone who was interested to attend to show support.

**Presentation of Award to Sgt. Walters**—Chief Foltz announced that on May 28, 2014 at 11:00 a.m. District Attorney Risa Ferman will present an award to Sgt. Walters for dealing with an armed subject last year. The award will be presented in Courtroom B at Montgomery County Courthouse in Norristown. All were invited to attend.

**Storm Water Drainage Facility Use and Access Easement**—Mr. Wagner reported a “proposed” storm sewer easement listed on the recorded plan for Pleasantview Estates was never recorded. The easement is located on the property line of 1549 Laurel Way and 2134 Foxtail Drive and the pipe is now in need of repair. To remedy the situation, Mr. Wagner contacted the property owners and provided them with the legal description prepared by Bursich Associates. Once Mr. Wagner receives signed agreements back from the residents, he will arrange to have the easement recorded. The Township’s Public Works Department will then repair the damage using corrugated pipe.

Commissioner Klotz made a motion to authorize Board President Bruce L. Foltz to sign the Storm Water Drainage Facility Use and Access Easements. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Request for Reimbursement of Tuition and Books**--Commissioner Klotz made a motion to approve Officer James Kenney’s Request for Reimbursement for Tuition and Books, in the total amount of \$3,770.48 for the summer semester. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Warrant #824**— Commissioner Klotz made a motion to approve Warrant #824 for the month of April 2014. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Acceptance of Treasurer’s Report**—Commissioner Watson made a motion to accept the Treasurer’s Report for the month of April 2014, as submitted by Jennifer Marsteller. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

#### **COMMISSIONERS’ COMMENTS:**

**Commissioner Kaiser** congratulated Ofc. Black and his family and welcomed him to the Township and Police Department. He also passed on his condolences to Tom Troutman and his family on the passing of Camille.

**Commissioner Watson** also welcomed Ofc. Black. He had the opportunity to meet with Ofc. Black and feels he is a good addition to the Police Department. Commissioner Watson attended the viewing for Camille Troutman and offered his sympathy to Tom and the Troutman family. He said Tom and Camille have done a lot for this community and her passing is a loss.

**Commissioner Klotz** offered his congratulations to Ofc. Black and Chief Foltz for a job well done. He also acknowledged the Civil Service Commission for getting officers here who want to work in Lower Pottsgrove Township. He felt it was apparent by the show of officers who attended tonight's meeting that this Township is moving in the right direction with its Police Department and he congratulated Chief Foltz for that.

**Commissioner Klotz** also attended Camille Troutman's viewing and expressed his condolences to Tom Troutman and his family.

**Commissioner Klotz** said the Bike Rodeo is a great community event that has grown over the years. It will be held from 9:00 a.m. to 2:00 p.m. on Saturday, May 24.

**Commissioner Foltz** offered his condolences to the Troutman family. He said Tom, a former commissioner, did a lot for the Township and he was sorry for his loss.

**LED Sign at Township Building**—Commissioner Foltz started a discussion on installing an LED sign in front of the Township Building. Mr. Wagner provided the Board with proposals from three contractors and the lowest proposal was submitted by Pizzico Signs in the amount of \$19,074.92. Commissioner Foltz advised this price does not include electrical. He will donate his time and labor to do the electrical work and the Public Works Director will provide the material from the Township's supplier. The cost of the sign will be covered by grant money already in the Township's possession. Commissioner Foltz asked if the Board wanted to move forward with the sign.

Commissioner Klotz asked if the brick work to house the sign could be done by Vo-Tech students. After discussion, the Board decided not to pursue having the students do the brickwork because of scheduling and summer vacation break.

Mr. Wagner advised the Township would need zoning relief to install the LED sign. Commissioner Kaiser said if the Township has an LED sign on its own property, it will have a hard time saying it doesn't want the signs elsewhere. The Board discussed possibly rethinking the sign regulations in the Township's zoning ordinance.

Joe Zlomek of the Sanatoga Post asked about installing the sign at the Fresenius Medical Facility on E. High Street. Commissioner Foltz said that was mentioned at one point but advised the Township intends to install the proposed sign at the Municipal Building.

Commissioner Foltz said some LED signs are hard to read. Mr. Wagner said the sign can be adjusted to display from 1 line of text to a maximum of 4 lines. He recommended limiting the number of lines of text to 3 so it will be easy to read.

Commissioner Kaiser was concerned about the sign distracting drivers. Mr. Wagner would set the message up to cycle every 15 seconds (4 times per minute) so it is less distracting.

Solicitor Brant asked if the sign provider would complete the zoning application. Mr. Wagner advised the Parks and Recreation Board wants the sign. Solicitor Brant said a solution would be for the Township to exempt itself from its own regulations so it would not need zoning approval for a municipal project on municipal property; however, this action would require an ordinance. Commissioner Kaiser supported applying to the Zoning Hearing Board and to hear what they have to say about the project.

Commissioner Foltz asked if the next step is to go through the zoning process. Solicitor Brant did not learn about the LED sign until tonight's meeting. He will review the matter so it can be further discussed at a future meeting.

**Gas Station at N. Charlotte and Mervine**—Commissioner Foltz said his pet peeve is the gas station at the corner of N. Charlotte St. and Mervine St. This came up at a COG meeting and North Coventry is experiencing the same problem with the same owner. Commissioner Foltz's recommendation was for Solicitor Brant to discuss this issue with North Coventry's solicitor. Solicitor Brant will review the file.

Commissioner Foltz announced that the next meeting of the Board of Commissioners will be held on Thursday, June 5, 2014 at 7:00 p.m. This will be the only meeting in June and it will be duly advertised.

There being no further business, the public meeting adjourned 7:50p.m.

Respectfully submitted,



Michele M. Cappelletti  
Township Secretary