

**LOWER POTTS GROVE TOWNSHIP    BOARD OF COMMISSIONERS**  
**July 7, 2014**

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Monday, July 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; James D. Kaiser; Shawn Watson and James Vlahos.

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

Commissioner Foltz announced the meeting was being recorded.

**EXECUTIVE SESSION:**

Solicitor Brant reported that tonight at 6:15 p.m., the Board of Commissioners held an executive session to discuss two personnel matters, one litigation matter and one real estate matter. No action needed to be taken on any of the matters.

**APPROVAL OF MINUTES:**

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

**COMMENTS FROM VISITORS:**

**Tony Doyle**, 1745 Kepler Road, asked to have updated pictures from the Fishing Derby posted on the website and why the Planning Commission meeting minutes have not been posted since December 2013. He also commented that he was glad to see the updated picture of the Commissioners on the website.

**Mr. Doyle** asked if there was a date set for the Actuary to come to Lower Pottsgrove Township and report on the pension plans. Mr. Wagner advised the actuary will present to the Board in September. Once the meeting is scheduled, Mr. Wagner will contact Mr. Doyle and advise the date.

**Mr. Doyle** asked about Ordinance No. 313 amending/restating the non-uniformed employees' pension plan. Solicitor Brant said he was advised by staff that the Township's non-uniformed pension plan was adopted originally by ordinance in 2006 but was amended three times by resolution. He explained an ordinance should only be modified by another ordinance. Ordinance No. 313 "cleans up" the three resolutions and incorporates everything into one ordinance.

**Mr. Doyle** asked if the Board or Police Department has entertained the idea of employing part-time police officers. He was concerned about the financial impact of increasing the number of full-time officers from 17 to 20. Commissioner Klotz said there has been discussion with Chief

Foltz about how many officers are needed to protect the Township properly and, at this time, the Township is not considering part-time officers. Commissioner Klotz said we will assess the rotation and will hire as many officers as the Township needs.

Commissioner Foltz asked for some of the pros and cons of hiring part-time officers. Chief Foltz said the Township would have to work with the collective bargaining unit to permit part-time workers. He felt the bigger problem with part-time officers is the turnover rate and the hidden costs associated with it. He explained if a part-time officer is offered full-time employment with another Department and leaves, the funds the Township invested to train and outfit that officer are lost.

Mr. Doyle's idea of a part-time police officer would be someone who is already trained, such as a retired officer, looking for hours. He said it is being done; there are other Townships that have part-time police officers. Commissioner Klotz said most of the municipalities that do this are either Second Class Township or Boroughs, usually not First Class Townships.

Mr. Doyle said Commissioner Klotz was speaking for himself, not necessarily the Board's feeling. Commissioner Klotz said he was speaking for himself and also as chair of the Police Committee. He said the Board is here to vote. Commissioner Klotz stated he supports putting as many police officers on the streets to make our streets safe and promised he would not put a police officer or a resident in harm's way because we don't have a police officer on the street. As President of the Board, Commissioner Foltz said he would discuss this matter with the Police Committee, have them discuss it with the Chief, and he will then come back to Mr. Doyle with an answer.

## **REPORTS:**

### **Police**

Chief Foltz reported there were 1,081 calls for service in June 2014. There were 130 traffic violations, 7 DUI arrests and 64 criminal arrests (27 adults arrested and 3 juveniles handled). He highlighted the following from his report:

1. **Traffic Enforcement:**
  - a. On June 19, 2014, the Department received an informal notification from PennDOT indicating they are in favor of reducing the speed limit to 35 mph on Armand Hammer Boulevard. Formal notification is forthcoming. The Township will need to cover the cost of the signage and enact an ordinance to lower the speed limit.
  - b. The traffic signal at the intersection of Armand Hammer Boulevard and Industrial Highway has been reconfigured. The left turn arrow has been initiated and there is improvement; however, there is now a backlog onto Route 422 during the afternoon rush hour. This is a temporary set-up until the ramp construction is completed.
2. **Fleet:**
  - a. Both new Dodge Chargers have been up-fitted and are in service.
  - b. On June 8, 2014 an officer was struck nearly head-on by what is being investigated as a DUI crash. The car was totaled and the insurance company has authorized the purchase of a new vehicle. It will cost the Township approximately \$6,000 to replace the vehicle because of depreciation. There were no major injuries.

3. **Misc.:**

a. **County Radio Update**—Sometime in late 2014 or early 2015, the County will roll out the 0% financing for five years incentive to help municipalities purchase the radios. All purchases that would benefit from this financing option must be done through the municipality. The needs of Police, Fire and Emergency Management will be considered. All purchasing agreements would be forwarded to the County through the Board of Commissioners.

b. **Laptops and Windows XP**—Since Windows XP is no longer being supported, the County has started updating their dispatch through the CAD. Effective July 30, the Department's laptops will not be interoperable with the County system. Chief Foltz is working with the County and looking for options to handle this problem. He will update the Board at the next meeting.

4. **Civil Service Commission:**

a. The hiring process is underway and 60 applications were given out. To date, 13 applications were returned. The deadline is July 14 and the test date is tentatively set for July 30.

5. **Reimbursement for Books:**

Ofc. James Kenney, who is pursuing a Masters Degree in Criminal Justice at Saint Joseph's University, was offered a course entitled Federal Criminal Law and Prosecution. There is no cost for the course but there is a cost of \$253.00 for textbooks. Chief Foltz said there are funds in the budget to cover this expense and requested the Board's approval to reimburse Ofc. Kenney.

Commissioner Klotz made a motion to authorize reimbursement for textbooks, in the amount of \$253.00, to Ofc. James Kenney. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**Radar:** Commissioner Foltz has spoken to officials from other Townships and some have written to their respective congressmen in support of the use of radar. He asked the Commissioners if they were interested in writing a letter supporting the use of radar in Lower Pottsgrove Township.

Commissioner Klotz made a motion to send a letter to state legislators in support of using radar in Lower Pottsgrove Township. Commissioner Watson seconded the motion. Commissioner Foltz asked the Chief for his opinion. Chief Foltz supports the use of radar and said the Montgomery County Chief's Association is encouraging local municipalities to express their support.

With a motion on the floor made by Commissioner Klotz and seconded by Commissioner Watson, the motion was unanimously approved. Vote was 5-0 in favor.

All statistics and information is included in Chief Foltz's written report.

**Emergency Management**

Chief Foltz advised EMC Chris Wilcox was attending a Radio Committee Meeting this evening. He reported there was no Emergency Management activity during the month of June 2014.

**Fire Marshal**

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

<b>Station</b>	<b>Total Calls</b>	<b>Total Hrs. of Service</b>	<b>Total Personnel Hrs.</b>	<b>Total Personnel Training Hrs.</b>	<b>Total Fundraising Hrs.</b>
<b>Sanatoga (Station 58)</b>	29	24	164	Not provided	Not provided
<b>Ringling Hill (Station 59)</b>	17	21	49	Not provided	287

(Hours are approximate)

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

**C.O.G.**—Commissioner Foltz had nothing new to report. Next C.O.G. meeting will be held on September 9, 2014.

**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**—Making progress. The technical and price proposal were submitted to the County. The Township is still waiting for a draft agreement from the County.
2. **1338 Lynn Drive**—Received plans today.

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

**Solicitor**

Solicitor Brant advised he provided the Commissioners with a written report dated July 1, 2014. He highlighted the following from his report:

**2238 E. High Street—Boos Development; Family Dollar Store:** Solicitor Brant reported he attended a staff meeting with Commissioner Foltz, Commissioner Watson, Mr. Wagner and Boos Development regarding a proposed project at 2238 E. High Street. As a result of the meeting, the developer will present to the full Board of Commissioners at an upcoming meeting.

**Ordinance No. 313**—Solicitor Brant conducted a public hearing to receive comment on Ordinance No. 313, Amending and Restating the Non-Uniformed Employees Pension Plan.

Solicitor Brant advised the original Non-Uniformed Employees Pension Plan ordinance was amended by resolution on three occasions. He said the ordinance is not invalid because it was amended that way; however, it should have been amended by ordinance. Ordinance No. 313 was advertised in the Pottstown Mercury in accordance with the legal requirement.

Solicitor Brant noted at a previous meeting, Commissioner Kaiser questioned the rate of interest paid on the contribution of an employee who resigns before being fully vested. The language in the proposed ordinance was changed to reflect that there will be no interest paid. Solicitor Brant asked if there were any questions from the Board or the public.

Mr. Doyle asked if one of the amending resolutions was for the pension enhancements. He said if an employee has left the employ of the Township, technically speaking, what they had is what they got. Mr. Doyle said if it wasn't legal, and now it is legal, they (the employees who left) are not entitled to it. Solicitor Brant said this is incorrect and the Township is not taking away anyone's benefits that were already vested. He said we are just cleaning it up and adopting under one ordinance. Mr. Doyle wanted to make sure everything is still legal and Solicitor Brant said it is.

There being no further questions or comments, Solicitor Brant closed the public hearing. Commissioner Kaiser made a motion adopt Ordinance No. 313, amending/restating the Lower Pottsgrove Township Non-Uniformed Employees Pension Plan, as advertised. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

### **Parks and Recreation**

Rich Wood, Chair of the Township's Parks and Recreation Board, was not present at the meeting to deliver a report.

Mr. Wagner advised the next concert at the Sanatoga Bandshell will be held on Sunday, July 20 at 6:00 p.m. The Army Band will be performing on Wednesday, July 23, 2014 at 7:00 p.m. The concerts have been well attended.

### **Pottstown Metropolitan Regional Planning**

Tom Troutman attended the meeting on behalf of the Township. There was a presentation on the Colebrookdale Railroad Preservation Trust. This is a tourist railroad that runs from Boyertown to Pottstown. The Trust is looking for additional grants and funding.

Mr. Wagner reported on June 19, Justin Keller formerly of Simone Collins verbally accepted the offer to become the Regional Parks and Recreation Director. Official start date has not yet been determined.

### **Lower Pottsgrove Township Authority**

Mr. Wagner reported the following:

1. **Standard & Poor's Rating**—An extensive study was conducted by Standard & Poor's Rating Service. According to S&P's report, our rating is AA stable. Commissioner Klotz asked for the highest rating and was advised it is AAA.
2. **Audit**—Maillie will be presenting the 2013 audit report to the Authority on July 14.

**CORRESPONDENCE AND INFORMATION:**

**Zoning Hearing Applications**—Mr. Wagner explained the relief requested in Application No. 2014-08 of James A. Harp, 242 Duckworth Drive and Application No. 2014-09 of Robert F. and Teressa M. Franciose, 2391 Barbara Way. Both applications will be heard by the Zoning Hearing Board at 6:00 p.m. on July 22, 2014.

**OLD BUSINESS:**

None.

**SUBDIVISION AND LAND DEVELOPMENT:**

None.

**NEW BUSINESS:**

**Retirement Letter**—Chief Foltz advised Sandra Stepaniak has been employed by the Township for 28 years. She has been a dedicated employee and has submitted her notice of retirement, effective September 30, 2014.

Commissioner Klotz made a motion to accept the notice of retirement submitted by Sandra Stepaniak, with regret. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**2014 Paving Projects**—Mr. Wagner reported John Fogel, Director of Utilities, provided a memo proposing the following roads be paved in 2014: Portions of N. Adams Street, all of Gabriel Court, portions of Hause Avenue, all of Norbury Court and all of Mirkwood Court. Commissioner Klotz made a motion to approve the 2014 paving projects, as proposed in John Fogel's memo of June 19, 2014. Commissioner Vlahos seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Joe Zlomek of the Sanatoga Post asked if all of the paving projects would be paid for with fuels tax. Mr. Wagner said it was all covered by liquid fuels. Mr. Zlomek asked for the total value of the project. Mr. Wagner advised the total project cost is \$186,232.50. Mr. Wagner will provide copies of the memo to Mr. Zlomek and Mr. Exley.

**Resignation from Planning Commission**—Commissioner Foltz advised Joseph Groff submitted his letter of resignation from the Lower Pottsgrove Township Planning Commission. Mr. Groff was recently hired as the Township's Director of Code Enforcement.

Commissioner Watson made a motion to accept the resignation of Joseph Groff from the Lower Pottsgrove Township Planning Commission. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

The Planning Commission vacancy will be posted on the Township's website.

**Proposal to Mow Fields at Bliem and Pleasantview Roads**—Mr. Wagner reported John Fogel talked to Ryan Lehman regarding mowing the fields at Bliem and Pleasantview. He advised Mr. Lehman would mow the fields to make hay and the hay would be his compensation. Mr. Lehman

does this for other municipalities and, if the Board approves, the Solicitor would prepare a brief agreement with insurance requirements.

Commissioner Kaiser made a motion to authorize execution of an agreement between Lower Pottsgrove Township and Ryan Lehman, permitting Mr. Lehman to mow the fields at Bliem and Pleasantview Roads to make hay. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

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

**Resolution No. 1026-14**—Commissioner Vlahos made a motion to approve Resolution No. 1026-14, appointing Earl Swavely as a member of the Zoning Hearing Board to fill the vacancy occasioned by the resignation of James Vlahos. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor. Mr. Swavely was present at the meeting and Commissioners expressed their appreciation to him.

**Ordinance No. 313**—See Solicitor's Report.

**Warrant**—Commissioner Klotz made a motion to approve Warrant No. 825 for May 2014. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Warrant No. 826 for June 2014 will be distributed via email for the Commissioners' review.

**Treasurer's Report**—Commissioner Watson made a motion to accept the Treasurer's Report for May 2014. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

#### **COMMISSIONERS COMMENTS:**

**Commissioner Vlahos** had no comments.

**Commissioner Kaiser** thanked and welcomed Earl Swavely.

**Commissioner Watson** also thanked and welcomed Earl Swavely. He congratulated Lew Babel on his retirement (from Firestone).

**Commissioner Klotz** thanked Earl Swavely for stepping up. He knows Earl will be a great addition to the Zoning Hearing Board. He also congratulated Lew and hopes he is enjoying retirement.

**Commissioner Foltz** asked for an update on MS4. Mr. Camburn submitted the first report under the new permit and is waiting for comments back from DEP. The reports now have to be submitted every two years and the Township is ahead of schedule as far as the requirements of the new permit.

Commissioner Foltz still has a problem with residents throwing grass clippings in the storm sewers. He said the Township is going through trouble and expense to meet MS4 requirements and the disposal of grass clippings in the storm sewers is not addressed. Mr. Camburn said Commissioner Foltz is correct; this problem is not addressed by MS4. The Township engineers

researched and there is nothing in the MS4 about grass clippings. It would take an action by the Township to address this issue. Mr. Wagner sent letters to some residents doing this and it has somewhat stopped.

Commissioner Foltz said since The Mercury printed an article about work on the Graterford Bridge, he has been getting a lot of questions on the status of the Keim Street Bridge. Mr. Exley said he thinks it is exactly as Leo said in the paper—the Graterford Bridge is a superstructure replacement. Mr. Exley advised the Keim Street Bridge is moving along and it is not just about replacing the bridge. He is working with TPD and Montgomery County to look at alternative alignments and they must also meet Federal requirements.

Mr. Wagner announced the public hearing for the Gateway Residential Overlay (GRO) District and the Gateway Mixed Use (GMU) District originally scheduled for tonight at 6:30 p.m. has been rescheduled for Monday, August 4, 2014 at 6:30 p.m. There was no opposition from the Board on the new date. The public hearing will be advertised pursuant to the provisions of the Pennsylvania Municipalities Planning Code, as amended, and the First Class Township Code, as amended.

There being no further business, the public meeting was adjourned at 7:40 p.m. Next regularly scheduled meeting will be held on Monday, August 4, 2014 with a public hearing beginning at 6:30 p.m.

Respectfully submitted,



Michele M. Cappelletti  
Secretary