

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
October 6, 2014

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Monday, October 6, 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; Chad Camburn, Township Engineer, Chris Wilcox, Emergency Management Coordinator and Michele Cappelletti, Secretary.

Commissioner Foltz announced the meeting was being recorded.

EXECUTIVE SESSION:

Solicitor Brant announced an executive session was held on a personnel matter immediately prior to tonight's meeting. No action needed to be taken as a result of that meeting.

NEW BUSINESS:

Presentation of 2015 Operation Budget—Township Manager Edward C. Wagner presented a PowerPoint presentation on 2015 Lower Pottsgrove Township Draft Operation Budget to the Board of Commissioners. After his presentation, Mr. Wagner asked if there were any questions from the Board.

Commissioner Vlahos asked about the changes to the trash collection billing. Mr. Wagner explained he is proposing billing for trash collection one time per year starting in May 2015, which will save \$800 in postage. Since the Township currently bills \$62.50 twice per year, the residents will have an additional 15 days to pay so they get used to the new billing schedule.

During his presentation, Mr. Wagner reported there are no raises for the non-uniformed employees in the draft budget and he is a strong believer in performance evaluations. He does not support across the board raises, as was done in previous budgets. Commissioner Vlahos understood what Mr. Wagner was saying on the performance side, but ultimately there will be a number in the budget for raises. Mr. Wagner said he did not put a number in this draft budget but 3% would be approximately \$16,000 and 2% would be approximately \$11,000.

Commissioner Vlahos suggested that Mr. Wagner put in a number and then figure it out when he does the raises. Mr. Wagner said this is just a draft, he did not want to put any raises in and he wants to see how the performance reviews go. Commissioner Foltz felt there should be a number in the budget, which would then be divided up and distributed (according to the performance evaluations). Commissioner Kaiser agreed and Commissioner Vlahos felt it was important for the morale of the employees.

Commissioner Kaiser said when we look at the Expenses and Revenues, we are comparing budget to budget, which means absolutely nothing. He said what's interesting is the Township has done a good job at reducing expenses. Commissioner Kaiser said you have come in below the expected budget for expenses and that's really what we should be looking at -- what our projected actual is and how 2015 compares to our expected actuals. Commissioner Kaiser said you can budget anything; it's a snapshot on Day 1, but things change and variances to budget are what we should be looking at and should have explanations for.

Commissioner Klotz commented that \$400,000 is to be taken from Reserves and asked how much was taken from the Reserves Fund last year. Mr. Wagner advised \$397,000 was projected in the 2014 budget and we are now projecting to finish the year with approximately \$42,000 in the positive. Commissioner Kaiser explained last year was a difference, we usually end up with a lot smaller deficit, but last year we were positive. He said we are looking at positive again but this has a lot to do with terminations, hiring of police and when that happens, real savings.

Commissioner Klotz said we have 1 new patrolman budgeted for next year and asked if we are still hiring a patrolman this year. Chief Foltz confirmed a new patrolman was budgeted to be hired in June 2014 but we are now looking to hire in November/December realistically. The 2015 budget reflects hiring another patrol officer at the end of the First Quarter.

Commissioner Klotz noted \$50,000 is budgeted for oil and chip. He recalled running into a problem with oil and chip last year. Mr. Wagner advised 2 years ago there was a problem with the contractor and Commissioner Foltz explained the contractor did not comply with the bid requirements in regard to overtime. Commissioner Klotz said let's keep an eye on this. Mr. Wagner advised the budget number for oil and chip was cut from \$100,000 to \$50,000 and the Township will be getting an increased liquid fuels allocation next year in compliance with a new bill that was passed.

Commissioner Klotz asked if Department Head raises were all based on performance reviews. Mr. Wagner responded yes. Commissioner Klotz asked if Police are locked into a contract and Mr. Wagner confirmed that was correct. Commissioner Klotz asked about the Police Chief and Mr. Wagner advised the Police Chief has a built-in raise of 4%. Commissioner Klotz asked if the Police Chief's raise was per contract. Chief Foltz advised it was not in his contract and he budgeted for the same raise in 2015 that he received in 2014. Commissioner Klotz thought the Chief's raise was a provision of his contract. Chief advised the contract is open-ended to allow for discussion each year. Commissioner Klotz stated the Police Committee, with Mr. Wagner, will conduct the performance review of the Chief of Police.

Mr. Wagner gave credit to Michele Christman for her role in preparing the budget and said she has been extremely helpful. Michele was out of the office this week and could not attend tonight's meeting. Commissioner Klotz said everyone who has worked on the 2015 budget has done a great job. He mentioned that the figure for the employee raises should be included in the budget.

Commissioner Kaiser said the earned income tax has been going up and he assumed that is the result of a drop in underemployment and people getting raises again year over year. He saw, from what we're projecting in the budget, that we haven't increased it in 2015 and it is below what was actual in 2013. Mr. Wagner advised he was trying to be conservative with this figure

and was reluctant to adjust it because it is a wildcard. Mr. Wagner said this is just a draft budget and asked the Board for direction. Commissioner Kaiser wanted to understand the reasoning behind it and Mr. Wagner again said he was being conservative. Commissioner Kaiser asked if there was something specific as to why it was flat, as he expected a slight bump up because earned income tax is starting to rise again. Mr. Wagner said Michele Christman is running new numbers and Commissioner Kaiser said to see what figures she comes up with.

After the question and answer period, Commissioner Foltz thanked Mr. Wagner and staff for working on the budget.

Emergency Management

Chris Wilcox delivered the Emergency Management Report for the month of September 2014:

1. There were no EOC activations during the month of September.
2. Mr. Wilcox, Chief Foltz and Mr. Wagner attended a presentation at Limerick Generating Station. The Township is in receipt of \$10,000, which will be used to purchase a traffic incident trailer. The trailer will hold barricades, generators and other equipment to complement the fire and police services.

Commissioner Foltz advised Mr. Wilcox made I.D. tags for all non-uniformed staff, free of charge and he thanked Mr. Wilcox for doing this. Mr. Wilcox left at 7:20 p.m. to attend another meeting.

COMMENTS FROM VISITORS:

Tony Doyle, 1745 Kepler Road, asked if the Township was spending \$100,000 for oil and chip next year. Mr. Wagner advised \$50,000 was budgeted for oil and chip. Mr. Doyle asked how much the Township is contributing towards the roads from General Fund. Mr. Wagner advised the Township uses liquid fuels funds for its road projects and there is no contribution from the General Fund. Mr. Doyle asked if the tar buggy would be paid out of liquid fuels and Mr. Wagner advised that item will be paid out of General Fund.

Mr. Doyle asked Tax Collector Jen Marsteller if she reports on delinquent taxes. Ms. Marsteller advised she delivers a report in January on how many properties were liened for the year. After the end of the year, Ms. Marsteller does not handle the delinquents. Those accounts go to Portnoff for collection.

Mr. Doyle expressed his concern about big developments coming into the Township. He mentioned the proposed development at Pleasantview and Bleim Roads, another project on Pleasantview Road and the Orchard, which is now closed. He is trying to be realistic and said there would be alot of homes in one area.

Mr. Doyle noticed that Asplundh has been cutting trees near Route 23 and Route 100. He said someone should contact Verizon, Comcast, and the State to trim the trees in the Township. Commissioner Foltz said the Township has already had that conversation and unfortunately we can't make them cut the trees. The utilities cut back only when they have to and the State will not cut at all.

Mr. Doyle asked where he could get green house numbers for his mailbox, like they have in New Hanover. Mr. Wagner advised the house numbers are available at Home Depot and Lowe's.

Mr. Doyle commented that people are coming out of Wawa (Route 663 and Swamp Pike) in the early morning without their lights on. He asked if the police could have a car parked near there to monitor this. Chief Foltz said this is hard to enforce when daylight is just starting but he could put a car there.

Charles Nippert, Pleasantview Road, asked for the acreage of the properties mentioned by Mr. Doyle. Mr. Wagner advised the property on S. Pleasantview (near the quarry) is approximately 60 acres, the Bleim and Pleasantview property is approximately 150 acres and the Orchard is well over 100 acres but it crosses over two municipalities – Lower Pottsgrove and New Hanover.

Tom Troutman, E. High Street, said in Maryland, there is a blue marker in the middle of the street indicating the location of a fire hydrant. He thought this was a good idea. Mr. Babel advised hydrants are marked on Foxtail Drive in the Township. Commissioner Foltz said many Townships are going with poles to indicate the location of fire hydrants. He said this has been discussed but it involves an expense. Mr. Babel said they are working on it.

REPORTS:

Police

Chief Foltz reported there were 1,156 calls for service in September 2014. There were 41 traffic violations issued and 69 criminal arrests (20 adults arrested and 2 juveniles handled). He highlighted the following from his report:

1. Criminal Investigations/Arrests:

- a. Detectives are investigating a number of commercial burglaries on N. Charlotte Street.
- b. There are two open rape investigations going on.
- c. Background checks are being conducted for new hires.
- d. There is a Sheriff's Warrant telephone scam going on. The caller claims the resident is wanted by the Sheriff's Department and tries to convince the person to send money by wire. This scam has stepped up a bit. Chief Foltz advised if you get this type of call, hang up and call the police right away so they are aware.

2. Fleet:

- a. On September 22, an officer was injured in an accident and the car was totaled. Replacement for this vehicle will be around the First Quarter of 2015 because of the change of model year.
- b. The Police Department just received a new all-wheel drive vehicle to replace the unit that was totaled in June. The new vehicle is currently being upfitted.

3. Overtime:

- a. Special assignment overtime is all for Pottsgrove High School football games. This is reimbursable overtime.
- b. Overtime dramatically increased due to staff shortages. Three officers are on medical leave and another officer is on bereavement time.
- c. Overtime for investigations was up considerably due to two rape/sexual assault cases that were reported on weekends and involved significant follow-up by detectives due to the priority of the cases.

4. Attachments:

- a. Chief received a letter from Montgomery County Department of Public Safety regarding the radio upgrades. In 2015, the radio orders will go in and the purchasing process will begin. The first payment on the 5-year financing plan for municipalities at 0% interest will be made in calendar year 2016 at the earliest. This is the current plan and is subject to change
- b. Boyertown Police Department is requesting assistance from our fire police for its annual Halloween Parade. Chief has gotten that communication out to the Township's fire companies and has approved that service to be expended.

Commissioner Foltz asked for an update on the officer who was injured in the car accident. Chief Foltz advised Officer Kenney underwent facial surgery and he is improving. Hopefully, he will get clearance to come back on light duty status by the end of this week or early next week.

Promotions—Commissioner Klotz asked if promotions were offered and if they were accepted. Chief Foltz responded yes, Det. Campbell has been offered Detective Sergeant, SRO James has been offered Patrol Sergeant and Officer Weidenhammer has been offered Patrol Sergeant. All have accepted and are undergoing the conditional offer process. Chief Foltz said if all goes as planned, the promotions will take place on November 20. Commissioner Klotz asked when the SRO (School Resource Officer) reassignment would occur. Chief Foltz advised the transition would happen after January 1, 2016 after winter break.

Commissioner Kaiser asked if those promotions were in the budget. Chief Foltz said yes, we were originally looking to promote in July, but the promotions were pushed back, again because of hiring.

Tom Troutman asked if we are doing anything to help Pottstown with its Halloween Parade. Chief Foltz does not have a problem helping out but he was not officially approached by the Borough. If approached, we will do what we can; however, the Department is down three officers and we may not have the staff to assist them without pulling someone off the street.

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

Fire Marshal

Fire Marshal Lew Babel highlighted the following statistics from the Fire Marshal's written report for the month of August:

Station	Total Calls	Total Hrs. of Service	Total Personnel Hrs.	Total Personnel Training Hrs.	Total Fundraising Hrs.
Sanatoga (Station 58)	20	19	254	14	Not provided
Ringling Hill (Station 59)	21	17	123	34	245

(Hours are approximate)

Mr. Babel thanked the Board for their condolences on the passing of his daughter.

C.O.G.—Commissioner Foltz had nothing new to report. There will be a meeting next month.

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

Mr. Wagner reported that John Fogel attended training on 800 megahertz radios. The radios were given out to all public works directors so they can communicate directly with the police and fire. Commissioner Foltz asked if the radio was compatible with our system and Mr. Wagner said it was. Commissioner Foltz asked if the radio would also be compatible with the new system. Chief Foltz did not have that answer but assumed the radio was upgradeable.

Engineering—Bursich Associates provided an Engineers' Report updating the Board on various projects and activities going on in the Township. Chad Camburn reported on the following projects:

1. **Rupert Road Bridge**—The County had questions/comments regarding Bursich's price proposal. Bursich responded on September 5 and is awaiting the County's response. The Township is still waiting for a draft agreement from the County.
2. Four projects were closed or are close to closing. They include: Brookside Estates, T. J. Maxey, Oxy/BCW Subdivision and 422 Sportsplex.
3. **Buchert Ridge Phase II**—Bursich received revised plans for Buchert Ridge and met with John McMenamin.
4. **Babel Minor Lot Line Adjustment**—Bursich met with Mr. Babel's surveyor and engineer. He will provide new plans.
5. **Sanatoga Marketplace**—There will be a meeting with the developer on October 16 to discuss what he needs to do to move forward with this plan. At this point, it is mostly third party reviews, the State and the water service company.

6. **MS4**—We are moving forward with the MS4 Program, most importantly the PCB analysis. Mr. Camburn will update the Board after completion of the analysis.
7. **Floodplain Ordinance**—We are moving forward with Floodplain Ordinance to comply with specific criteria establish by FEMA. FEMA's anticipated deadline for the ordinance to be adopted is June 16, 2016.

This month's report also includes a listing of various projects and the status of those projects from an engineering standpoint.

Commissioner Foltz asked for the status of the Maxey project. Mr. Camburn advised construction has been completed and we are now waiting for as-built plans.

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

Regarding Mr. Doyle's earlier questions, Ms. Marsteller reported as of the end of September there was still \$51,447 to collect in real estate taxes and this is reflected in her report.

Solicitor

Solicitor Brant highlighted the following from his written report:

1. **Preservation Subdivision District; Spring Valley Farms Subdivision**--Prepared and will be advertising the proposed Preservation Subdivision District Ordinance. A public hearing is scheduled for November 20, 2014.
2. **Exelon Corporation**—Prepared a Developer's Agreement and a Financial Security Agreement and forwarded them on to the developer.
3. **1338 Lynn Drive**—Prepared the appropriate agreements and forwarded them on to the developer.
4. **Citgo Gas Station**--Sent out a letter through Joe Groff, the Township's Zoning/Code Enforcement Officer, identifying violations at the Citgo Station. We are awaiting a response from the property owner.

Parks and Recreation

Fall Festival--Mr. Wagner reported the 12th Annual Fall Festival will take place on Saturday, October 25, 2014 at Sanatoga Park. It is the first event planned and carried out by the Township's new Administrative Support employee. Event will conclude after the costume contest. Flyer was distributed to Ringing Rocks and Lower Pottsgrove Elementary Schools.

Pottstown Metropolitan Regional Planning

Tom Troutman attended the meeting on behalf of the Township. Mr. Wagner reported the Comprehensive Plan was discussed and Tractor Supply is moving from its current location to Boyertown. Mr. Troutman said the building was in bad condition.

Mr. Troutman reported a Regional Animal Control Officer was discussed. Commissioner Foltz said we have our own contract for animal control. Chief Foltz explained currently our animal control officer is contracted by multiple municipalities who utilize the Pottstown facilities for temporary housing of the animals that are collected. Pottstown has kennels at the Sewer Plant where the animals are housed, they feed them and charge a fee when the animals are picked up. If an animal is not picked up, it is taken to the SPCA and the Borough cannot recoup those funds. Chief Drumheller of Pottstown is now looking into hiring a full-time, regional animal control officer.

Chief Foltz is concerned about the cost because, in his opinion, hiring a full-time employee would involve a bigger cost than an outside contractor (additional benefits, insurance, etc.) Chief Foltz said Pottstown recognizes they are going to have to take on the additional responsibility because they use the service the most and he is waiting to see what happens.

Commissioner Kaiser asked if there is any data on where the animals come from. Chief Foltz just learned of this and did not this information. Mr. Wagner advised he recently answered a generic questionnaire about it. Commissioner Foltz asked if we use the animal control officer regularly. Chief Foltz said we do use him regularly and he is very good about coming out. We receive animal control calls almost daily.

Mr. Troutman also reported West Pottsgrove was awarded a \$10,000 grant for trails. There was also discussion about the Colebrookdale Railroad and the Comprehensive Plan. He said the Township will have to address updating the Comprehensive Plan with statistics from the latest census.

Lower Pottsgrove Township Authority

Mr. Wagner reported the next authority meeting will be held on Monday, October 13, 2014. The following topics will be discussed:

1. The 2015 Budget.
2. **Revenue and Expenses**—Preliminary estimates from the Borough were extremely high. Mr. Camburn reviewed the figures and, if they agree with the numbers, our expenses to the Borough will decrease by almost \$100,000.
3. **Quarterly Rate**—The Authority is not proposing an increase in the sewer rate for 2015. It will remain \$136 per quarter.

Commissioner Kaiser asked what they had in the budget for their capital expenditure that was a point of discussion. Mr. Wagner said it was operation costs. Currently, we are at 22% and they want to increase it to 28%. This year we are projecting a contribution of \$415,000; they were projecting \$522,000. Mr. Camburn advised there is a flaw in their flow numbers.

CORRESPONDENCE AND INFORMATION:

Zoning Hearing Application No. 2014-10 of Diane Hahn, 2233 Welsh Drive--Mr. Wagner reported this application was in the Board's packet last month. The applicant is applying for zoning relief to build a 1,500 sq. ft. pole barn. Application is scheduled to be heard on Tuesday, October 21, 2014.

Commissioner Foltz asked if the Commissioners had any comments in regard to entering an appearance at this hearing. Commissioner Klotz expressed his concern about the height of the building. Commissioner Vlahos said the allowable square footage is 600. Mr. Wagner said the original proposal was for a 2,400 square foot building. He got them down to 1,500 square feet and he tried to get them down to 1,200 square feet.

Commissioner Vlahos' opinion is that we have a Zoning Hearing Board, it is a quasi-judicial Board, to totally remove the Board of Commissioners from any type of negotiating or conversation with the property owner. The owner has the right to apply for zoning relief. They have to make the decision on whether it's worth the cost, whether what they want to do is going to pass or not pass, etc. Commissioner Vlahos said it is truly in the hands of the Zoning Hearing Board and he was not sure on how this Board got as far as we did.

Mr. Wagner said the question is whether or not you want to oppose the application. Commissioner Vlahos said where he stands with this, it goes to the Zoning Hearing Board and it is their decision, it is really not ours (the Commissioners). He stated our zoning is what it is, we ask all of our residents to live by the zoning and if they feel they need to make a decision to change or do something with their property, then their right is to go to the Zoning Hearing Board. Commissioner Vlahos felt it is not for the Board of Commissioners to make a decision.

Commissioner Kaiser agreed. He said it's the cart before the horse, let the Zoning Hearing Board do their job. Commissioner Foltz asked Commissioner Vlahos if he was saying once it goes to the Zoning Hearing Board, then the Commissioners have no say in it. Commissioner Vlahos said he was not saying that, but he feels we are leading the property owner down the wrong road, leading that individual to believe there is something there when there might not be. And, if the zoning relief is denied, the property owner can always go back. He felt if there is opposition from the Board, it should take place at the Zoning Hearing. Commissioner Kaiser agreed.

Commissioner Klotz agreed with the concept that we should not be doing any negotiating before the application goes to zoning. He asked the Solicitor if a project comes before the Commissioner, and they are not in favor of that project, do they oppose it at the Zoning Hearing? Commissioner Klotz also asked if there is anything the Board of Commissioners can do to stop that project from being built, once it is approved by the Zoning Hearing Board. Solicitor Brant said you are always a party as a municipality so you could, in theory, take an appeal from a Zoning Board decision that you don't like. It would then go to the Court of Common Pleas.

Solicitor Brant said Commissioner Vlahos' point is a good point and it is a practical point. He explained if the Commissioners are not in favor of a project, they can say we might oppose it at the Zoning Hearing Board. That is a fair give and take and it is then up to the property owner to decide if they want to take their chances at the Zoning Hearing Board or amend the application. That is not a negotiation that the Township Commissioners should be involved in, that's a decision for a property owner.

After discussion, no action was taken by the Board of Commissioners.

Zoning Hearing Application No. 2014-12 of HEB, LLC, 2169 E. High Street—Mr. Wagner advised the applicant is interested in purchasing the former Ehrlich building and has applied for a

use variance. He intends to use the building mainly for offices, to house construction trucks and other uses similar to Ehrlich. This application is scheduled to be heard on October 21, 2014 at 6:00 p.m. After discussion, no action was taken by the Board of Commissioners.

OLD BUSINESS:

None.

SUBDIVISION AND LAND DEVELOPMENT:

None.

NEW BUSINESS:

Draft of Non-Uniformed Employees Handbook—Mr. Wagner worked extensively with Solicitor Brant's office and Michele Cappelletti to revise and streamline the Non-Uniformed Employees Handbook. Mr. Wagner provided the Handbook to the Board for review and his goal is to have it approved at either the October 23 or November 3 meeting.

Commissioner Foltz asked if the Handbook addresses top management employees. Solicitor Brant said it addresses everyone.

RESOLUTIONS AND ORDINANCES:

None.

Warrant—Warrant No. 829 for September 2014 was distributed via email for the Commissioners' review.

COMMISSIONERS COMMENTS:

Commissioner Vlahos, Commissioner Kaiser, Commissioner Watson and Commissioner Klotz had no comments.

Commissioner Foltz read a note from Sandy Stepaniak expressing her appreciation for the retirement luncheon and gifts.

Mr. Wagner and Solicitor Brant had no comments.

Tony Doyle apologized because he didn't state his name at the beginning of the meeting before making his comments. He said he is not making the meetings like he used to and would like to get a copy of the Board packet, excluding anything personal. He asked for the Board's opinion on providing him with the packet.

Commissioner Klotz said some information in the packet is public record but there is other information that is not, such as minutes that are not yet approved. Mr. Doyle was not requesting the packet the night of the meeting. He felt after the minutes are approved, on the following day he should be able to get the packet and he will pay for it.

Commissioner Foltz said the matter has been discussed and they feel the packet is for the Commissioners. He said if Mr. Doyle has any question, he can discuss them with the Manager.

Commissioner Klotz said Mr. Doyle can submit a Right to Know request for anything in the packet and pay for the copies.

Solicitor Brant explained Mr. Doyle is entitled to some of the packet; however, some of the information is personal and confidential. He used his own written report as an example. Solicitor Brant advised protocol is to submit a Right to Know request. He thinks it's all workable and, with the Commissioners' direction, Mr. Doyle should be able get everything he is entitled to shortly after the meeting.

Charles Nippert asked if the budget documents used in Mr. Wagner's presentation were available or constrained. Mr. Wagner said the draft budget is constrained until preliminary approval.

There being no further business, the public meeting was adjourned at 8:12 p.m. Next regularly scheduled meeting will be held on Thursday, October 23, 2014.

Respectfully submitted,

A handwritten signature in cursive script that reads "Michele M. Cappelletti".

Michele M. Cappelletti
Secretary