

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
December 18, 2014 Close-Out Meeting

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled close-out meeting on Thursday, December 18, 2014 at the Lower Pottsgrove Township Municipal Building, 2199 Buchert Road, Pottstown, Pennsylvania. Meeting was called to order at 7:00 p.m. The following attended:

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

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

Commissioner Foltz announced the meeting was being recorded.

APPROVAL OF MINUTES:

Commissioner Klotz made a motion to approve the minutes of the November 20 and December 1, 2014 Board of Commissioners meetings. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

COMMENTS FROM VISITORS:

Richard Kölsch, 1694 Kepler Road, had questions about the recently approved zoning change (Preservation Subdivision District). Because the houses will be built on smaller lots, and a large percentage of the parcel will be open space, Mr. Kölsch asked how the loss of tax revenue is being justified. He also asked how much the Township will have to pay for maintenance and insurance of the open space and he had concerns about the detention basin. Mr. Kölsch stated he would like to be notified when the plans comes in so he can review them. Commissioner Foltz asked Mr. Kölsch to put his concerns in writing so they could be properly researched and addressed.

Solicitor Brant said he could not answer Mr. Kölsch's questions about taxes, assessments, etc. because that would involve quite a bit of research; however, he did address his other concerns.

Regarding Mr. Kölsch's request to be notified when the plans come in, Solicitor Brant stated this is a transparent government and he encouraged Mr. Kölsch to go to the Planning Commission meetings when the projects are discussed.

Solicitor Brant advised the project has not been engineered yet so it is premature to talk about the detention basin. He advised the best person to answer Mr. Kölsch's questions on that matter would be the Township engineer, who was not at this meeting. From a different perspective, Solicitor Brant said the detention basin has to be designed in accordance with the Township's stormwater regulations and ordinances.

Solicitor Brant said we are not going to be able to determine the nature and type of open space until the plans are in the process of being reviewed. Ultimately, there will be a cost associated with the maintenance and operation of the open space and the Commissioners will balance that cost with the benefits of having the open space when deciding whether or not to take the open space.

Joanne Kölsch, 1694 Kepler Road, said she has been talking to her neighbors and voiced their comments to the Board of Commissioners. She said the development that was already approved with larger houses and larger lots was very acceptable and they feel cluster or “clutter” housing will depreciate their property values. She said the Township has lower cost housing – Walnut Ridge and Rolling Hills – and the new development will totally change the scenery of the area. She further expressed they feel this will be a devaluation of their homes and they want to know who will be culpable for the devaluation.

Mrs. Kölsch said people feel strongly and we know you can reverse this because the original (plan) was reversed to the new plan to accommodate a builder. She asked what it would take to have it turned back to the original plan with the larger homes, how many names would be needed on a petition or how would we go about doing this.

Commissioner Klotz said the cost of the housing hasn't been determined yet, that will happen when the project goes through the planning process. He also commented that this is the second time he has heard the Rolling Hills development mentioned and he was not happy about it. He said he knows people who live in Rolling Hills who are upstanding citizens in this of the community. Commissioner Klotz said we don't look at a development based on cost; we want to build a development that is good for the Township.

Mrs. Kölsch said she is not making comments about the types of people living in Rolling Hills and she has friends in Walnut Ridge. She is talking about putting in more homes that have a lower tax base. As far as depreciation, Mrs. Kölsch said there is open, beautiful housing, and then there will be one, little, trailer park-look cluster. Commission Klotz advised it is not a trailer park, that's not allowed there, it will be single family homes.

Commissioner Foltz said the Board conducted a hearing on this matter and made a decision that the best interest of the community is to go this way. Mrs. Kölsch said if it is the residents' opinion that this is not we want, how many signatures would be needed or what would the Board need to reinforce to you that we don't feel what you think is right for us is right for us.

The Solicitor explained, as he did at the public hearing, the Board sat as a legislative body, took input, listened to their planner, listened to the people and their comments and rendered a decision to adopt that ordinance. There is no specific number of people or signatures on a petition that would result in a reason for the Board to necessarily decide to repeal the ordinance, they made a decision to adopt it. He encouraged Mr. and Mrs.

Kölsch to participate in the planning process because they raised questions about the type of house, lot size, infrastructure and stormwater basins, which is all germane and all comes up at the planning meetings.

SWEARING IN OF POLICE OFFICER:

Chief of Police Michael A. Foltz advised the 2014 budget called for the hiring of an additional police officer. He stated Scott Burnick would be sworn in tonight as Lower Pottsgrove Township's 18th police officer. Scott is a resident of Montgomery County and graduated from Shippensburg University with a degree in criminal justice. Scott Burnick was then sworn in by District Justice Edward C. Kropp, Sr., Magisterial District 38-1-12.

CORRESPONDENCE AND INFORMATION:

None.

OLD BUSINESS:

None.

SUBDIVISION AND LAND DEVELOPMENT:

Resolution No. 1040-14 HEB LLC, 2169 East High Street—Commissioner Watson made a motion to approve Resolution No. 1040-14, granting Preliminary/Final Approval of the plan for a minor land development located at 2169 East High Street.

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

NEW BUSINESS:

Resignation Letter—Commissioner Klotz made a motion to accept, with regret, the resignation of Jim Krynski from the Lower Pottsgrove Township Authority.

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

Conditional Offer of Employment—Commissioner Watson recused himself from voting on this matter, due to a conflict.

Commissioner Klotz made a motion to extend a conditional offer of employment to Tim Watson as a sewer operator. Commissioner Vlahos seconded the motion. Motion carried by a vote of 4-0.

2015 Meeting Dates—Commissioner Vlahos made a motion to approve and advertise the 2015 meeting dates for the Board of Commissioners, Sewer Authority, Planning Commission and Parks and Recreation Board. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Unused Vacation and Leave Time—Commissioner Klotz reported the Police Committee met and discussed how to address unused vacation and personal time in the Police Department. With officers being down, and other officers being out in January,

the Police Committee determined the best way to handle this situation is to pay the officers for their unused time.

Commissioner Klotz made a motion to pay up to \$3,700 in unused vacation and personal time in accordance with the police contract. Commissioner Watson seconded the motion. Commissioner Kaiser asked if this amount was per officer.

Chief Foltz clarified the unused time is a combination of vacation and personal time, which amounts to approximately \$3,700 across the board, and it does not involve all officers. He explained shortages in the Police Department would require paying officers overtime to keep adequate coverage on the street. Chief Foltz felt it was a better solution to pay the officers for the unused leave time and get it off the books for 2014.

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

Municipal Building Expansion—Commissioner Foltz said for the past 16+ years, the Municipal Building has been in dire need of expansion. He talked to Don Wirt of Noelker and Hull Associates about developing a plan for expansion of the entire building. Commissioner Foltz asked the Board to authorize Mr. Wirt to proceed with a feasibility study at a cost not to exceed \$7,500.

Commissioner Kaiser would like to understand exactly what we are looking to accomplish. Commissioner Foltz said that's what the feasibility study is about. He explained Mr. Wirt will measure out the footage and meet with office staff and police to determine our needs. The feasibility study will then help to decide what needs to be done.

The proposal was reviewed by the Solicitor's office and is in order. Commissioner Klotz acknowledged the crowded conditions in the Police Department and said the project could be part of the Township's ten-year plan. Commissioner Foltz noted the lavatory facilities in the building are inadequate.

Commissioner Klotz made a motion to authorize Noelker and Hull Associates to conduct a feasibility study of the Lower Pottsgrove Township Municipal Building at a cost not to exceed \$7,500.00. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Civil Service Eligibility List--Commissioner Klotz reported the Police Department is down one officer from a serious accident and another officer was seriously injured while serving on CMERT. He would like to expedite the process and hire an additional police officer in January, instead of the February/March 2015 timeframe as originally planned, to get the Department up to speed. Commissioner Klotz then made a motion to request that the Lower Pottsgrove Township Civil Service Commission recertify the eligibility list of candidates.

Commissioner Kaiser said he hasn't seen the criteria for hiring a new officer, what the stats are, when to add a new officer, etc. He understands the Department will have times when by happenstance officers are out but he wants to see the statistics used for hiring. Chief Foltz said he provided statistics last year and will be doing so again this year. He would be happy to provide Commissioner Kaiser with the statistics as to why we need another officer. Commissioner Kaiser would like to see the statistics.

With the motion on the floor, made by Commissioner Klotz, and seconded by Commissioner Watson, motion carried by a vote of 4-1. Commissioner Kaiser was the nay vote.

RESOLUTIONS AND ORDINANCES:

Ordinance No. 318—Commissioner Vlahos made a motion to approved Ordinance No. 318, establishing one (1) stop sign on Hunters Run. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Ordinance No. 146-OO—Commissioner Klotz made a motion to approve Ordinance No. 146-OO, adopting the Lower Pottsgrove Township 2015 annual budget. Commissioner Watson seconded the motion and unanimously approved. Vote was 5-0 in favor.

Ordinance No. 133-NN—Commissioner Watson made a motion to approve Ordinance No. 133-NN, fixing the real estate property tax rate for the year 2015. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Ordinance No. 134-OO—Commissioner Klotz made a motion to approve Ordinance No. 134-OO, fixing the rate of assessment of street lighting in the Township for the year 2015. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Resolution No. 344-33—Commissioner Klotz made a motion to approve Resolution No. 344-33, establishing the rates for the Act 511 taxes for 2015 at the same rates as the previous year. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Resolution No. 1045-14—Mr. Wagner reported the original proposal for planning assistance from Montgomery County Planning Commission was approximately \$11,000.00. Mr. Wagner was successful in getting the fees reduced to \$6,646.00 for 2015.

Commissioner Vlahos made a motion to approve the Montgomery County Planning Commission Assistance Contract for 2015 through 2017. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Labor Counsel—Commissioner Watson advised the Police Committee discussed engaging the services of a different attorney for police labor matters.

Chief Foltz explained the Police Department has typically engaged the services of legal counsel to handle labor issues. The fees proposed by the firm Sienna Bellwoar and McAndrew were quite a bit lower than that of Eckert Seamans, the Township's current labor counsel.

Solicitor Brant said his office could handle some of the labor issues. Commissioner Kaiser asked if the Township should get more than one proposal or if the current law firm was contacted to see if they would reduce their fees. Commissioner Kaiser also did not have a copy of Sienna, Bellwoar and McAndrew's proposal and said there should be time for the full Board to review it. Commissioner Vlahos was comfortable making a decision based on Chief Foltz's recommendation.

After discussion, Commissioner Klotz made a motion to engage the services of the firm Sienna, Bellwoar and McAndrew as labor counsel for Lower Pottsgrove Township. Commissioner Watson seconded the motion and it was unanimously approved. Commissioner Kaiser voted nay. Motion carried by a vote of 4-1 in favor.

Joe Zlomek of the Sanatoga Post asked if the firm was on retainer or on an as needed basis. Commissioner Klotz advised they will be used as needed. Mr. Zlomek asked if the Township is interested in lowering fees or does it have a need or foresee a need for labor counsel in the future. Commissioner Klotz said legal fees are a budget item and the Police Committee is always looking at how to cut fees.

Warrant #831— Commissioner Vlahos made a motion to approve Warrant #831 for the month of November 2014. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Acceptance of Treasurer's Report—Commissioner Vlahos made a motion to accept the Treasurer's Report for the month of November 2014, as presented by Jennifer Marsteller. 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 wished everyone a safe holiday.

Commissioner Watson advised the Township's 2nd Annual Food Drive would be conducted this weekend in conjunction with the fire companies' Santa Runs. He reported there was a very good response from local businesses who donated to the Salvation Army Adopt-A-Family Program. Commissioner Watson anticipated a good response for the food collection and thanked all staff for their role in making these programs a success.

Commissioner Klotz thanked all Montgomery County Police Officers, CMERT and everyone involved in the manhunt (in Pennsburg). He said the Township is lucky to have several officers on CMERT. Unfortunately, one of our officers was hurt during this deployment and Commissioner Klotz recognized him for doing a great job.

Commissioner Klotz met with the fire companies at Police Committee meeting. The fire companies are happy. There is better communication between the fire companies and the police and they are well-staffed and well-equipped. Focus will be on recruiting volunteers in 2015.

Commissioner Klotz thanked staff for a great year and for their support. He also thanked staff for doing a great job with the budget.

Commissioner Klotz authorized Chief Foltz to proceed with ordering two Dodge Chargers that are in the 2015 budget.

Commissioner Klotz thanked all the Commissioners for a great year. He said we've done well, everyone has great input and he is proud to be part of this Board.

Mr. Wagner thanked Michele Cappelletti for doing a great job planning the Township Christmas Party. The party was very well received. He also thanked the Commissioners for a wonderful year. He said sometimes we agree to disagree, but we always do what is best for the residents.

Solicitor Brant said the Board gave him a vote of confidence in January and he is happy to be our Solicitor and part of the Lower Pottsgrove Township team.

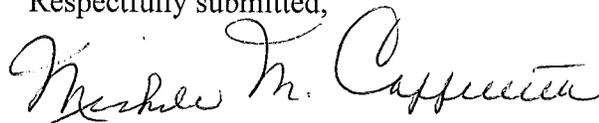
Commissioner Foltz thanked everyone on staff and the Board for their work this year. Some changes were made, and he thanked everyone for working through them and working together.

EXECUTIVE SESSION:

Commissioner Foltz announced an executive session on a personnel matter would be held immediately following the public meeting. The Board will not reconvene into public session. There being no further business, the public meeting adjourned at 7:45 p.m.

Next meeting will be held on Monday, January 5, 2015 at 7:00 p.m.

Respectfully submitted,



Michele M. Cappelletti
Township Secretary