

**LOWER POTTS GROVE TOWNSHIP    BOARD OF COMMISSIONERS**  
**February 2, 2015**

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Monday, February 2, 2015 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; Scott Exley and Chad Camburn, Township Engineers and Michele Cappelletti, Secretary.

Jennifer V. Marsteller, Treasurer/Tax Collector and Raymond Lopez, Emergency Management Coordinator, were absent.

Commissioner Foltz announced the meeting was being recorded.

**EXECUTIVE SESSION:**

Solicitor Brant announced at 6:30 p.m. the Board of Commissioners met in executive session to discuss a personnel and a litigation matter. No decisions were made and no action needed to be taken.

**SWEARING IN OF POLICE OFFICER:**

Chief of Police Michael A. Foltz introduced Scott Bond, the candidate who was selected as the Township's 19<sup>th</sup> police officer. Chief Foltz highlighted Ofc. Bond's experience, education, certifications and training. Ofc. Bond was then sworn in by District Justice Maurice H. Saylor, Magisterial District 38-1-12.

Commissioner Foltz welcomed Scott with great pleasure and said he was happy to have someone with Scott's experience and background knowledge on our Police force. Commissioner Klotz participated in the interview process and said the candidates we are seeing are second to none. They are coming in with experience and are ready to go. He commented that Scott shines above the rest and we are glad to have him. Commissioner Klotz thanked the entire Police Department and also welcomed Scott aboard.

**APPROVAL OF MINUTES:**

Commissioner Vlahos made a motion to approve the minutes of the January 22, 2015 Board of Commissioners meeting. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**COMMENTS FROM VISITORS:**

**Bill Wolfgang**, Pruss Hill Road, asked the Commissioners to commend the Road Crew for doing a good job salting his road. Commissioner Foltz appreciated the comment and will pass it along.

**Tony Doyle**, 1745 Kepler Road, asked if the Board would be voting on the Police Contract tonight, as noted on the agenda. Commissioner Klotz confirmed that was correct. Mr. Doyle asked Chief Foltz if the officers who take advantage of the education benefit in the contract are required to give five years back to the Township after completing his or her degree. Chief Foltz said there is a 4 year buy-back clause, which is prorated over the 4 years.

**Mr. Doyle** said when he was a Commissioner, he was unsuccessful in trying to address property maintenance issues with some of the homes on E. High Street. He said the homes look much better now and he thanked the person responsible for getting this done.

**Mr. Doyle** asked if uniformed employees pay into their pension plan. Chief Foltz advised they pay 5%. Mr. Doyle asked if the uniformed employees contribute 5% because they are getting 5% more. Chief Foltz said no, the 5% is a contribution towards their pension plan to keep the pension sound.

**Mr. Doyle** asked about Pottsgrove Soccer Association's contribution to the Township for use of the fields. He asked if the Township has a "pay to play" policy in effect. Commissioner Klotz said we do not but outside organizations (those not in the Pottsgroves) can rent the fields for a fee, which is similar to the School District's policy.

**Mr. Doyle** asked about the \$1,000 donation from Pottsgrove Soccer in the budget. Commissioner Kaiser explained the \$1,000 may be a cash donation but does not include the equipment, fertilizer, seed, etc. that the Soccer Association buys for the upkeep of the fields. Mr. Doyle said he was not disputing what the Soccer Association is doing, but he thinks there should be a number and receipts provided so John Fogel could turn this information in to the Township.

Commissioner Kaiser said the Soccer Association has its books audited and he was sure they know what is being spent. He said the Association's auditor could ask the Township to confirm what they gave us. Commissioner Kaiser stated there was no need for the Township to keep books on the Soccer Association's donations of equipment and materials used to maintain the fields.

**Mr. Doyle** asked about the Sanatoga Park Grant in the amount of \$61,500. Mr. Wagner advised that is a Montgomery Community Block Grant and we did get it.

**Mr. Doyle** asked for an explanation of the 209 Impact Fee Study for \$25,000 in the budget. Mr. Wagner explained an impact fee study is the first step to determine if the Township could generate traffic impact fees for new developments.

**Mr. Doyle** mentioned Mr. Garner was on the agenda to represent Pottstown on the parking garage. Commissioner Foltz advised Mr. Garner is not here for that reason. Mr. Doyle then asked about Lower Pottsgrove Township having a representative on Pottstown Borough Authority (PBA). Mr. Wagner advised the Joint Authority, which is comprised of Pottstown Borough and Lower, West and Upper Pottsgrove Townships, conducted a third-party review and a meeting is scheduled for Monday, February 9 at 8:00 a.m. at Upper Pottsgrove. The article in the Mercury stating that Pottstown is going to spend \$2 million for a public works facility will be discussed at that meeting. Mr. Wagner reported he received an email from PBA Manager saying the article was not accurate and he will clarify his remarks at that meeting.

**PRESENTATION:**

**1473 N. Charlotte Street**—Charles D. Garner, Jr., Esquire represented GEG Investments, LLC. Guido DiCicco and his son are the principles in that entity. Mr. Garner's clients own the property located at 1473 N. Charlotte Street and have filed a zoning appeal with the Zoning Hearing Board requesting zoning relief to develop the property for self-storage units.

Mr. Garner presented a sketch plan and said he was seeking the Board's support of the project if they deem it appropriate. Mr. Garner advised his client believes, based upon the location of the property and the fact that there is no water or sewage available, it is a difficult site to develop and thinks self-storage units are preferable to having the property vacant. The applicant is asking for a special exception or variance for the proposed use and a zoning hearing is scheduled for February 16, 2015. If zoning relief is granted, the applicant realizes the project requires land development and it will need come back before the Board for approval. Mr. Garner expressed his clients' willingness to work with the Board.

**REPORTS:****Police**

Chief Foltz reported there were 967 calls for service in January 2015. He highlighted the following from his written report:

1. **Calls for Service/Departmental Activities**
  - a. New flooring was installed in the Police Department
  - b. Construction of sergeants' office was completed
2. **Traffic Enforcement**
  - a. There were 62 traffic violations issued. The Department conducted directed patrols for traffic enforcement along the Route 422 construction zone (30 citations written), Rupert Road, E. High Street and N. Charlotte Street.
  - b. Chief Foltz met with PennDOT and J. D. Eckman to address serious safety concerns about the Route 422 westbound entrance ramp. PennDOT and J. D. Eckman were very receptive to some of the suggestions and immediately implemented mitigation efforts. The Police Department followed up with enforcement, which will continue, and there has been a positive improvement.
3. **Criminal Investigations/Arrests**
  - a. There were 46 criminal violations logged in for the month; 22 adult arrests and 4 juveniles were handled.
  - b. There were 6 thefts from vehicles that occurred during one night in Woodgate.
  - c. Over this past weekend, there was a stabbing at Rolling Hills and a robbery at Days Inn.
4. **Overtime**
  - a. There was considerable overtime spent as a result of court trial for the robbery of National Penn Bank in 2013.
5. **Training**
  - a. All officers are currently undergoing online training for traffic incident management.

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

Commissioner Klotz thanked the Chief for traffic enforcement efforts on Route 422. He also thanked Joe Zlomek of the Sanatoga Post for his article concerning this matter.

### **Emergency Management**

Chief Foltz delivered the Emergency Management report in Ray Lopez's absence. He reported there were 2 EOC activations in January and both involved winter storms. Mr. Lopez manned the EOC located in the Township Municipal Building and monitored storm activity.

Chief Foltz announced the Limerick Generating Station Emergency Management Drill will be held on Tuesday, November 17, 2015.

### **Fire Marshal**

Fire Marshal Lew Babel provided the Board with a monthly report and a year-end report for 2014. He highlighted the following statistics from his monthly 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>      | 31                 | 33                           | 349                         | 32                                   | Not provided                  |
| <b>Ringling Hill (Station 59)</b> | 33                 | 31                           | 132                         | 54                                   | 227                           |

(Hours are approximate)

Mr. Babel reported in 2014, the total structural damage caused by various fires was \$870,000. This figure is for major structural damage and does not include damage caused by appliance and equipment malfunctions (hot water heater, stove, microwave, etc.)

Mr. Babel thanked the Board and the Police Department for donating to the charity Home of the Sparrow in memory of his daughter. It was very much appreciated.

Commissioner Foltz advised he met with Fire Marshal Lew Babel, Assistant Fire Marshal Joe Groff and Ed Wagner to discuss the appointment of a third backup to serve when the Fire Marshal or the Assistant Fire Marshal are out of town or otherwise unavailable. Commissioner Foltz asked the Commissioners for their thoughts on that matter.

Commissioner Klotz asked what the chances were that both Lew and Joe would be unavailable and he didn't think it would happen on a regular basis. Mr. Babel said he has used Mr. Lengel on occasion and felt he would be an asset. Also, there are no fees associated with his services.

Commissioner Foltz clarified that if Lew needs assistance, Joe Groff is the next one in line and that is who Lew would use. Solicitor Brant advised the appointment of Richard Lengel would require a resolution.

Commissioner Vlahos made a motion to appoint Richard Lengel, by resolution, as the third

back-up to the Fire Marshal. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Mr. Babel commented that since his appointment, Joe Groff has been actively involved and has been on-site assisting Mr. Babel.

**Highway—Public Works Department:** Commissioner Foltz read the Public Works Report for the month of January 2015. Report will be posted on the bulletin board. Commissioner Foltz thanked the Road Crew for doing a good job.

**C.O.G.**—Commissioner Foltz reported a C.O.G. meeting was held at Douglass Montgomery Township. Four of the five C.O.G. member townships contributed \$1,000 each towards painting the CMERT vehicle. Several townships offered to contribute more if the vehicle needed to be equipped. Chief Foltz advised the armored personnel carrier is now being painted. Commissioner Foltz thanked C.O.G. members for their support.

**Engineering**—Bursich Associates provided a written Engineers' Report updating the Board on various projects and activities going on in the Township. Scott Exley asked the Board to contact him with any questions.

Mr. Exley advised Commissioner Foltz and the Board that Bella Italia is now open for business; however, there are some outstanding construction issues that need to be finished before the Township can release their escrow money.

**Treasurer**—Commissioner Vlahos provided the Treasurer's Report on behalf of Jennifer Marsteller and reported \$0 were collected.

### **Solicitor**

Solicitor Brant provided a written report to the Board of Commissioners. He felt everything that needed to be talked about was covered in executive session. He asked the Board to contact him with any questions.

Commissioner Foltz noted that Solicitor Brant is working on the abandoned gas station on North Charlotte Street. Solicitor Brant said there was a delay in getting the violation notices out but they are going out now.

Township Manager Ed Wagner reported on the following:

### **Parks and Recreation**

**Events**—Katie Smith is working on scheduling spring and summer events. She will present the proposed events to the Township's Parks and Recreation Board for its review and consideration on February 23.

### **Pottstown Metropolitan Regional Planning Committee**

**Comprehensive Plan**—The Comprehensive Plan was reviewed on January 28, 2015. Some Townships had comments and suggestions on the Plan and John Cover and his staff will address these issues at the next meeting.

**Lower Pottsgrove Township Authority**

**Authority Meeting**—Next Authority meeting will be held on Monday, February 9, 2015. The Authority will be discussing what we hear from the Borough of Pottstown at the Joint Authority meeting which is scheduled for that same morning.

**CORRESPONDENCE AND INFORMATION:**

**None.**

**OLD BUSINESS:**

**None.**

**SUBDIVISION AND LAND DEVELOPMENT:**

**None.**

**NEW BUSINESS:**

**Police Contract**—Commissioner Klotz reported the Commissioners each received a copy of the police contract. The contract went through arbitration and some wording changes were made, which were mutually agreed upon by the Township and the Police Department.

Commissioner Klotz made a motion to approve the Police Contract, as presented, for the years 2013-2016. Commissioner Watson seconded the motion. Commissioner Foltz abstained from voting. Motion carried by a vote of 4-0 in favor.

**Equipment Rental Bid**—Commissioner Watson made a motion to authorize the Township to proceed with advertising the annual equipment rental bid. Commissioner Vlahos seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**Cafeteria Plan for Employee Contribution**—Commissioner Vlahos made a motion to adopt the Cafeteria Plan for employee contribution to medical insurance in accordance with IRS regulations. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**RESOLUTIONS AND ORDINANCES:**

**Resolution No. 818-E**—Commissioner Vlahos made a motion to approve Resolution No. 818-E for the disposition of municipal records in accordance with the provision of the Records Retention and Disposition Schedule approved by the Local Governments Records Committee. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**Warrant**—Warrant No. 832 for January 2015 will be distributed via email for the Commissioners' review.

**COMMISSIONERS COMMENTS:**

**Commissioner Vlahos** had no comments.

**Commissioner Kaiser** said he sent Ed Wagner his resignation from the Board of Commissioners, effective this evening. He thanked the residents for electing him to the position and said it has been an honor serving the Township for the last 5 years. He said he worked with

a lot of good people, past commissioners inclusive, as well as the employees and the Police Department. Commissioner Kaiser stated the Police Department does a great job and he expressed his appreciation to Chief Foltz for being a big part of that. He wished the current Board success in the future

**Commissioner Watson** welcomed Ofc. Scott Bond to the team.

**Commissioner Klotz** recognized the Reading Eagle (reporter was at the meeting) for doing beautiful coverage of our traffic and police reports. He also acknowledged the Mercury and The Sanatoga Post and thanked them for their coverage of the Township and Police Department.

**Commissioner Klotz** worked with Jim Kaiser for many years, both on and off the Board of Commissioners. He knows how busy Jim is with LPA and said he has done a great job with the kids in this community. Commissioner Klotz wished Jim all the best and thanked him for serving on the Board of Commissioners.

**Commissioner Foltz** said we are going to miss Jim Kaiser on the Board and thanked him for his years of service. He appreciated Jim's advice on financial matters and wished him well.

**Acceptance of Resignation of Commissioner James D. Kaiser**—Commissioner Klotz made a motion to accept the letter of resignation submitted by Commissioner James Kaiser dated and effective February 2, 2015. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 4-0 in favor. Commissioner Foltz presented Jim Kaiser with an outstanding service award in appreciation of his years of service to Lower Pottsgrove Township.

**Mr. Wagner** enjoyed working with Jim and thanked him for his service. He also congratulated Ofc. Scott Bond.

**Solicitor Brant** also enjoyed working with Jim Kaiser. The Solicitor and Michele Cappelletti both wished Jim good luck.

There being no further business, the public meeting was adjourned at 7:45 p.m. Next regularly scheduled meeting will be held on Thursday, February 19, 2015.

Respectfully submitted,



Michele M. Cappelletti  
Secretary