

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

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Monday, March 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; Shawn Watson; James W. Vlahos and Earl E. Swavely, Jr.

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

Raymond Lopez, Emergency Management Coordinator, was absent.

A moment of silence was observed in memory of former Commissioner Roy Cubbler.

Commissioner Foltz announced the meeting was being recorded.

**APPROVAL OF MINUTES:**

Commissioner Klotz made a motion to approve the minutes of the February 19, 2015 Board of Commissioners meeting. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**COMMENTS FROM VISITORS:**

None.

**REPORTS:**

**Police**

Chief Foltz reported there were 1,039 calls for service in February 2015. There were 58 traffic violations and 26 of those violations were issued in the Route 422 construction site. There were 61 criminal violations for the month: 26 adults were arrested and 8 juveniles were handled. He highlighted the following from his written report:

**1. Calls for Service/Departmental Activities**

- a. **Radio Upgrades**—Montgomery County Department of Public Safety updated the Department on the status of the radio upgrades. The roll-out date to start purchasing radios has been pushed back to the last quarter of 2015. We have been advised that since this date has been pushed back, radios prices have gone up to approximately \$300 per radio. Mr. Sullivan of Montgomery County is trying to negotiate a better price with Motorola.
- b. **Saint Patrick's Day Parade**—Conshohocken Borough Police has requested the Department's assistance with their annual Saint Patrick's Day Parade on March 14. Chief Foltz authorized assistance and shared the request with the Fire Police Captains of both Sanatoga and Ringing Hill Fire Companies.

- c. **422 Construction Project**—Chief Foltz and EMC Ray Lopez attended a meeting on the 422 Construction Project.
  - i. **April/May**—Eastbound ramp from Route 724 will be closed. Ramp will remain closed approximately 3 years while they finish construction of the bridge over the Schuylkill River.
  - ii. **June/Early July**—Westbound entrance ramp to Armand Hammer Boulevard will be closed. Ramp will remain closed for up to 90 days while they start to reconstruct the new westbound ramp.
  - iii. **June**—New section of bridge over the Schuylkill River will partially open with a single lane of eastbound traffic. Westbound lanes will shift into the other section of the new bridge platform. This stage is expected to last 2 to 3 years.

## **2. Criminal Investigations/Arrests**

- a. On February 13, 2015 officers responded to Days Inn for a report of suspected drug activity and sales. A male and a female were arrested for possession of crack cocaine and oxycodone. Police are investigating a possible connection of the male suspect with a recent drug-related shooting in a nearby hotel in Berks County.
- b. Detectives concluded a prostitution investigation and arrested 2 females. Investigation is still open.

## **3. Fleet**

- a. Three new police cars were delivered and are in the process of being upfitted.
- b. The Detectives' 2008 Ford Taurus went of service. The repair involves the coil and is estimated to cost \$1,500. Albitz is working with Ford to see if the manufacturer will cover some of the cost of the repair, since this is a recognized problem with this car.

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

Commissioner Klotz asked how the new officers are coming along. Chief advised all 3 are progressing very well. Ofc. Black is out of the FTO program and is working solitary in the car. He has been very productive and has been involved in some of the drug arrests. The other 2 officers are progressing as expected.

Commissioner Watson asked for an update on body cameras and car cameras. Chief Foltz said there is currently a big push across the country to get body cameras on police officers. Recently, Chief Foltz had a conversation with the DA's office and they are asking that body cameras be put on hold until standardized processes can be formulated through their office and the Chief's Association. Regarding car cameras, Chief Foltz said the Department needs to find funding for them and they are not in this year's budget. He feels we will have to start looking into funding for car cameras because this technology will also be pushed.

## **Emergency Management**

EMC Lopez was attending another meeting so Chief Foltz delivered the Emergency Management report in his absence. There were no EOC activations in February and listed below is a summary of Mr. Lopez's activities for the month:

1. Continued to review and update the Township's Emergency Operation Plans. This is required by the state every 2 years.
2. Met with the County Department of Public Safety to update the Township's Radiological Emergency Response Plan and Notification Resource Manual
3. Attended Route 422 construction meeting with Chief Foltz
4. Attended monthly emergency management training held at Montgomery County Emergency Operations Center regarding Communicating with Access and Functional Needs Population During an Emergency

Chief Foltz announced in the next few weeks the Township will take delivery of a new Critical Incident Response Trailer acquired through a donation from Exelon Corporation. Primary function of trailer is to carry highway advance warning equipment for traffic control and scene security for large scale, complex or extended duration incidents. Trailer will contain apparatus such as cones, barricades, minicades, portable lighting, generator, flares, portable tents and any other equipment that might be advantageous to have on scene. Emergency Management is working with John Fogel to keep the trailer in the secured lot at the Public Works Building. The trailer will be accessible to Police, Fire and Public Works for their needs.

### **Fire Marshal**

Fire Marshal Lew Babel 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>	37	29	166	106	Not provided
<b>Ringling Hill (Station 59)</b>	39	31	177	Not provided	Not provided

(Hours are approximate)

Mr. Babel reported Ringling Hill has taken delivery of a new engine in February. The engine is expected to be in service in about a month. The old engine was sold in January to a fire company in upstate Pennsylvania. He invited all to stop by to see the engine on Thursday night after 7:00 p.m.

**Highway—Public Works Department:** Commissioner Foltz read the Public Works Report for the month of February 2015. Report will be posted on the bulletin board. Commissioner Foltz commented that the Road Crew has been busy with the ice and snow.

Commissioner Klotz thanked John Fogel for making a tank to fit our truck and for getting the brine solution donated by the State of Pennsylvania. He said there was no cost to the Township and John is a great asset to the Road Crew. Chief Foltz said John has been very proactive with the storms. He advised during today's icy conditions, there was a crime scene at an elderly

couple's home and the Police did not have any salt. The Road Crew brought salt to the scene to make it safe and the Police are very grateful. Commissioner Watson also said John has done a very good job. Commissioner Foltz said John is very dedicated and instead of going home, he slept in the Township garage and waited for the snow to start.

Mr. Wagner advised the Township is having difficulty getting salt and we are down to 50 tons.

**C.O.G.**—Commissioner Foltz reported the C.O.G. meeting scheduled to be held at Lower Pottsgrove Township was cancelled.

**Engineering**—Bursich Associates provided a written Engineers' Report updating the Board on various projects and activities going on in the Township. Scott Exley said all is quiet on the engineering front.

Commissioner Watson asked for status of the Keim Street Bridge project. Mr. Exley advised it is moving along, slowly but surely. Traffic Planning and Design is looking for alternative alignments.

**Treasurer**—Ms. Marsteller presented the Tax Collector's Monthly Report to Taxing Districts for the month of February 2015 to the Commissioners for review. She reported tax bills were mailed February 1, 2015.

**Solicitor**

Solicitor Blake Dunbar provided a written report to the Board of Commissioners. He reported on the following items:

1. **Buchert Ridge; Phase I and Phase II**—A resolution which addresses all outstanding issues and adjusts the phase line of Phases I and II will be before the Board for consideration tonight. The resolution also provides for additional financial security for Phase I and because there is an amended Phase II Plan that is working its way through the Township approval process, there will be an adjustment in the financial security for that phase as well.
2. **Citgo Station**—Non-traffic citations have been filed. The owner, a corporation in Chester, is in the process of being served and we are waiting for the serve information. Joe Groff, Director of Code Enforcement, is staying on top of this situation.
3. **Hotel-Motel Ordinance**—Under Township review.
4. **Off-Street Parking and Loading Ordinance**—Under Township review. The Solicitor is in the process of addressing comments from Ed Wagner.
5. **Sanatoga Interchange Roadway Improvements and the Intermunicipal Agreement**—Agreement is before the Board for consideration tonight.
6. **Babel Minor Plan Lot Line Adjustment**—The Solicitor's office was asked to record the Babel Minor Plan Lot Line Adjustment plan. Deeds of dedication have

been prepared and, once executed by the Applicants, the Solicitor's office will attempt to record the documents on behalf of the Applicants.

Solicitor Dunbar concluded his report and said he is available for any questions the Board may have. Commissioner Foltz said the Citgo Station is his "pet peeve" and some windows have been broken and boarded up. He knows the Solicitor's office and staff are on top of this situation but he doesn't want to drop the ball. Solicitor Dunbar said once they get the service report back, they can proceed. He advised the judge can assess fines of up to \$1,000 per day.

Township Manager Ed Wagner reported on Parks and Recreation and Pottstown Metropolitan Regional Planning Committee:

### **Parks and Recreation**

1. Mr. Wagner met with Chad Camburn to review the scope of work for Sanatoga Park. The Township was awarded CDBG funds to do the bandshell. Bids will go out later this spring.
2. The Parks and Recreation Board discussed possible grant opportunities to address stormwater issues at Gerald Richards Park
3. The 14th Annual Easter Egg Hunt will be held on March 28 starting at 9:45 a.m., with the first hunt starting at 10:00 a.m. Rain date is March 29 at 2:00 p.m. This event is being sponsored by Traffic Planning and Design.

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

**Comprehensive Plan**—The Lower Pottsgrove Planning Commission has reviewed the draft Comprehensive Plan prepared by the County. John Cover of Montgomery County Planning Commission will deliver a presentation on the Comprehensive Plan at the March 16, 2015 Lower Pottsgrove Planning Commission meeting, which starts at 6:30 p.m.

Commissioner Klotz thought originally Regional Planning was going to incorporate language into the Plan to oppose tolling on Route 422. It is now his understanding this language will not be included. Tom Troutman advised East Coventry wanted language in the plan to oppose tolling but the other members of Regional Planning felt it wasn't appropriate at this time and it should not be in the Plan.

Commissioner Klotz is disappointed that we are part of a Regional Metropolitan Planning Commission that is not opposing tolls on a road that will affect every single person in the counties it represents. He said Route 422 is a nightmare now and if it is tolled it becomes twice the nightmare. Commissioner Klotz thinks Regional Planning should reconsider and incorporate language into the Plan.

Mr. Troutman said the Plan is still in the approval stage and if the Board wants to pass a resolution stating it is opposed to the tolls, he would bring it up again at the next Regional Planning meeting. Commissioner Klotz said he certainly is opposed to the tolls and asked his fellow Board members for their input. Commissioner Foltz asked the Solicitor if the Board needed a resolution to take action and Solicitor Dunbar said a resolution would be the way to do it.

Commissioner Watson and Commissioner Swavely both agreed with Commissioner Klotz and they do not support tolling Route 422. Commissioner Swavely asked if there was a deadline to submit input for the Plan. Mr. Wagner advised the Plan is still in the draft stage. Mr. Troutman said the Plan still has a long way to go before it is approved. Commissioner Vlahos asked if “a long way to go” meant 6 months, 12 months, etc. Mr. Troutman estimated it would be at least 6 months.

Bill Wolfgang, Pruss Hill Road, asked if the Township’s opposition would create a problem for the other municipalities. He also asked what effect the Township’s stand would have on polling or not polling and if the Township has much say in the matter. Commissioner Klotz believes we definitely have some say; however, Lower Pottsgrove Township is only one of 8 municipalities who serve on the Pottstown Metropolitan Regional Planning Committee.

Commissioner Klotz made a motion to approve a resolution opposing tolls on Route 422. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Commissioner Vlahos said the Board did not have discussion before the vote. His thought process is he believes that the regional rail is more the issue for the Regional Planning Committee than tolling or not tolling 422. Commissioner Vlahos said 422 tolling has to be a legislative move; it is not a Township move so it would not come through the Board of Commissioners.

Mr. Troutman said the Montgomery County Commissioners are holding a public meeting at Sunnybrook on April 2, 2015. He suggested that the Commissioners could put a little pressure on the County Commissioners in favor of regional rail.

Charles Nippert, Pleasant View Road, asked what input will Lower Pottsgrove Township have if it doesn’t have a station on the railway. Commissioner Vlahos was not speaking in reference to Lower Pottsgrove Township only, he was speaking in reference to the Regional Planning Committee. Commissioner Klotz said Lower Pottsgrove Township is part of the Regional Planning Committee and the rail line would come through this region.

Joe Zlomek of the Sanatoga Post asked if members of the Board have given any consideration to where the money is going to come from for eventual fixing of 422 if not from tolls and would the Board make a recommendation to the regional planners regarding that. Commissioner Klotz said 76, I-80 and I-81 are all maintained without tolls so obviously there is money from the State available to repair major roads. He felt establishing tolls on 422 will not fix it because there are areas that cannot be made into three lanes, and that’s the only way to do it.

Mr. Wagner advised there will be funds available from Act 89, which was passed in 2013, from increases in the gas tax, vehicle registration and license fees. The Township is applying for the Commonwealth Financial Authority Grant and Mr. Wagner recently read an article that stated Pennsylvania will be flush with cash.

#### **Lower Pottsgrove Township Authority**

Mr. Wagner delivered the following report:

**Training**—Authority employee Tim Watson will begin training classes on March 17, 2017 to obtain his Class E Collection System license. He is scheduled to take the exam on May 14, 2015 at the Horsham Community Center.

**Bond**—At its next meeting, the Authority will review the 2011 Wells Fargo bond and will consider alternatives for possible refinancing.

**CORRESPONDENCE AND INFORMATION:**

Commissioner Foltz announced the Montgomery County Commissioners will hold a meeting on April 2, 2015 at 7:00 p.m. at Sunnybrook.

**OLD BUSINESS:**

None.

**SUBDIVISION AND LAND DEVELOPMENT:**

**Buchert Ridge Community Modified Phase 1 Plan**—Commissioner Vlahos made a motion to approve Resolution No. 1058-15, granting preliminary/final approval of Buchert Ridge Community Modified Phase 1 Plan. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**NEW BUSINESS:**

**Fire Companies Audit**—Commissioner Foltz asked for a motion to approve Maillie to conduct the audit of the Township's fire companies.

Commissioner Klotz asked if this is what we typically do. Mr. Wagner said yes, we originally budgeted for a full audit in the amount of \$7,500; however, Mr. Wagner and Scott Detar of Maillie scaled down the services and the cost is now in line with previous years.

Commissioner Klotz made a motion to approve Maillie to conduct the 2014 Ringing Hill Fire Company Audit and the 2014 Sanatoga Fire Company Audit at a cost of \$1,975 per Fire Company. Commissioner Watson seconded the motion. Commissioner Foltz asked if the audit is only for the Township's contributions to the fire companies or is it a full audit of all accounts. Mr. Wagner advised it is only for Township money. Maillie will try to coordinate and schedule the audits at the same time they conduct the Sewer Authority audit, which is sometime in mid-April.

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

**Intermunicipal Cost Sharing Agreement with Limerick**—Commissioner Klotz asked if everything the Board wanted was included in the Agreement. Mr. Wagner confirmed it was and the Agreement was reviewed by the Solicitor. Language was added to include both ramps and the costs will be split 65% (Limerick)/35% (Lower Pottsgrove).

Commissioner Watson made a motion to authorize Board President Bruce L. Foltz to sign the Intermunicipal Cost Sharing Agreement by and between the Township of Lower Pottsgrove and the Township of Limerick. Commissioner Klotz seconded the motion. Commissioner Foltz asked if the Sanatoga Interchange eastbound ramp, on the Lower Pottsgrove Township side, was

included in the Agreement. Mr. Wagner confirmed it is included. Commissioner Foltz asked for a timeframe for the work to begin on the eastbound ramp. Mr. Wagner advised once Phase I (westbound ramp) is completed, the process will commence within three years.

Joe Zlomek of the Sanatoga Post asked if this represents a legally binding contract. Solicitor Dunbar said yes, it is an agreement between two municipalities and it is a binding contract.

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

**Resolution No. 1059-15**—Commissioner Klotz made a motion to approve Resolution No. 1059-15 appointing Commissioner Earl Swavely as the Township’s representative on the Pottsgrove Recreation Board. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**Resolution No. 1060-15**—Commissioner Klotz made a motion to approve Resolution No. 1060-15 appointing Thomas C. Troutman as the Township’s representative on the Pottstown Metropolitan Regional Planning Committee (PMRPC). Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**Warrant**—Warrant No. 834 for February 2015 will be distributed via email for the Commissioners’ review.

#### **COMMISSIONERS COMMENTS:**

**Commissioner Vlahos** thanked Tom Troutman for being the Township’s representative on Regional Planning. He knows this takes a lot of time and Tom has been doing this for many years.

**Commissioner Swavely** echoed earlier comments made by the Board on the wonderful job the Public Works Department has done on the Township’s streets and roads this winter.

**Commissioner Watson** had no comments.

**Commissioner Klotz** also thanked Tom Troutman for his dedication and said they sat on PMRPC together many years ago.

**Commissioner Klotz** said Chief Foltz delivers highlights from his Police Report each month and he does a great job keeping the Board informed. He pointed out with the addition of the young officers, who are working together with our experienced officers, the Police Department has been solving significant crimes. He stressed the Department is busy and we need the officers on the street to be able to handle the types of crimes that are occurring in Lower Pottsgrove Township. Commissioner Klotz thanked the police officers for doing a great job and for keeping the community safe.

**Commissioner Foltz** said some months ago, he recommended sending a letter to our State Senators and Congressmen regarding Comcast’s pricing. Mr. Wagner spoke to a Comcast representative and gave Commissioner Foltz a full report of that meeting; however, Commissioner Foltz still wants to send a letter and reach out to our elected officials on this matter. Mr. Wagner will draft the letter.

There being no further business, the public meeting was adjourned at 7:49 p.m.

Commissioner Foltz announced the next regularly scheduled meeting will be held on Monday, April 6, 2015 at 7:00 p.m.

Respectfully submitted,

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

Michele M. Cappelletti  
Secretary