

**LOWER POTTS GROVE TOWNSHIP    BOARD OF COMMISSIONERS**  
**April 6, 2015**

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Monday, April 6, 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.

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 and Chad Camburn, Township Engineers and Michele Cappelletti, Secretary.

Raymond Lopez, Emergency Management Coordinator, was absent.

**APPROVAL OF MINUTES:**

Commissioner Klotz made a motion to approve the minutes of the March 2, 2015 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 Ed Wagner if he sold cars through Municibid while he was Manager at New Hanover Township. Mr. Wagner said he did use Municibid and it works because it reaches a wide audience. Mr. Doyle asked Chief Foltz about the selling price of Lower Pottsgrove Township's police cars through Municibid. Chief responded the selling price varies, based on the condition and age of the car, and estimated the average to be \$2,500 to \$3,000. He said public works vehicles usually bring a higher price.

**Mr. Doyle** asked where he could find the police website. Chief advised there is a drop-down menu on Lower Pottsgrove Township's homepage. He advised Mr. Doyle to click on Services, then Police.

**Mr. Doyle** asked who takes the minutes at the Police Committee meetings. Commissioner Klotz replied the Police Committee meetings are public and they follow an agenda. He said if things need to be recorded, they have them recorded; however, most of what is discussed in Police Committee is not public, such as personnel matters. For discussion of those matters, the Police Committee meets in executive session. Mr. Doyle would like to see the Police Committee meeting minutes posted on the website.

**Mr. Doyle** stated the Parks and Recreation Board meeting minutes have not been updated since April 2014. He asked Tom Troutman if this Board has been meeting. Mr. Troutman confirmed they do meet and they do keep minutes of those meetings. Mr. Wagner advised Katie Smith has tried but has not been able to post the Parks and Recreation Board minutes. The Township is working on correcting the problem.

**Mr. Doyle** asked about the person who will be cutting the grass and Bleim and Pleasant View Roads. Commissioner Foltz said it is on the agenda and will be discussed later during the meeting.

**Mr. Doyle** if Innovative Construction of Folcroft, PA is the same company that was awarded the equipment bid last year. Mr. Wagner replied it is the same company. Mr. Doyle recalled the Township did not get all the roads done last year. Mr. Wagner said they did get all the roads done and Mr. Doyle then asked about oil and chip. Mr. Wagner advised oil and chip is something different; the equipment bid is just for paving roads. Mr. Wagner further explained that the Township did not proceed with oil and chip several years ago because he was told there were issues with the bid requirements. The Township is looking into oil and chip again this year.

## **REPORTS:**

### **Police**

Chief Foltz reported there were 1,053 calls for service in March 2015. There were 54 traffic violations were issued and approximately half of those violations were issued in the Route 422 construction zone. He highlighted the following from his written report:

#### **1. Traffic Enforcement**

- a. LPPD was again awarded PA Aggressive Driver Funding for Wave #2, which was started on March 23, 2015 and will continue through May 3, 2015.
- b. LPPD has purchased a new traffic safety device called a Shield 12 Speed Sign. It is portable, can be moved throughout the Township and has the ability to take photographs. This new sign will replace the traffic trailer, which is near the end of its shelf life.

**Resolution No. 1063-15**—Chief Foltz recommended approval of Resolution No. 1063-15, appointing Jacob Lightcap as a fire police officer with Ringing Hill Fire Company. Chief Foltz advised all appropriate background checks were done and Jacob is an active member and officer in the Fire Department.

Commissioner Klotz made a motion to approve Resolution No. 1063-15 appointing Jacob Lightcap as a fire police officer with Ringing Hill Fire Company. Commissioner Watson seconded the motion. Commissioner Foltz asked if Jacob was going to be a new fire police officer or if he was in charge of the fire police at Ringing Hill. Chief Foltz advised he would be a new fire police officer.

With a motion on the floor made by Commissioner Klotz and seconded by Commissioner Watson, the Board unanimously approved Resolution No. 1063-15. Vote was 5-0 in favor.

Commissioner Watson asked for the status of installing cameras in the new police cars. Chief Foltz recently met with the Ridge Support, the Township's IT provider, to discuss our options. In addition to the cameras, we would have to determine what we are going to use for downloading, saving, etc. and what type of system we will need to maintain those features. Chief Foltz advised body cameras have been shelved at this time and Commissioner Watson stated he definitely wants to keep moving forward with the car cameras.

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

### **Emergency Management**

Chief Foltz delivered the Emergency Management Report in EMC Lopez's absence. There was one (1) EOC activation in March due to a winter weather event. Listed below is a summary of Mr. Lopez's activities for the month:

1. Continued reviewing and updating the Township's Emergency Management Plans.
2. On March 11, Chief Foltz and EMC Lopez attended the Route 422 construction meeting to discuss the Limerick Emergency Plan.
3. On March 11, EMC Lopez attended Emergency Management Training at the Operations Center regarding software applications for text alerts to Township staff, etc.

EMC Lopez announced he and Chief Foltz will continue to attend monthly training sessions and remain updated on recent developments on all levels by maintaining an open dialog with emergency management agencies.

### **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>	21	10	68	162	Not provided
<b>Ringling Hill (Station 59)</b>	18	10	69	85	240

(Hours are approximate)

**Highway—Public Works Department:** Commissioner Foltz read the Public Works Report for the month of March 2015. Report will be posted on the bulletin board.

In his report, John Fogel extended special thanks to Ringling Hill Fire Company for their assistance with changing the dusk to dawn light at the maintenance building.

**C.O.G.**—No report. Commissioner Foltz advised C.O.G. will meet in March.

**Engineering**—Bursich Associates provided a written Engineers' Report updating the Board on various projects and activities going on in the Township. He highlighted the following recent activities:

1. **Buchert Ridge Phase 1 Modified Plan**—Plans and agreements were successfully recorded Montgomery County Courthouse.
2. **Buchert Ridge Phase 2**—Project is moving along and is near completion.
3. **Spring Valley Farms Amended Plan**—Project is moving along. Plans, Stormwater Management Report and Traffic Impact Study were submitted.
4. **Subdivision/Land Development Procedure**—Ed Wagner and Chad Camburn have been working on a draft procedure.
5. **Keim Street Bridge**—Project continues to move forward, slowly but surely.
6. **Rupert Road**—Solicitor Brant should have a copy of the Turnback Agreement from Montgomery County by the end of the week.

Commissioner Foltz reported the meeting held by the Montgomery County Commissioners went well. Unfortunately, Commissioner Bruce Castor could not make the meeting but the other two Commissioners were there. He felt it was good to have the Commissioners come to Lower Pottsgrove Township to provide information and answer questions. Mr. Exley said the meeting was well attended.

**Treasurer**— Ms. Marsteller presented the Tax Collector's Monthly Report to Taxing Districts for the month of March 2015 to the Commissioners for review.

**Solicitor**

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

1. **Buchert Ridge; Phase I and Phase II**—Covered under the Engineer's Report.
2. **Citgo Station**—Non-traffic citations have been filed. A new address for the property owner is being provided to District Court for purposes of service.
3. **Babel Minor Plan Lot Line Adjustment**—Plan, Deeds of Dedication and Deeds of Confirmation were recorded with the Montgomery County Recorder of Deeds Office.
4. **Lehman Agreement**—Reviewed the Agreement with Ryan Lehman Farms and it is acceptable.
5. **PIRMA Intergovernmental Contract**—Agreement was reviewed and is acceptable and can be executed in its present form.

Solicitor Brant explained the current PIRMA Intergovernmental Contract has been in effect since 1996. The 2015 Agreement is brand new and none of the proposed revisions in the new Agreement adversely impact the Township's liability coverage provided by PIRMA. Most changes streamline the Agreement and some technical definitions have been modified.

Commissioner Vlahos made a motion, based on the recommendation of the Solicitor, to authorize Board President Bruce L. Foltz to sign the PIRMA Intergovernmental Contract. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**Lehman Agreement**—Tony Doyle asked if Ryan Lehman mowed the fields at Bleim Road and Pleasant View Road last year. Commissioner Foltz advised Mr. Lehman did mow the fields, free of charge, last year and it looks nice. Mr. Doyle said it was a good deal.

Commissioner Klotz made a motion to enter into an Agreement with Ryan Lehman to mow the fields at Bleim Road and Pleasant View Road. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0.

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

**Parks and Recreation**

1. **Easter Egg Hunt**—The Easter Egg Hunt took place on March 28, 2015. Despite the cold, wet and windy weather conditions, over 100 children participated in this event. Special thanks were extended to the Park Board, Katie Smith and the Pottsgrove High School Girls' Softball Team.
2. **Sanatoga Park Upgrades**--Still working on the bid documents to upgrade Sanatoga Park. In addition, we will be flying Gerald Richards Park soon to get topographical data for the Community Block Grant.

Commissioner Watson said he and Chief Foltz discussed having a Lower Pottsgrove Township Community Day in the Fall, similar to New Hanover's Fall Frolic event. He would like to meet with Ed Wagner and Chief Foltz about putting this together and they will arrange a meeting. Commissioner Foltz thought this was a good idea and said Amity Township also has a nice one every year.

**Pottstown Metropolitan Regional Planning Committee**

**Comprehensive Plan**—At its March 25 meeting, Regional Planning discussed adding language to the Comprehensive Plan to not support tolling of Route 422. Mr. Wagner read the proposed statement and noted that Tom Troutman was very vocal in expressing the Commissioners' opposition to tolling. Commissioner Klotz thanked Mr. Troutman for getting the Board's message across to Regional Planning. Mr. Troutman said the tolling issue was brought up at the Montgomery County Commissioners' town meeting and they stated it is a dead issue.

Mr. Troutman said Donna Fabry made a very good presentation about Spring Valley Farms at the meeting. He felt it would be nice for the Township to have a copy of her presentation or for her to make a presentation to the Board.

**Lower Pottsgrove Township Authority**

Mr. Wagner delivered the following report:

1. Next meeting will take place on April 13, 2015 at 7:00 p.m.
2. 2015 Capital Improvement Projects for the three (3) pump statements will be discussed. Chad Camburn has prepared a spreadsheet for the Authority members.
3. Upcoming PennDOT paving projects Buchert Road and Pleasantview Road will also be discussed. Paving projects will involve approximately 46 master casting adjustments and cost will be approximately \$553.00.

**CORRESPONDENCE AND INFORMATION:**

**Joint Application of Aqua PA and Superior Water Company**—Mr. Wagner reported the Township received notice that a Joint Application of Aqua Pennsylvania, Inc. and Superior Water Company, Inc. for approval of the Transfer, by Merger of All Stock and Rights of Superior Water Company, Inc. to Aqua Pennsylvania, Inc., was filed with the Pennsylvania

Public Utility Commission. The Notice was prepared by the Public Utility Commission and will appear in the newspaper. He advised Superior Water services the Southview Development on N. Charlotte Street.

**OLD BUSINESS:**

**Act 209 Traffic Impact Fee**—Commissioner Vlahos made a motion to table the Act 209 proposals to allow for additional time for Commissioners' review. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**SUBDIVISION AND LAND DEVELOPMENT:**

None.

**NEW BUSINESS:**

**Motion to Apply for Community Development Block Grant**—Mr. Wagner advised the Township intends to apply for a Community Development Block Grant (CDBG) through Montgomery County Housing and Community Development. The amount of the CDBG is approximately \$100,000 and will include grading, stormwater piping, rain garden/infiltration area and a few paved ADA parking spaces at Gerald Richards Park. This year's cycle will include up to \$2.9 million in funding and the deadline is Friday, April 17, 2015 at 4:15 p.m. Mr. Wagner stated he is working with Justin Keller, the Pottstown Area Regional Recreation Coordinator, and they are in the process of working on the grant application for Gerald Richards Park.

Mr. Wagner advised the Township's Parks and Recreation Board has been working on this for over a year to address the ongoing drainage issues at Gerald Richards Park. He said the Township will do its best to work with the Soccer groups and keep it on the edge so it does not impact their playing. Commissioner Klotz said there have been drainage issues at Gerald Richards Park going back 20 years. He felt the Soccer groups will understand there will be an impact but once the fields are fixed, it will be better for everyone.

Commissioner Klotz made a motion to apply for The Community Development Block Grant for Gerald Richards Park. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**Motion to Award Equipment Rental and Labor Agreement**—The following bids were publicly opened and read aloud on March 20, 2015 at 1:45 p.m.:

<b>Company Name and Address</b>	<b>Bid (\$)</b>
Innovative Construction Services, Inc. P. O. Box 262, Folcroft, PA 19032	\$92,805.00
Reid Paving 1850 Swamp Pike, Gilbertsville, PA 19525	\$94,275.00

Both proposals were for the complete Schedule of Equipment (14 items).

Commissioner Watson made a motion to award the 2015-2016 Equipment Rental and Labor Agreement to the lowest bidder, Innovative Construction Services, P. O. Box 262, Folcroft, PA 19032 in the amount of \$92,805.00. Commissioner Klotz seconded the motion. Commissioner

Foltz said Innovative Construction is far away, and asked if that would have an impact on us. Mr. Wagner replied according to John Fogel, there were no issues when this contractor did the work last year. Commissioner Foltz asked if the Solicitor reviewed the bids and if they were found to be acceptable. Mr. Brant confirmed the bid is in compliance with the bidding requirements.

With a motion on the floor made by Commissioner Watson and seconded by Commissioner Klotz, the Board unanimously approved to award the 2015-2016 Equipment Rental and Labor Agreement to the lowest bidder, Innovative Construction Services, P. O. Box 262, Folcroft, PA 19032 in the amount of \$92,805.00. Vote was 5-0 in favor.

**Resignation**—Commissioner Klotz made a motion to accept, with regret, the resignation of Chad Davis from the Lower Pottsgrove Township Public Works Department. Commissioner Watson seconded the motion. Commissioner Foltz also expressed his regret in accepting Chad's resignation and said we are losing a good person and good worker. Motion carried by a unanimous vote of 5-0 in favor.

**Conditional Offer of Employment**—Commissioner Klotz made a motion to extend a conditional offer of employment to Cody Robbins as a Public Work Laborer at a rate of \$18.00 per hour. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

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

**Resolution No. 1062-15**—Commissioner Klotz made a motion to approve Resolution No. 1062-15 reappointing Dennis Cimino to the Township's Parks and Recreation Board. Commissioner Vlahos seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**Resolution No. 1063-15**—See **REPORTS: Police**.

**Warrant #834**—Commissioner Klotz made a motion to approve Warrant #834 for the month of February 2015. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**Warrant #835** for the month of March 2015 will be distributed via email for the Commissioners' review.

**Acceptance of Treasurer's Report**—Commissioner Vlahos made a motion to accept the Treasurer's Report for the month of February 2015, as submitted by Jennifer Marsteller. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

#### **COMMISSIONERS COMMENTS:**

**Commissioner Vlahos** said there were some issues with the non-uniformed personnel manual and asked if we are going to get those issues brought to the forefront, make a motion and solidify it. Mr. Wagner advised labor counsel is working on it. Mr. Wagner's goal is to have the Manual on the April 23, 2015 meeting agenda for Board approval.

**Commissioner Swavely** asked if the light at the former Lower Pottsgrove Elementary School (now Coventry Christian) on Pleasantview Road is still permitted to the Township by the State. His concern was since it is no longer a public school, and if the Township continues to maintain the light, would there be liability issues for the Township. Commissioner Foltz explained Commissioner Swavely's concerns were about the school zone light on Pleasantview Road that recently fell because it was rusted through.

Commissioner Klotz said it is still a school, you still have to have (the light) for certain hours. Chief Foltz's understanding from PennDOT is if a school does not have walkers, and it is a parochial/private school, there is not a requirement for a light on the part of the Township. Mr. Wagner is waiting to get an official confirmation on this from PennDOT.

Mr. Exley asked who maintained the light at the former Saint Pius X High School when the school was open. Mr. Wagner advised the Township maintained it. Commissioner Swavely said, on a positive note, the lights can get a driver's attention to slow down. His concern is the Township's liability should the light malfunction or create an accident.

Commissioner Foltz asked who should investigate this. Solicitor Brant will look into the matter and Mr. Wagner will deal with PennDOT. Commissioner Klotz recommended finding out what the Township is required to do and, if we want to replace the light, whose expense is it. Tony Doyle suggested giving the School District a heads up and Mr. Wagner advised he intends to discuss it with them.

**Commissioner Watson** watched the news over the weekend and found out there was a rave at 422 Sportsplex. He said almost 1000 kids were there and asked if they got a permit from the Township to hold that event. Mr. Wagner said they did apply and the Township approved a permit, with the condition that they supply private security. Commissioner Watson asked how many municipalities responded to the rave and Chief advised at least 6 different municipalities (about 25 officers).

Chief Foltz advised the same applicant pulled a permit last year and there were no issues. They had their own security and contracted police services to be on location. This year, they again requested a special event permit and, based on last year's experience, Chief Foltz approved the permit from a police standpoint. The applicant did not pull a contract for police services; therefore, they did not have police present. However, this was brought to the Department's attention on Friday night after the dance started and the officers were making routine stops to check on things. There were approximately 200 to 300 people involved and six different areas of fighting, which spilled into the parking lot. The matter is still under investigation and Chief Foltz is currently addressing it with owner of 422 and the promoter that leased the space.

Commissioner Watson does not want Lower Pottsgrove Township to take the brunt of this financially. Ed Wagner will keep the Board updated on this.

**Commissioner Klotz** was completely outraged when he heard about the rave and he didn't realize the Sportsplex could be a dance club. He talked to Chief Foltz and Mr. Wagner today and found out they did not contract our police services because their management was not aware of the contract. Commissioner Klotz stated, in his opinion, he wants no parts of any rave dance

parties being held in Lower Pottsgrove Township. He does not see that they offer anything positive for the Township and he wants the management of 422 to be aware of that.

Chief Foltz been in contact with 422 Sportsplex management and advised they simply contract with the promoter and they are very supportive of what we are doing. A conference call is scheduled with the owner tomorrow and it was Chief Foltz's hope that things can be resolved. Chief is also talking with the Solicitor about some other avenues, such as codes, to address these situations to avoid future problems.

**Commissioner Klotz** said it's always nice to see pictures of the Easter Egg Hunt and it is a great community event. He expressed his appreciation to the Parks and Recreation Board, Katie Smith and the Pottsgrove High School Girls' Softball Team. He requested that a letter of appreciation be sent to the Softball Team.

**Commissioner Klotz** said from the reports he sees as a Police Commissioner, he knows our Police Department is on top of their game. They do a great job with community policing.

Mr. Wagner received an email from Mike Stokes, Assistant Director, Montgomery County Planning Commission, asking for a letter from the Board of Commissioners in support of their application for a DCNR grant. The grant would be to extend the trail over the Schuylkill River to Valley Forge. There would be no cost to Lower Pottsgrove Township. Commissioner Klotz made a motion to send a letter in support of Montgomery County's grant application to DCNR to extend the Schuylkill River Trail. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

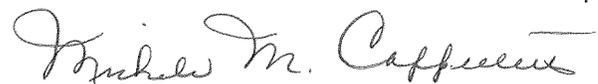
**Commissioner Foltz** welcomed Cody Robbins and wished him well. He did express regret at the resignation of Chad Davis but said we do not want to hold anyone back from bettering himself.

**Commissioner Foltz** and staff attended the Montgomery County Commissioners meeting at Sunnybrook. He said the Township is working on turning things around and being business friendly. Commissioner Foltz said when talking with residents, he is getting nothing but good reports about the Township's Director of Code Enforcement, Joe Groff. He thanked Joe for a job well done.

**Commissioner Foltz** said one of the officers in the Police Department had an accident and, while he is still on light duty, there was a fire at his home. He said the community is behind him and willing to lend a hand if needed.

There being no further business, the public meeting was adjourned at 7:45 p.m.

Respectfully submitted,



Michele M. Cappelletti  
Secretary