

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
May 4, 2015

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Monday, May 4, 2015 at the Lower Pottsgrove Township Municipal Building, 2199 Buchert Road, Pottstown, Pennsylvania. Meeting was called to order at 7:10 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 Michele Cappelletti, Secretary.

Raymond Lopez, Emergency Management Coordinator, was absent.

EXECUTIVE SESSION:

Commissioner Foltz announced an executive session was held prior to the public meeting regarding a personnel matter. No action was taken.

APPROVAL OF MINUTES:

Commissioner Klotz made a motion to approve the minutes of the April 23, 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 if there is a road list for paving. Mr. Wagner advised all of Yerger Road and a large portion of Rhoads Road are scheduled to be paved this year. Commissioner Foltz advised Rhoads Road will be paved to the New Hanover Township boundary line and other roads will be repaired using the oil and chip method.

Mr. Doyle asked if residents would be getting trash bills. Mr. Wagner advised they will be mailed on May 15 and trash billing is now once a year. Mr. Doyle asked how and when people were notified of the billing cycle change. Mr. Wagner said it was part of the budget process and the information was posted in the Sanatoga Post and in the Mercury. Mr. Doyle thought a notice should have been sent to residents with the Sewer Authority bill.

Mr. Doyle thought Township employees should have been approached years ago about contributing to their pension. He thinks the Township waited too long and now there is a problem. Commissioner Foltz disagreed and does not think there is a problem with the pension. Mr. Doyle thought at one time the state allocation covered the Township's entire municipal financial obligation. He explained in 2005, the Township's financial obligation was \$63,289 for uniformed employees and \$45,542 for non-uniformed employees. In 2010, the Township's obligation increased to \$98,621 for uniformed employees and \$131,350 for non-uniformed employees.

Mr. Doyle's concern was the jump in the non-uniformed pension financial obligation from \$45,542 in 2005 to \$131,350 in 2010. He didn't know if this was the timeframe when the previous manager convinced the Board for a pension enhancement and he intends to ask Joe Duda what that enhancement cost the Township. In 2015, the Township's obligation increased from \$98,621 to \$211,454 for uniformed employees and increased from \$131,350 to \$154,002 for non-uniformed employees. He said instead of paying nothing, which is how it was 10 to 15 years ago, the Township is now obligated to pay \$365,000 towards the two pension plans. Mr. Doyle said his biggest problem is that the \$365,000 will only cover about 76% of the Township's obligation and that's a disgrace. Mr. Doyle plans on finding out what percentage other municipal and state employees pay into their pension plans.

REPORTS:

Police

Chief Foltz reported there were 1,136 calls for service in April 2015, which is up 100 calls from last year. There were 61 criminal violations; 25 were adults and 4 were juveniles. He highlighted the following from his written report:

1. Traffic Enforcement

- a. Officers issued 123 citations in April. The majority were related to the PA Aggressive Drive Campaign and approximately half of those violations were issued in the Route 422 construction zone. Police also conducted enforcement along Rupert Road in response to complaints in that area.
- b. LPPD received \$2,000 in funding from Buckle Up PA to conduct traffic enforcement activities from May 18 to May 31.

2. Overtime

- a. Overtime increased significantly due to the officer-involved shooting on April 16, 2015.
- b. Overtime incurred during the PA Aggressive Driver detail will be reimbursed by the state.
- c. Overtime was expended to accommodate annual mandatory firearms training on April 12 and 13.

3. Fleet

- a. One of the new cars is completely in service now. The two other vehicles are awaiting final up-fitting before they are put into service. Vendors are experiencing delays in obtaining compatible equipment because of the new car design.
- b. Chief Foltz is scheduled to meet with vendors this week regarding in-car camera systems. On May 7, he will meet with a company that sells Watch Guard to see what their system has to offer and to get hard pricing.

4. Personnel

- a. One officer is out of work on medical leave associated with the incident on May 16. The officer has a severe back injury and the Chief has no prognosis on his return.
- b. Two officers are on modified duty; one officer is expected to be back on full duty at the end of May.

5. Attachments

- a. Pottstown Fire Police requested police assistance at the Pottstown Memorial Day Parade and an upcoming 5K Run. Chief Foltz authorized this but asked for Board approval as well.

Commissioner Klotz made a motion to authorize the Lower Pottsgrove Township Fire Police to assist the Pottstown Special Fire Police with the Pottstown Memorial Day Parade on May 25 and the Foxtrot 5K on May 30. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Animal Control—Chief Foltz has gotten a number of animal-related complaints from residents, including exotic animal issues and a complaint about 5 dogs in a residential neighborhood. He also reported Rolling Hills is seeing an increase in dogs coming into their community under certified therapy dogs, which are hard to control by statute, and he foresees this becoming an issue.

Chief Foltz feels it is time to research animal control ordinances so we can get a better handle on these situations. Last year the Township's Animal Control Officer expressed his concern because it is difficult to enforce complaints under the limited state statutes. Chief Foltz requested Board authorization to proceed with researching and exchanging ideas with the Solicitor and the ACO to develop reasonable, enforceable ordinances to address animal-control issues.

Commissioner Klotz has also heard animal control complaints and thinks it's a great thing to bring forward. Commissioner Swavely asked if the Animal Control Officer has had any luck with tapping into the State resources. Chief Foltz said the resources are limited and there are very few dog wardens but we certainly can reach out to the State.

It was the consensus of the Board to authorize Chief Foltz and the Solicitor to proceed with drafting an animal control ordinance.

911 Texting—Chief Foltz reported the County is preparing to roll out the Text to 911 program and it is activated now for testing purposes only. They anticipate a roll out date in June. Chief Foltz explained if someone is in a situation and cannot pick up a phone and call 911 (i.e. in a domestic situation, in a restaurant, etc.) the person can text 911 and it will go directly to the County. This is not meant to be used as the primary means of communication; phone calls are still preferred.

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. Listed below is a summary of Mr. Lopez's activities for the month of April:

1. There were no EOC activations.
2. Provided final edit of updated emergency plans and procedures for the Township.
3. Attended 2-day training with Chief Foltz dealing with disaster response and recovery.

4. Sanatoga Animal Hospital experienced a water service emergency during surgery and called the Township for assistance. The Township and Police Department sent 5 gallons of bottled spring water to the facility so they could complete the surgery and clean up. The local business and patient were grateful for the quick response. This was covered under emergency management.
5. Maintained elevated level of weather watch and took preventative measures due to fast moving storms with elevated wind speeds and possibility of hail.

Emergency Management Announcement:

EMC Lopez and Chief Foltz will take part in a strategic planning effort involving the movement of crude oil on the railways through Lower Pottsgrove Township. Significant information has been in the press over the past few months due to several serious railroad accidents involving the shipment of crude oil, specifically Bakken Crude Oil. The EMC and Chief are aware of the risks involving these types of transportation hazards and will be meeting with Montgomery County emergency planners this week to develop a response plan that targets mitigating the impact on the Township should a railroad mishap occur.

Chief Foltz further explained details of the tentative plan and advised the Township is working with the County to get these plans in place.

Fire Marshal

Fire Marshal Lew Babel highlighted the following statistics from his monthly written report:

| Station | Total Calls | Total Hrs. of Service | Total Personnel Hrs. | Total Personnel Training Hrs. | Total Fundraising Hrs. |
|---------------------------|-------------------------------------|-----------------------|----------------------|-------------------------------|------------------------|
| Sanatoga (Station 58) | 29 | 23 | 162 | 231 | Not provided |
| Ringing Hill (Station 59) | No report due to computer problems. | | | | |

(Hours are approximate)

The Fire Marshal will have a complete report next month.

Commissioner Klotz complimented both fire companies for the quick response to a house fire in his neighborhood. He said the firefighters saved the house from burning down and complimented them for doing a great job.

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

Commissioner Foltz expressed frustration with residents continually blowing grass clippings and leaves into the street, which eventually enter the Township's storm sewers. He recommended that the Township Solicitor to prepare an ordinance addressing this ongoing problem. The Commissioners supported and agreed with Commissioner Foltz's recommendation.

C.O.G.—No report. Commissioner Foltz advised C.O.G. will meet Tuesday, May 12, 2015 at New Hanover Township.

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 and Buchert Ridge Revised Phase 2**—All Buchert Ridge projects are in order and organized.
2. **Spring Valley Farms (SVF) Amended Plan**— Bursich performed a very comprehensive review of this subdivision plan. They met with SVF's engineers, planners and traffic people and the developer may be in a position to do a preliminary final plan submission. Mr. Wagner advised the developer will appear before the Lower Pottsgrove Planning Commission for the first time on May 18. Commissioner Vlahos asked if the plan will get preliminary final approval. Mr. Exley said that would depend on the developer responding to their comments and if the plans are in good shape when they come back. Commissioner Vlahos asked if the plans come back and they are clean, would they get preliminary/final approval. Mr. Exley said they could recommend that.
3. **Rupert Road**—Montgomery County's draft "give back agreement" is under Solicitor review. Once everyone is happy with the terms of the agreement, the project can get started and hopefully the Township will have a new Bridge on Rupert Road within a year and a half.

Treasurer— Ms. Marsteller presented the Tax Collector's Monthly Report to Taxing Districts for the month of April 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. **Zoning and Land Development & Subdivision Application Procedures**—At the Township's request, the Solicitor's office is working with Mr. Wagner and Joe Groff on simplifying what is entailed with a zoning hearing application and procedure and the subdivision/land development process. The goal is to make the procedures very simple for someone to follow and understand.
2. **Reading Materials/H&K Property; 57.4 Acres on South Pleasantview Road**—A staff meeting with held with Reading Materials and they will be coming back with more information for the Board.
3. **Citgo Station**—Non-traffic citations have been issued by the Magisterial District Justice but the Code Enforcement Officer has not received proof of service on the owner.

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

Parks and Recreation

1. **Fish Rodeo**—Police Department and Parks and Recreation conducted a Fishing Rodeo at Sunnybrook on April 25. Everyone had a good time despite the cold weather. Most of the Commissioners attended this fun event and it was a good cooperative effort. He thanked Bursich Associates and Robert L. Brant & Associates for sponsoring the fish.

Pottstown Metropolitan Regional Planning Committee

Comprehensive Plan—Mr. Wagner received a final draft of the Comprehensive Plan today and it is currently being reviewed by our Solicitor. Regional Planning would like to hold a duly advertised public hearing during our June 8 meeting to receive public comment on the plan. Regional Planning's goal is to have all 8 member municipalities to adopt the updated Comprehensive Plan between June 1 and June 8.

Lower Pottsgrove Township Authority

Mr. Wagner delivered the following report:

1. The Authority audit was conducted the week of April 20, 2015 by Maillie. Audit went well; no major findings.
2. I & I contract with Sewer Specialties Services began on April 20, 2015. They are televising for apparent leaks in the Township's sewer system on Buchert Road, Sanatoga Road, Randy Run and the Welsh Drive subdivision.

CORRESPONDENCE AND INFORMATION:

Buchert Ridge Community Quarterly Progress Report—Report was included in the Commissioners' packets for information.

OLD BUSINESS:

Update from P3 Towers—Mr. Wagner reported Larry Romanowski is currently working with various carriers. Verizon still remains very active in looking for a site and Sprint and T-Mobile remain focused on upgrading their existing sites.

Commissioner Watson asked where the tower project stands right now. Mr. Wagner said Mr. Romanowski needs one tenant to proceed with the project. He has some leads but no commitments at this time.

SUBDIVISION AND LAND DEVELOPMENT:

None.

NEW BUSINESS:

Off-Street Parking and Loading Ordinance—Draft ordinance was provided to the Commissioners for review.

Commissioner Foltz and Commissioner Swavely met to discuss the ordinance and made their recommendations to the Solicitor. Commissioner Foltz asked his fellow Board members to review the ordinance and provide their input on the content of the ordinance.

No action was required at this time. A public hearing will be held to receive public comment on the Off-Street Parking and Load Ordinance when it is in its final form.

Oil and Chip—Commissioner Vlahos made a motion to advertise the Notice to Bidders to oil and chip Snell Road, Schaffer Road and portions of Pruss Hill Road. Commissioner Watson seconded the motion and it was unanimously approved.

Before the vote, Commissioner Klotz recalled the Township encountered problems with the oil and chip bid about a year ago and asked if the scope of work is going to be clearly defined. He

does not want to encounter the same problems with this bid. Mr. Wagner advised he and John Fogel met with Blake Dunbar and he assured Commissioner Klotz the problems that were apparent in the previous bid have been resolved.

With a motion on the floor made by Commissioner Vlahos and seconded by Commissioner Watson, the Board voted unanimously to authorize the advertisement of the Notice to Bidders for the oil and chip projects. Vote was 5-0 in favor.

Montgomery County Digital License Agreement—Mr. Wagner explained the Agreement is to update our GIS system with information provided by Montgomery County. Blake Dunbar reviewed the agreement and has no objection to Commissioner Foltz signing it.

Commissioner Vlahos made a motion to authorize Commissioner President Foltz to sign the Digital Data License Agreement between Montgomery County and Lower Pottsgrove Township, per the Solicitor's recommendation. Commissioner Swavely seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

RESOLUTIONS AND ORDINANCES:

None.

Warrant #836—**Warrant #836** for the month of April 2015 will be distributed via email for the Commissioners' review.

COMMISSIONERS COMMENTS:

Commissioner Vlahos had no comments.

Commissioner Swavely had no comments.

Commissioner Watson had no comments.

Commissioner Klotz thanked everyone who participated in the Fish Rodeo. He recognized Township staff who volunteered at this event and Scott Exley and Bob Brant for sponsoring it. He said this is a great community event and he thanked everyone who supported it, contributed towards it and ran it.

Commissioner Klotz said he is a big fan of DUI checkpoints and feels they deter people from drinking and driving.

Commissioner Foltz reported he would be attending a PECO meeting with Mr. Wagner to look into converting the Township's street lights to LED lighting.

Commissioner Foltz said he, along with all the Commissioners and Mr. Wagner, are working hard to get business in the Township. He commented that Ed has been working to fill the vacant K-Mart, Hollywood Video and Planet Fitness properties. Mr. Wagner stated he has been working closely with David Niehls of the Montgomery County Development Corporation and with Metro to get leads. Commissioner Watson asked how the owners of K-Mart are responding. Mr. Wagner advised the biggest thing is to get the broker on the phone. He said we tracked them down and now the broker has posted a flyer on their website. Commissioner Foltz

encouraged the Commissioners to bring any ideas they may have to the table to get business in the Township.

Regarding the discussion on P3 Towers, Tony Doyle, 1745 Kepler Road, asked if the location for the cell tower has been finalized. Commissioner Foltz said there are two locations being considered—the Township garage property on Pleasantview Road and Sanatoga Park on Park Road. Mr. Doyle said the public should be made aware of the location and Commissioner Klotz said they will be.

There being no further business, the public meeting was adjourned at 7:50 p.m. Next meeting will be held on May 21, 2015 at 7:00 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michele M. Cappelletti".

Michele M. Cappelletti
Secretary