

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
May 21, 2015

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled work session meeting on Thursday, May 21, 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 attended:

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 and Michele Cappelletti, Secretary.

Commissioner Foltz announced the meeting was being recorded.

EXECUTIVE SESSION:

Solicitor Brant announced that the Board had an executive session prior to tonight's meeting at 6:50 p.m. to discuss a litigation matter and a personnel matter. No action needs to be taken.

APPROVAL OF MINUTES:

Commissioner Klotz made a motion to approve the meeting minutes of the May 4, 2015 Board of Commissioners meeting. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

PRESENTATION:

Liz Compitello of the Delaware Valley Regional Planning Commission (DVRPC) delivered a presentation on the Regional Streetlight Procurement Program. The goal of the program is to look at currently installed streetlight systems and consider opportunities to retrofit to LED.

Ms. Compitello advised there is a new program in the Commonwealth of Pennsylvania called the Pennsylvania Sustainable Energy Finance (PennSEF) Program and through this program, the Pennsylvania Treasury is backing low interest long-term bonds for energy efficiency projects. She explained how the DVRPC is working across multiple municipalities and 55 municipalities have expressed interest in the project.

DVRPC will be issuing a Request for Proposals (RFP) for a single energy services company (ESCO) to work with the individual municipalities on a streetlight retrofit project based on the municipality's currently installed system. The ESCO would perform a pre-contract audit and there is no contractual obligation for this initial evaluation. The ESCO would then provide the municipality with a guaranteed energy savings agreement whereby the energy savings realized by the municipality will exceed its finance payments. The ESCO would also work with each municipality and the Pennsylvania Sustainable Energy Finance Program to arrange the low interest long-term financing.

Ms. Compitello stated the only way municipalities would be able to do this project is if they can have deep enough retrofits and energy savings from their LEDs so their cost savings would exceed the scheduled finance payments.

DVRCP is now receiving letters of interest from municipalities and the submission deadline is June 12, 2015. Once the municipality sees the results of the pre-contract audit, it can decide whether or not to go through with the guaranteed energy savings agreement and budget for that project going forward.

Commissioner Klotz asked if there is a cost to have the ESCO come out and determine the number of streetlights. Ms. Compitello advised there is no cost for the initial audit. After this first audit, if the Township decides it is a viable project and wants to move forward, we would then sign a guaranteed energy savings agreement and the ESCO would perform the investment grade audit. The Township would pay for the second audit only if it achieves 90% of the savings that were estimated in the initial audit.

Commissioner Foltz advised if we decide to proceed with this program, the Township would have to purchase 91 streetlights from PECO and maintain them. He said the LED streetlight program has also been a topic at C.O.G. and some of the member municipalities are considering going that way also. C.O.G. members discussed hiring one contractor to do the region and that would be another cost saving opportunity for the townships involved.

Commissioner Klotz asked if the finance schedule is determined during the initial audit stage or the investment audit state. Ms. Compitello did not have that answer but noted before the Township signs the contract agreeing to enter into the financing, it will know what the finance schedule will be. Commissioner Klotz would like to know what the savings will be during the first audit.

Commissioner Foltz said the only stumbling block is purchasing the current lights from PECO and asked if this would be done before the first or second stage. Ms. Compitello imagined it could be part of the first stage and the Township could still go through the process, then have the ESCO figure out how to purchase the lights. She supports having a requirement in the RFP for the ESCO to have someone on their team who can work with PECO to negotiate the streetlight purchase. This same entity would also evaluate the Township's inventory of lamps installed to determine if PECO is billing us accurately.

Commissioner Vlahos asked if the project doesn't go forward, does the Federal or State government have a mandate requiring the utility companies to upgrade and retrofit to LED and Ms. Compitello replied no. Commissioner Vlahos said in essence, if the Township does nothing and continues to own and maintain the lights, the light tax pays the bill. In other words, the resident who benefits from the light pays the bill. Mr. Wagner confirmed this is correct but said the light fund has been in the negative the past few years.

After further discussion on the streetlight program, Commissioner Vlahos made a motion to submit a PennSEF Letter of Interest from Lower Pottsgrove Township. Commissioner Klotz seconded the motion.

Joe Zlomek asked for a timeframe for the project. Commissioner Watson asked if it would be completed by the beginning of next year. Ms. Compitello said the goal for the ESCO to purchase the lamps and install them is early next year; however the timeframe depends on when all participating municipalities agree to move forward with the project.

With a motion on the floor made by Commissioner Vlahos and seconded by Commissioner Klotz, the Board voted unanimously to submit a PennSEF Letter of Interest. Vote was 5-0 in favor.

COMMENTS FROM VISITORS:

Tom Dobroskey, 2427 Welsh Drive read, for the record, his comments and concerns regarding a neighbor with five dogs who recently moved next door. He explained there were episodes of long continuous barking, that have since stopped, and asked what recourse a neighbor has should the periods of prolonged barking resume. Mr. Dobroskey has been in contact with the Police Department and has established a paper trail to document the incidents.

Commissioner Foltz lives in the same neighborhood and confirmed that Mr. Dobroskey's concerns are valid. Because of Mr. Dobroskey's situation, and other similar situations throughout the Township, Chief Foltz was prompted to approach the Board for authorization to research ordinances on animal control. Chief Foltz would like to have the ordinance adopted by mid-Summer. Chief advised Mr. Dobroskey to continue to call the Police so there is a paper trail. Commissioner Foltz thanked Mr. Dobroskey for making the Board aware of this problem.

Commissioner Klotz reported that this matter was discussed during Police Committee and they support an animal control ordinance. Commissioner Watson asked if the dogs were left outside for long periods of time and Mr. Dobroskey said yes, they are. Commissioner Watson asked if the dogs are provided with water during long periods of time outside because if they are not, it becomes a matter of neglect and perhaps the SPCA or animal control should be involved.

CORRESPONDENCE AND INFORMATION:

None.

OLD BUSINESS:

None.

SUBDIVISION AND LAND DEVELOPMENT:

None.

NEW BUSINESS:

Montgomery County Police Consortium Test—Chief Foltz met with the Civil Service Commission on Monday, May 18, and the Commission approved the use of the Montgomery County Police Consortium for testing. He explained since 2012, Civil Service is testing almost annually and the cost to advertise, purchase the written test and the physical agility component is approximately \$4,300 to \$4,500. From the 60 to 80 candidates who take the test and go through the process, there are usually only 6 qualified candidates and by the time we hire, there are even less than that.

There are approximately 8 to 10 municipalities who participate in the Consortium testing. The Township would save money because the Consortium pays for the test, advertising and physical agility. Once the physical ability is completed, we would have a list of candidates to pull from and our only expenses would be the oral boards and the medical and polygraph tests that go along with the hiring.

Chief Foltz requested authorization from the Board of Commissioners to move forward with the Montgomery County Consortium Test. Currently there is a test scheduled for August 27 and he is looking into participating in that test. Commissioner Foltz asked if there was a fee to participate. Chief advised there is no fee.

Commissioner Klotz made a motion to authorize Chief Foltz to use the Montgomery County Police Consortium for testing. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Joe Zlomek of the Sanatoga Post asked how the Consortium can afford to do this if the Township doesn't pay any fees. Chief Foltz advised the candidates pay an application fee and the municipalities provide officers to proctor the exam, which helps to offset the cost.

Proposed Sign Ordinance—Commissioner Foltz asked the Commissioners if they had time to read the proposed sign ordinance, which was recently provided to them for their review. Mr. Wagner advised Marley Bice of the Montgomery County Planning Commission delivered a presentation to the Township's Planning Commission on May 18, 2015. The Planning Commission offered some very good comments and they will continue to review the ordinance. The proposed ordinance will also be reviewed by the Solicitor's office and the Director of Code Enforcement.

Mr. Wagner asked the Board to review the proposed ordinance and no action was required at that time. Commissioner Watson asked about LED signs. Mr. Wagner advised LED signs are included in the ordinance and they are allowed in the following Districts: Gateway Interchange, Gateway Mixed Use and PMD. Commissioner Watson asked about an LED sign for the Township Building. Mr. Wagner said he would look into it and see if the ordinance would permit it.

EMC Ray Lopez said Ringing Hill Fire Company is interested in converting its 2 signs at the end of White Pine Lane into electronic signs that would be controlled at the fire station. The electronic signs would be used for advertisement of fundraisers, emergency

management purposes, etc. Since Ringing Hill Fire Company is not in any of the districts that allow LED sign, Mr. Lopez asked the Board to please consider that when reviewing the ordinance.

Commissioner Klotz did not yet review the ordinance but said when a new sign ordinance was put into effect in Jenkintown, 65% of business owners in the high rent district left because they could not properly advertise their businesses. He urged the Commissioners to carefully read through the ordinance and to bring up any concerns they may have to the Board of Commissioners for discussion before the ordinance is adopted.

RESOLUTIONS AND ORDINANCES:

Resolution No. 1066-15, 1067-15 and 1068-15—Commissioner Klotz made a motion to approved the following resolutions:

- Resolution No. 1066-15 confirming special fire police officer Matthew Ryan;
- Resolution No. 1067-15 confirming special fire police officer Neil Fuerman and
- Resolution No. 1068-15 confirming special fire police officer Tyler Allen Welty.

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

Resolution No. 1069-15—Chief Foltz advised since the Civil Service Commission and the Board of Commissioners approved moving forward with the Montgomery County Police Consortium testing, it is now necessary to amend Section 3.1 of the Civil Service Rules and Regulations to allow a designated authority to accept applications from candidates.

Chief Foltz further advised that the Civil Service Commission also approved changing the age requirement of a police officer candidate from 18 years of age to 21 years of age; therefore, Section 3.5 of the Rules and Regulations would need to be amended to reflect that change as well.

Commissioner Klotz said the Police Committee supports the amendments and made a motion to approve Resolution No. 1069-15, amending Sections 3.1 and 3.5 of the Lower Pottsgrove Township Civil Service Rules and Regulations. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

NEW BUSINESS (continued):

Police In-Car Video Cameras—Commissioner Klotz reported that the Police Committee discussed the use of video cameras in the police vehicles. The Police Committee feels there is an immediate need for the safety of the officers and the public and it is time to start outfitting some of the fleet.

Chief Foltz explained across the country there is a push for more transparency in police departments. The Lower Pottsgrove Police Department has not had in-car video cameras

since the 1990s. They looked into body cameras but there are unanswered questions about privacy rights with the use of those cameras.

Chief Foltz said the biggest risk to officers and the Township (liability-wise) are the two-ton vehicles that are on the road every day and traffic stops that are going bad. He used the following examples: Thirty days ago, there was an officer-involved shooting that could have been captured on video. Six months ago, an officer was involved in a serious accident that could have been caught on video.

Chief Foltz and the Police Committee are ultimately looking to outfit the Department's ten marked patrol cars with in-car video cameras. Chief is aware this cannot be done all at once and proposed to outfit four of the newest cars with the cameras and a server in the station to keep the video downloaded. When an officer pulls in the station in a car with a video camera in it, the video is loaded onto the server wirelessly so there is no manual manipulation of data.

Chief Foltz researched different vendors and his recommendation is to go with the WatchGuard system, which is used by the Pennsylvania State Police and other departments. The price quote for four cameras, the computer server and software is \$25,000. He said the cost to outfit the entire fleet could be \$100,000 but one civil liability settlement could be that much. Chief Foltz felt installation of the in-car video cameras provides transparency, protects our officers, our community and the Township and it is something we need to consider doing.

Commissioner Klotz advised \$5,000 for body cameras was included in the Police budget; however, after several months of investigating, it was determined body cameras were not the best option. He proposed taking \$20,000 out of Reserves to fund the in-car camera project and said the Police Committee feels the need to move this forward as quickly as possible.

Commissioner Klotz then made a motion to take \$25,500 to fund outfitting the first four cars with in-car video camera systems, including the computer server and software that will be installed in the Police Station. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Joe Zlomek asked for the completion timeframe and Chief Foltz estimated the end of June/early July.

Grant Application—Chief Foltz advised the Pennsylvania Attorney General's Office is offering a Community Drug Abuse Prevention Grant that is active until June 4, 2015. If awarded the grant, the Department could purchase two preliminary breath testing devices and deploy them to our officers. The devices cost about \$550 each and the grant will allow us to apply \$1,000 towards the purchase of those units. He advised the Police Committee supports the grant application and he requested formal Board authorization to move forward.

Commissioner Klotz made a motion to authorize Chief Foltz to apply for the Pennsylvania Attorney General's Office Community Drug Abuse Prevention Grant. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Change of Employment Status—Chief Foltz advised Ofc. Kevin Black will complete his probationary period on May 22, 2015. Chief reported he conducted Ofc. Black's employment review and he is doing very well; Chief Foltz then recommended that Ofc. Black's employment status be changed from probationary officer to full-time sworn officer.

Commissioner Klotz made a motion to change the employment status of Ofc. Kevin Black from probationary officer to full-time, sworn officer of the Lower Pottsgrove Township Police Department. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Air Conditioning for Township Municipal Office—Commissioner Foltz advised the central air conditioning unit for the office needs to be replaced. Mr. Wagner is in the process of getting prices to replace the unit, which is 25 years old. Commissioner Foltz said the cost of that emergency repair will be reflected next month (in the warrant).

Warrant #836—Commissioner Klotz made a motion to approve Warrant #836 for the month of April 2015. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

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

COMMISSIONERS' COMMENTS:

Commissioner Vlahos wished everyone a nice holiday weekend.

Commissioner Swavely had no comments.

Commissioner Watson had no comments.

Commissioner Klotz congratulated Ofc. Kevin Black. He also congratulated Chief Foltz for refining the process used to hire officers. He feels the process is now paying dividends and is reflected in how well the officers are coming out on the street are performing and how well-liked they are in the community.

As Police Committee Chair, **Commissioner Klotz** expressed his appreciation to the Board for supporting the causes of the Police Department.

Commissioner Klotz said Horizon could certainly put in the air conditioning unit in the Township office but he thought it would be a conflict of interest. He will, however, be reviewing the bids.

Commissioner Foltz thanked the Police Department and also recognized the volunteer Fire Companies for doing a great job for the Township. He saw the Fire Police patrolling for an auto show at Hilltop and he said they go above and beyond fighting fires.

MANAGER'S COMMENTS:

Mr. Wagner said the Rupert Road Bridge Agreement was included in the Commissioners' packets for review and comments. The matter will be on the agenda for discussion at the June 8 Board of Commissioners meeting.

Mr. Wagner announced a public hearing will be held at the Lower Pottsgrove Township Municipal Building on June 8, 2015 at 7:00 p.m. to receive public comment on the updated Pottstown Metropolitan Regional Comprehensive Plan.

Rupert Road Bridge Agreement--Commissioner Foltz asked if the Rupert Road Bridge Agreement contained what the Board asked for. Solicitor Brant explained the Rupert Road Bridge Ownership Agreement/Turnback and said if the Board wanted to, it could adopt the Agreement tonight.

Mr. Wagner just got the Agreement and he wanted the Board to have the opportunity to read it before taking action.

Commissioner Vlahos struggled with the numbers because the engineering cost is over \$235,000, which is close to half the cost of the bridge (\$570,000). He said there is \$325,000 in escrow and the County is picking up difference, so in essence we are spending our own money, which was paid in County taxes. Solicitor Brant recommended that the Engineer be present before the Board approves the Agreement.

Joe Zlomek understood the Township will be paying the maintenance costs in the future. Mr. Wagner said the Bridge will be turned over to the Township and that is why he wants everyone to read the Agreement.

It was the consensus of the Board to table action on the Rupert Road Bridge Agreement until the next Board of Commissioners meeting.

ANNOUNCEMENT:

Commissioner Foltz announced the next meeting Board of Commissioners meeting will be held on Monday, June 8, 2015, immediately following the public hearing. The Board of Commissioners will not meet on Thursday, June 18, 2015.

There being no further business, the public meeting adjourned 7:55 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Michele M. Cappelletti". The signature is written in black ink and is positioned above the printed name.

Michele M. Cappelletti
Township Secretary