

**LOWER POTTS GROVE TOWNSHIP    BOARD OF COMMISSIONERS**  
**July 23, 2015**

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled work session meeting on Thursday, July 23, 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; Michele Christman, Finance Director and Michele Cappelletti, Secretary.

Commissioner Foltz announced the meeting was being recorded and asked speakers to please state their name, address and nature of business for the record.

**PRESENTATION:**

Commissioner President Foltz presented Rich Yoder with a plaque in appreciation for 39 years of outstanding service and dedication to the Lower Pottsgrove Sewer Authority, from 1976 to 2015. Commissioner Foltz thanked Rich for his service, the long hours he worked and for successfully handling many difficult situations. Rich appreciated that the Township hired him and stuck with him over the years. He thanked the current Board, former Commissioners, present and past managers and employees, Chief Foltz and the Police Department.

**EXECUTIVE SESSION:**

Solicitor Brant announced that the Board met in an executive session prior to tonight's meeting at 6:00 p.m. on a Police policy and personnel matter and a potential litigation matter regarding a zoning hearing.

**APPROVAL OF MINUTES:**

Commissioner Klotz made a motion to approve the meeting minutes of the July 6, 2015 Board of Commissioners meeting. Commissioner Swavely seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**PRESENTATION BY CALHOUN BAKER INC.:**

Mr. Lucien Calhoun and Mr. Jeff Calhoun of Calhoun Baker Inc. were present at the meeting. Calhoun Baker Inc. is the "Independent Registered Municipal Advisor" to the Delaware Valley Regional Finance Authority ("DelVal").

Jeff Calhoun advised DelVal is currently refunding the 2011 sewer bond and in this refunding, Lower Pottsgrove Township Authority will save over \$1 million. In order for the refunding to occur, the Township governing body is responsible for approving a guarantee agreement and an ordinance.

Mr. Wagner explained the Authority is refunding from a bond to a loan from DelVal, which will result in a substantial savings. As in the past, the Board of Commissioners would guarantee the debt by approving an ordinance, which will be prepared by Calhoun Baker Inc. The refunding was discussed by the Authority on July 13, 2015 and they determined it was a logical choice to save the taxpayers over \$1 million dollars.

Commissioner Klotz asked for the timeline. Jeff Calhoun advised after approval by the Authority, which would occur after the guarantee agreement is passed by the Board of Commissioners, they would be able to execute fixing the rate and closing would be on April 15, 2016. The rate can be fixed at any time after adoption of the ordinance and Mr. Wagner's goal is have the ordinance on the agenda for approval at the second meeting in August.

Solicitor Brant summarized that the Lower Pottsgrove Township Authority is borrowing the money and the Township governing body is the guarantor on the debt. Jeff Calhoun advised the savings as of close on July 15, 2015 would be \$1,071,000, and that figure is net of certain costs and fees incurred by the Township. He explained their cost of issuance is roughly 40% of the bonds cost of issuance. In addition, DelVal provides significantly lower interest rates due to their structure and that combination results in massive savings.

Solicitor Brant is familiar with this organization and said they have proven they can save the Authority significant money, which ultimately results in ratepayer savings, taxpayer savings, etc.

#### **COMMENTS FROM VISITORS:**

**Tony Doyle, 1745 Kepler Road**, noticed the field at Pleasantview Park was cut. He asked if there was a contract with the person cutting the field. Solicitor Brant advised there is a simple agreement between Ryan Lehman and Lower Pottsgrove Township.

#### **CORRESPONDENCE AND INFORMATION:**

**Roundtable Discussion**—Mr. Wagner advised The Honorable Ryan Costello invited all municipal leaders to a roundtable discussion at 8:00 a.m. on Tuesday, August 4, 2015. Meeting will be held at Pottstown Borough Hall, Council Meeting Room, Third Floor, 100 E. High Street, Pottstown, PA.

#### **OLD BUSINESS:**

**Sign Ordinance**—Mr. Wagner, Joe Groff and Marley Bice of Montgomery County Planning Commission recently met to discuss final revisions to the ordinance. At its meeting held on July 20, the Lower Pottsgrove Planning Commission made a few minor changes to the ordinance and recommended its approval to the Board of Commissioners.

The Board was provided with a draft of the revised sign ordinance for review. Mr. Wagner noted that comments from Ringing Hill Fire Company regarding the sign ordinance were included in the Board's packet.

**Mobile Video Recorders**—Chief Foltz reported the Department will begin the installation of mobile video recorders in four police cars on Monday and he felt it is important for the Police Department to have a policy in place governing this equipment. Chief Foltz drafted a policy and provided it to the Board of Commissioners for review and consideration.

Commissioner Klotz reviewed the policy with Chief Foltz and advised it has been discussed by the Police Committee. He strongly recommended approval of the policy prior to the installation of the mobile video recorders. Commissioner Klotz then made a motion to approve a Police Department policy on mobile video recorders. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Joe Zlomek of the Sanatoga Post asked if the policy was something we drafted ourselves or if it was modeled on another policy. Chief Foltz advised it was modeled on IACP recommendations.

#### **SUBDIVISION AND LAND DEVELOPMENT:**

**None.**

#### **NEW BUSINESS:**

**Traffic Signal Maintenance Contract**—Commissioner Klotz made a motion to authorize staff to obtain quotes for the Traffic Signal Maintenance Contract. Commissioner Swavely seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**Resignation from TIFAC Act 209 Committee**—Commissioner Watson made a motion to accept Jay Tornetta's resignation from the Act 209 Committee. Commissioner Klotz seconded the motion.

Mr. Wagner advised Mr. Tornetta mentioned in his resignation letter that his son, Michael, has attended numerous meeting and asked if the Board would want to consider appointing his son in his place. Commissioner Klotz asked if Michael Tornetta submitted a letter of interest. Mr. Wagner advised he did not. Commissioner Klotz requested that Michael Tornetta submit an application for the Board's review.

After discussion, with a motion on the floor made by Commissioner Watson, and seconded by Commissioner Klotz, the motion to accept Jay Tornetta's resignation from the Act 209 Committee carried by a unanimous vote of 5-0.

**Third-Party Commercial Plan Examiner**—Commissioner Foltz stated a proposal received from third-party contractor Technicon is approximately \$13.00 per hour less than the current commercial plan examiner's rate. Commissioner Klotz asked what plans Technicon would be examining and Commissioner Foltz advised they would be reviewing commercial plans and plans that require a third-party review.

Mr. Wagner advised the Township currently uses Pennoni, whose rate is \$78.00 per hour. Technicon's quote is \$65.00 per hour. Commissioner Klotz asked if the Township is looking for a new commercial plan examiner, does it has to be put out for bid. Solicitor Brant advised it is a professional service and it does not have to be bid out.

Commissioner Vlahos made a motion to appoint Technicon as Lower Pottsgrove Township's third-party commercial plan examiner at a rate of \$65.00 per hour. Commissioner Swavely seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**Animal Control Ordinance**—Solicitor Brant advised that Chief Foltz prepared a draft Animal Control Ordinance, which has been reviewed by Blake Dunbar from Brant & Associates. The Solicitor said the draft ordinance is in a posture to be advertised, provided it is acceptable to the Board. The ordinance is in response to numerous complaints the Board has received regarding animal control issues.

Commissioner Vlahos made a motion to advertise the Animal Control Ordinance. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

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

**Resolution No. 1072-15**—Mr. Wagner advised the Eye Consultants of Pennsylvania are separating their parcel from Home Depot. They need a full planning module, which was adopted by the Authority months ago. The module is in place, it has been reviewed by Bursich and it is ready to go.

Commissioner Klotz made a motion to approve Resolution No. 1072-15 adopting the Sewage Facilities Planning Module for Pottstown Medical Building Associates, 295 Armand Boulevard. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**Warrant #838**— Commissioner Klotz made a motion to approve Warrant #838 for the month of June 2015. Commissioner Swavely seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**Acceptance of Treasurer's Report**—Commissioner Klotz made a motion to accept the Treasurer's Report for the month of June 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, Commissioner Swavely, Commissioner Watson** had no comments.

**Commissioner Klotz** asked about the Falls Sports Program flyer. Mr. Wagner said in the past, Commissioners made personal contributions to the place an ad in this program.

**Commissioner Foltz** said it was brought to his attention that now that the ramp from Route 422 to Armand Hammer Boulevard is closed, no one will see the "Welcome to Lower Pottsgrove" sign. He asked the Board and staff to consider refinishing and relocating that sign. Commissioner Klotz asked if John Fogel and the road crew could refinish the sign. Mr. Wagner will check with John.

Mr. Wagner suggested relocating the sign to Turkey Hill or the former Saint Pius X site. The Board favored the Turkey Hill location and Mr. Wagner will look into it.

There were no comments from the Manager or the Solicitor.

**COMMENTS BY VISITORS:**

Kelly Breslin stated she lives in the Township and asked if it was too late to ask a question. She said she reads the newspaper like everyone else in the room.

Commissioner Klotz asked Ms. Breslin where she lives in the Township and she replied Donna Lane. Commissioner Klotz asked Ms. Breslin to state her address and she replied 410.

Ms. Breslin was curious to know what meeting the Township would be having to discuss Commissioner Watson's legal issues. She asked when we are going to discuss if he is still capable of filling his position as a Commissioner in the Township. Commissioner Foltz then turned the matter over to Solicitor Brant.

Solicitor Brant said there is nothing to stop anyone from asking a question at a public meeting, but if the question relates to a specific situation the person needs to ask the question. Ms. Breslin was curious because it has been in the paper a lot lately. Commissioner Klotz asked what paper she was referring to and she replied the Mercury.

Solicitor Brant said it is not an agenda item and Ms. Breslin asked when will it be. The Solicitor did not know if it would be and explained if people have questions, there is a public comment period to ask questions.

There being no further business, the public meeting adjourned 7:25 p.m. Next meeting will be held on August 3, 2015 at 7:00 p.m.

Respectfully submitted,



Michele M. Cappelletti  
Township Secretary