

**LOWER POTTS GROVE TOWNSHIP    BOARD OF COMMISSIONERS**  
**September 24, 2015**

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled work session meeting on Thursday, September 24, 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; 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 and asked speakers to please state their name, address and nature of business for the record.

**EXECUTIVE SESSION:**

Solicitor Brant announced that the Board met in an executive session prior to tonight's meeting at 6:00 p.m. to discuss a personnel matter. No action was taken.

**PRESENTATION BY JOSEPH W. DUDA:**

**2016 Minimum Municipal Obligations (MMO)**—Mr. Joseph Duda of Duda Actuarial Consulting presented the calculations of the 2016 Minimum Municipal Obligations (MMO) for the Lower Pottsgrove Township Uniformed and Non-Uniformed Pension Plans.

Mr. Duda advised the calculations were based on the 1/1/2015 actuarial evaluation reports. They reflect a 5% employee contribution from uniformed employees and a 2% employee contribution from non-uniformed employees.

Mr. Duda is trying to develop a strategy to take the 8% interest rate down. His proposal is to lower it in one-quarter percentage increments and he intends to take the rate down to 7.75% in 2016, then to 7.50% for the 1/1/2017 evaluation. Mr. Duda's ultimate goal is to monitor and lower the interest rate to 7%.

Commissioner Klotz asked if there is a reason to only lower the rate one-quarter percentage at a time instead of going directly to 7%. Mr. Duda said the MMO would go up quite a bit. He said by using this strategy, the Township's budget does not get hurt.

Mr. Duda reviewed the Financial Requirement and Minimum Municipal Obligation for the Police and Non-Uniformed Pension Plans. He advised the MMO for the Police Pension Plan for 2016 is \$207,408 and the MMO for the Non-Uniformed Pension Plan for 2016 is \$163,221.

After Mr. Duda's presentation, Commissioner Vlahos made a motion to approve the calculations, as presented by Joseph W. Duda of Duda Actuarial Consulting, for the 2016 Financial Requirement and Minimum Municipal Obligations (MMO) for the Lower Pottsgrove Township Non-Uniformed Pension Plan in the amount of \$163,221 and the Lower Pottsgrove Township Uniformed (Police) Pension Plan in the amount of \$207,408. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

#### **PRESENTATION BY MONTGOMERY COUNTY PLANNING COMMISSION**

John Cover, Chief of Community Planning, and Donna Fabry, Community Planner, delivered a presentation to the Board of Commissioners. Township Engineer Scott Exley, who serves as vice chair of the Montgomery County Planning Commission, was also present at the meeting.

Mr. Cover gave an overview and background on the Planning Commission and Ms. Fabry discussed Regional Planning. The County's comprehensive plan, Montco 2040, was also discussed.

#### **APPROVAL OF MINUTES:**

Commissioner Klotz made a motion to approve the meeting minutes of the September 8, 2015 Board of Commissioners meeting. Commissioner Vlahos seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

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

**None.**

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

**None.**

#### **OLD BUSINESS:**

**Police Committee**—Commissioner Foltz stated there is a vacancy on the Police Committee due to the resignation of Commissioner Shawn Watson. Commissioner Foltz proposed to appoint Commissioner Earl Swavely to serve on the Police Committee.

Commissioner Klotz made a motion to appoint Commissioner Earl Swavely to serve on the Lower Pottsgrove Township Police Committee. Commissioner Vlahos seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Papal Visit Update**—EMC Ray Lopez advised a Declaration and a Termination of Local Emergency for the upcoming Papal Visit have been prepared. Mr. Lopez thanked Michele Cappelletti for her work on emergency management projects.

Mr. Lopez and Chief Foltz have been working on some last minute emergency planning for this for this event. Mr. Wagner will sign the Declaration of Local Emergency, which will begin on Friday, September 25, 2015 at 9:00 a.m. The Emergency Operations

Center will be set up in the Commissioners' Board Room and will be active from Friday September 25, 2015 through Sunday, September 27, 2015.

Mr. Wagner reported our Incident Trailer is well stocked thanks to a generous donation. Mr. Lopez said the trailer is ready to be deployed, if necessary, this weekend. Commissioner Foltz offered the Commissioners' support and said if the emergency management team needs anything, just contact them.

Joe Zlomek of the Sanatoga Post asked what powers the Emergency Declaration gives the Township or any specific agency for that period. Chief Foltz advised if the Governor declares a state of emergency and there are funds released, the Declaration is one of the steps necessary to recoup losses.

On behalf of the Commissioners, Commissioner Foltz thanked Wil Hallman for supplying a place for our officers to stay so they are available at a moment's notice.

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

**Resolution No. 1077-15**—Solicitor Brant summarized the Buchert Ridge Community Phase 2 plan, which was before the Board for preliminary/final approval. Solicitor Brant advised the project was thoroughly reviewed by Scott Exley and Chad Camburn.

Solicitor Brant explained two technical waivers that would be granted if the Board approves Resolution No. 1077-15:

- Applicant does not have to put in certain recreational improvements but instead agrees to contribute \$41,000 fee in lieu of recreational improvements to the Township.
- Applicant does not have to install curb and sidewalk along frontage on Buchert Road but instead agrees to contribute \$39,750 fee in lieu of installation of sidewalks, which shall be paid prior to issuance of building permits.

Commissioner Klotz made a motion to adopt Resolution No. 1077-15 regarding a subdivision plan called Buchert Ridge Community Phase 2. Commissioner Vlahos seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Joe Zlomek asked if this sets aside the issue of sidewalk going in front of the housing community. Solicitor Brant replied yes.

#### **NEW BUSINESS:**

**Revised Zoning Map/Corrective Zoning Ordinance**—Mr. Wagner reported that Township staff has been working with the Solicitor's office to update our current zoning map. The revised zoning map would be adopted by ordinance.

Commissioner Klotz made a motion to authorize Township staff to proceed with preparation of a revised zoning map and a corrective zoning ordinance. Commissioner Swavely seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Land Use Assumptions Report**— Mr. Wagner advised Adam Supplee of KMS Design is the planner hired by Bursich to draft the Land Use Assumptions Report, which is the first of three studies that are part of the Act 209 process. Mr. Supplee gave a summary of the Land Use Assumption report as recommended by the Traffic Impact Advisory Committee. He requested approval of the Land Use Assumptions Report so they move forward with the next steps of the Act 209 process.

Commissioner Klotz asked if we are on our timeline. Mr. Camburn replied yes.

Commissioner Vlahos confirmed that the Land Use Assumptions Report is part of the Act 209 Process and that Mr. Supplee is working in conjunction with Bursich. Mr. Supplee said that is correct and basically it is recommended that a separate entity works on land use assumptions and the traffic side is worked on by a different entity.

Commissioner Vlahos asked if this is all part of the same fee. Mr. Supplee said it is all part of the same contract and KMS Designs is working as a subconsultant to Bursich.

Commissioner Vlahos made a motion to approve the Land Use Assumptions Report. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

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

**Resolution No. 1078-15**—Mr. Wagner advised the permit fee for existing ownership of animals is \$10 and he referenced the terms of the Animal Control Ordinance.

Solicitor Brant said we did not have an actual permit application to coincide with the Animal Control Ordinance at the time of adoption. Chief Foltz said the permit fee is for registering animals that are grandfathered because the owners have more than the number of pets permitted by the ordinance. By registering their pets, they are exempt. Joe Zlomek asked if that means we are charging people a fee for a pet that we didn't charge before. Solicitor Brant replied yes. The Township adopted an Animal Control Ordinance and it is going to charge a permit fee in accordance with that ordinance.

Commissioner Vlahos made a motion to approved Resolution No. 1078-15 establishing a permit fee for Existing Ownership of Animals. Commissioner Swavely seconded the motion.

Commissioner Klotz asked if residents would have to pay a fee of \$10 if they have over 4 dogs. Solicitor Brant said that is correct, a resident with 5 or more dogs would need to fill out a permit and pay the fee within 45 days in order to be grandfathered.

Commissioner Klotz said so everyone who has a chicken has to register their chicken for \$10. The Solicitor said yes, cost of the permit is a flat fee of \$10. Commissioner Foltz asked how we would know the animals are registered and the Solicitor said the Township will have a copy of the permit on file.

Evan Brandt of the Mercury asked what happens if you haven't registered and the Animal Control Officer shows up—does he take one of the animals away, does the resident pay a fine? Solicitor Brant said there is a violation section of the ordinance.

With a motion on the floor made by Commissioner Vlahos, and seconded by Commissioner Swavely, Commissioner President Foltz called for a vote. Commissioners Foltz, Vlahos and Swavely voted in favor of Resolution No. 1078-15; Commissioner Klotz voted no. Motion carried by a vote of 3-1.

**Acceptance of Treasurer's Report**—Commissioner Klotz made a motion to accept the Treasurer's Report for the month of August 2015, as submitted by Jennifer Marsteller. Commissioner Vlahos seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Warrant #840**— Commissioner Klotz made a motion to approve Warrant #840 for the month of August 2015. Commissioner Swavely seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

#### **COMMISSIONERS' COMMENTS:**

Commissioner Foltz was proud to say the Board received 5 applications from people interested in filling the vacancy on the Board. The applicants are Ray Lopez, Bob Franciose, Charles Nippert, Justin Valentine and Scott Fulmer. Commissioner Foltz thanked the applicants for their interest and announced we are going to advertise a public meeting to conduct interviews on Wednesday, September 30, 2015 at 6:00 p.m.

Mr. Zlomek asked if the application process closed or if Commissioner Foltz was still accepting applications. Commissioner Foltz said we are not really accepting any more but if someone comes forward and wants to apply, he did not think he could refuse that person.

**Commissioner Vlahos and Commissioner Swavely** had no comments.

**Commissioner Klotz** thanked Ray Lopez for his efforts with emergency management regarding the Papal visit. He offered kudos to the emergency management team for preparing and being way ahead of the curve on this. As part of the Police Committee, he's seen what happens behind the scenes and he expressed his appreciation to everyone who worked on this. Mr. Lopez said Ed has done a tremendous job supporting emergency management and it's a teamwork effort.

Commissioner Klotz has a pet peeve with the trash company. He said they started a new game called "how far can you throw the trash can" and they usually don't make it up to the curb. He wants to see if we can get this stopped because it is becoming an issue. As a result of this, trash cans and recycle bins are being broken. He also said he doesn't get mail on Mondays because his trash cans are blocking the mailbox. He said we have to address this because the trash contract will expire next year.

**Commissioner Foltz** thanked the Fire Companies and Police Department for their participation in Chief Ray Bechtel's funeral. Commissioner Foltz did not attend but heard it was breathtaking.

**Commissioner Foltz** reported on October 1, 2015, he would be going to Philadelphia to get information on LED Streetlight Conversion. He will bring the information back to the Board.

**Mr. Wagner** said the funeral service for Chief Bechtel was well received and well represented throughout Montgomery County.

There being no further business, the public meeting adjourned 8:04 p.m. Next meeting will be held on October 5, 2015 at 7:00 p.m.

Respectfully submitted,



Michele M. Cappelletti  
Township Secretary