

**LOWER POTTS GROVE TOWNSHIP    BOARD OF COMMISSIONERS**  
**October 22, 2015**

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled work session meeting on Thursday, October 22, 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, Earl E. Swavely, Jr. and Raymond W. Lopez.

Blake Dunbar, Solicitor; Edward C. Wagner, Manager 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.

**APPROVAL OF MINUTES:**

Commissioner Klotz made a motion to approve the meeting minutes of the regularly scheduled September 24, 2015 Board of Commissioners meeting. Commissioner Swavely seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Commissioner Klotz made a motion to approve the meeting minutes of the September 30, 2015 Special Meeting of the Board of Commissioners. Commissioner Vlahos seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

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

**COMMENTS FROM VISITORS:**

**Bob Franciose, Barbara Way**, commented on a legal notice in today's paper advertising a November 5, 2015 vote on a possible speed limit reduction on Industrial Highway. He asked what is behind this action, as he could not determine the reason from the notice. Mr. Wagner advised there are no speed limit signs on Industrial Highway and the speed limit on an unposted road is 55 mph. The Police Department conducted a traffic study and recommended a 35 mph speed limit for Industrial Highway.

**Tony Doyle, 1745 Kepler Road**, said the way the notice is written, the speed limit on Industrial Highway will be 35 mph "to the end" and it did not say to the end of Lower Pottsgrove Township. Mr. Dunbar said the 35 mph speed limit is for the entire distance in the Township. He said the ordinance itself will be more specific than the legal notice that was published in the newspaper.

**Mr. Doyle** asked for the status of this year's paving projects. Mr. Wagner said they have been completed. Snell Road, Schaffer Road and a portion of Pruss Hill Road (through the S curve to Karen Drive) were oil and chipped and Yerger Road was repaved.

**Mr. Doyle** asked if there would be more (Commissioners) meetings with Spring Valley Farms or if they only had to go back to the Planning Board. He asked if this was a dead issue or if the applicant has to do more. Mr. Wagner advised the plan only received preliminary approval from the Board of Commissioners. The next step would be final plan approval, which requires the applicant to go back to the Planning Commission. Mr. Wagner said the applicant still has to go through the PennDOT and the Conservation District approval processes.

**Mr. Doyle** expressed concern about a plan for 700+ homes and shopping in New Hanover Township. He felt the increase in traffic generated by this development will spill over from New Hanover and Douglass Townships and affect Lower Pottsgrove Township's roads.

**Mr. Doyle** said the Spring Valley Farms parcel was formerly zoned R-1, one-acre lots. He said the applicant is now proposing to construct 178 homes on 59 acres and he felt the housing in that development was going to get tight. Mr. Doyle asked the Board to consider this and he felt the developer should be making many road improvements to handle the increased traffic.

**Mr. Doyle** said there are ordinances listed on the agenda for the Board to motion to advertise a public hearing on December 17, 2015 at 6:30 p.m. There were also resolutions on the agenda for approval. **Mr. Doyle** hoped the Board would be going over the details of the ordinances and resolutions at tonight's meeting.

**Mr. Franciose** noticed in order to contact the Board, he had to go through Ed Wagner who has forwarded his emails to the Commissioners. He asked why the Commissioners' emails are not posted on the website. Commissioner Foltz had no problem with being contacted and he preferred being contacted by phone. Commissioner Klotz advised the Commissioners do not use personal email addresses because of Right-to-Know. Mr. Franciose did not ask for personal emails, he felt the Commissioners should have business email accounts for their positions on the Board. Commissioner Klotz said they do have Township email accounts but they are not posted on the website. Joe Zlomek of the Sanatoga Post advised the Commissioners' email addresses are [firstinitiallastname@lowerpottsgrove.org](mailto:firstinitiallastname@lowerpottsgrove.org).

**Mr. Doyle** said he is having a problem finding Police Committee meeting minutes and asked who takes those minutes. Commissioner Klotz said Chief Foltz take the minutes. Mr. Doyle asked if the Police Committee minutes are posted on a website. Commissioner Klotz said he did not know if they were but Chief Foltz has the minutes. Mr. Doyle asked if it would be a good idea to post the Police Committee meeting minutes because all of the Township's other boards and commissions post their minutes on the website. Mr. Wagner will discuss this matter with Chief Foltz.

**CORRESPONDENCE AND INFORMATION:**

None.

**OLD BUSINESS:**

**Motion to Advertise Public Hearing**—Solicitor Blake Dunbar explained three draft ordinances would be the subject of public hearings on December 17, 2015 at 6:30 p.m. All draft ordinances will be available for public review in the Township Municipal Office. Mr. Dunbar provided the following summary:

- **Ordinance No. 323** is a revision of the sign ordinance. It repeals the existing sign ordinance and replaces it with a much more comprehensive ordinance that organizes and clearly defines the different types of signage. Montgomery County Planning Commission had considerable input and the Solicitor's office also contributed to it.
- **Ordinance No. 324** is an extensive revision of the standing off street parking ordinance. Again, there was input from Montgomery County Planning Commission and the Solicitor's office. This draft ordinance addresses typical off street parking issues, as well the parking of tractor trailers, trucks, trailers, large recreational vehicles, storage pods and roll-off containers.
- **Ordinance No. 325** is a minor ordinance that amends the zoning ordinance to address the question of Township-owned property.

Commissioner Klotz then made a motion to advertise public hearings to consider Ordinances 323, 324 and 325 for adoption and enactment on December 17, 2015 at 6:30 p.m. at the Lower Pottsgrove Township Building, 2199 Buchert Road, Pottstown, PA. Commissioner Lopez seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Mr. Zlomek asked if the ordinance addressing Township-own property exempts the Township from restrictions in any zone that the properties are located. Mr. Dunbar said basically it provides that the Township, as the governing organization, is not strictly bound by the terms of the zoning ordinance. Mr. Zlomek asked if the Township wanted to build a building that exceeds side yard limits, could it do so without having to go through a hearing or having to ask the Zoning Hearing Board. Mr. Dunbar said that is correct, the Township would still have to go through the development process but would be exempt from the strict limits of the zoning ordinance. Mr. Zlomek questioned that this is being considered a minor revision and asked how much property the Township owns, in terms of acreage.

**SUBDIVISION AND LAND DEVELOPMENT:**

None.

**NEW BUSINESS:**

**Portnoff Law Associates**—Commissioner Klotz made a motion to authorize President Foltz to execute the addendum with Portnoff Law Associates to collect delinquent real estate taxes and trash fees until December 31, 2017. Commissioner Swavely seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Mr. Franciose was curious about the collection process and asked when people are turned over to Portnoff – when they are a year behind, two years behind, etc. Commissioner Klotz said the minute a taxpayer is delinquent on taxes, the Township is giving Portnoff Law Associates the authority to go after the delinquent taxpayer for payment of the taxes. Mr. Franciose asked what Portnoff's take is on the delinquent taxes they collect. Mr. Wagner advised Mr. Franciose to fill out a Right-to-Know request and said everything is summarized in Ordinance No. 300, which was passed by the Board on January 6, 2011. Commissioner Foltz said Portnoff gets a portion of what is collected.

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

**Resolution 1080-15**—Commissioner Klotz made a motion to appoint Ray Lopez as a Representative to the Pottstown Regional Planning Committee. Commissioner Swavely seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**Resolution 1081-15**—Commissioner Klotz made a motion to authorize the transfer of State Aid to the Police and Non-Uniform Pension Accounts to be distributed as follows:

|                            |                         |
|----------------------------|-------------------------|
| Police Pension Plan        | <b>\$133,308.45</b>     |
| Non-Uniformed Pension Plan | <b><u>58,812.45</u></b> |
| Total Distributed          | <b>\$192,120.90</b>     |

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

**Ordinance No. 322**—Commissioner Klotz made a motion to advertise Ordinance 322 for issuance of a promissory note for the purchase of emergency radio equipment with Montgomery County. Commissioner Swavely seconded the motion.

Mr. Dunbar noted that the advertisement is for adoption of Ordinance No. 322 on November 19, 2015 to meet Montgomery County's timeline.

With a motion on the floor made by Commissioner Klotz and seconded by Commissioner Swavely, motion carried by a unanimous vote of 5-0 in favor.

Mr. Zlomek asked Mr. Wagner if he knew the amount of the note and how much the Township would be borrowing. Mr. Wagner stated the Township will be borrowing \$135,934.16 and Ringing Hill Fire Company will be borrowing \$161,898.24. Sanatoga Fire Company withdrew its letter of participation in the 5-year no interest financing offered by Montgomery County. Mr. Zlomek asked how many radios that buys and Mr. Wagner did not know that figure.

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

**Warrant #841**— Commissioner Klotz made a motion to approve Warrant #841 for the month of September 2015. Commissioner Swavely seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**COMMISSIONERS' COMMENTS:**

**Commissioner Vlahos** had no comments.

**Commissioner Lopez** thanked the Commissioners for their vote of confidence by appointing him to the Board. He appreciates it very much.

**Commissioner Swavely** had no comments.

**Commissioner Klotz** congratulated Ray Lopez and acknowledged that Commissioner Lopez has been a public servant before. He said the role of a Commissioner takes a lot more time than people think. He welcomed Commissioner Lopez and is glad to have him on board.

**Commissioner Foltz** thanked Ray Lopez for coming on board. He also offered his appreciation to the other candidates who expressed an interest in serving and said it was nice to see people step up to the plate when we needed someone. Commissioner Foltz said there will be openings on different boards if any of the candidates are interested.

**Mr. Wagner** announced Lower Pottsgrove Community Day will take place on Saturday, October 24, 2015 from 10:00 a.m. to 2:00 p.m. at the former K-Mart parking lot located at 2200 East High Street. The Township's Annual Fall Festival will be held from 10:00 a.m. to 1:00 p.m. at the same location in conjunction with Community Day. All traffic will enter and exit via East High Street.

There being no further business, the public meeting adjourned 7:26 p.m. Next meeting will be held on November 5, 2015 at 7:00 p.m.

Respectfully submitted,



Michele M. Cappelletti  
Township Secretary