

**LOWER POTTS GROVE TOWNSHIP    BOARD OF COMMISSIONERS**  
**February 1, 2016**

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Monday, February 1, 2016 at the Lower Pottsgrove Township Municipal Building, 2199 Buchert Road, Pottstown, Pennsylvania. Meeting was called to order at 7:03 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; James Vlahos; Earl E. Swavely, Jr. and Raymond W. Lopez.

Charles D. Garner, Jr., Solicitor; Edward C. Wagner, Manager; Michael A. Foltz, Chief of Police; Lew Babel, Fire Marshal; Jennifer V. Marsteller, Treasurer/Tax Collector; Scott Exley, Township Engineer and Michele Cappelletti, Secretary.

Commissioner Foltz announced the meeting was being recorded and welcomed Mr. Garner as the Township's Solicitor.

**EXECUTIVE SESSION:**

Solicitor Garner announced prior to tonight's meeting at 6:00 p.m., the Board of Commissioners met in executive session to discuss a personnel matter. No decisions were made and no action was taken.

**APPROVAL OF MINUTES:**

Commissioner Klotz made a motion to approve the minutes of the January 21, 2016 Board of Commissioners meeting. Commissioner Swavely seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**COMMENTS FROM VISITORS:**

**Tony Doyle**, 1745 Kepler Road, commented about the recent snow storm. He said Timberview Lane was not plowed until 8:00 p.m. on Saturday night, 24 hours after the start of the storm on Friday night. Mr. Doyle asked what would have been done during a medical emergency because it seemed like the Township was paralyzed. Commissioner Foltz explained he discussed the problems encountered during the storm with the Manager, Road Crew Supervisor and the Chief of Police and the issues have been addressed. The contractor who plowed Timberview went home sick without informing anyone and that contractor is no longer on the job. Mr. Doyle felt the roads should have been plowed every 6 hours to keep on top of the storm. Commissioner Foltz advised the road crew worked straight through the storm to keep up with the plowing.

**Commissioner Lopez**, Lower Pottsgrove Township's Emergency Management Coordinator, advised there was a maternity call during the storm that was successfully handled. For every ambulance call, the fire companies, a truck with a plow and extra manpower go to the scene as part of a contingency plan. Mr. Doyle was not aware of that and appreciated the information.

**Mr. Doyle** was concerned because the fire hydrant on Timberview was covered with snow and the plow could have hit it. He asked Lew Babel about purchasing markers for the hydrants. Mr. Babel explained this has been discussed but the markers are very expensive and we do not have

the funds to purchase them. Mr. Doyle felt the Township is going to have to find the money because the hydrants could have been hit by the snowplow.

Commissioner Foltz said the markers are a good idea but they are very expensive and taxes would have to be raised in order to purchase them. He said Mr. Doyle was contradicting himself because he was complaining about the tax increase at the last meeting. Mr. Doyle thought the markers would cost about \$20,000 and he did not think the Board would have to raise taxes to purchase them.

**Mr. Doyle** asked if the Police website was up and running. Chief Foltz said it is and could be accessed by going to the Township's website, [www.lowerpottsgrove.org](http://www.lowerpottsgrove.org). There is a section under "Services" for the Police Department.

**Mr. Doyle** said the Police Department is hiring an additional officer in July and asked if Chief Foltz anticipates needing another officer in five years. Commissioner Klotz, Chair of the Police Committee, said Chief Foltz determines when the Township needs additional officers based on growth. At this point, we don't know what the actual growth will be in five years. Commissioner Klotz said we are keeping officers on the street to keep Lower Pottsgrove safe and that is why we are going to hire another officer in July.

**Mr. Doyle** said \$38,000 is in the budget for the pole barn project and asked what is going to be done. Commissioner Foltz said there will be a "building inside the building" constructed for an office and break area for the road crew. The structure, which will be constructed by John Fogel and the Township road crew, will be two floors, approximately 20 feet by 20 feet and only that area will have heat and air conditioning. If the funds are available, they may move the fence on the right side of the building to allow for more space. Construction is expected to start in the warmer weather.

## **REPORTS:**

### **Police**

Chief Foltz reported there were 1,110 calls for service in January 2016. There were 36 traffic citations issued. There were 44 criminal violations; 15 adults were arrested and 4 juveniles were handled. He highlighted the following from his written report:

#### **1. Calls for Service/Departmental Activities**

- a. In response to a question asked at last month's meeting, approximately \$25,000 in District Court Fees came back to the Township during the year 2014-2015.

#### **2. Civil Service**

- a. Civil Service Commission met on January 5, 2016 for the purpose of reorganization. Jacob Dailey was appointed Chair, Kathy-Jo Winterbottom was appointed Vice-Chair, Chuck Bleakley was appointed Secretary. Commissioner Lopez is an alternate member. Mr. Dailey's Annual Report of the Civil Service Commission's activity during the year 2015 was attached to Chief Foltz's written report.

#### **3. Criminal Investigations/Arrests**

- a. Detectives spent a substantial amount of time investigating a sexual assault case. Investigation is still open.
- b. An elderly man went missing from Redner's Warehouse Market. Fortunately, he was located and is back with his family.

All statistics and information are included in Chief Foltz's written report.

### **Emergency Management**

Commissioner Lopez delivered the Emergency Management Report for the month of January 2016. He highlighted the following activities:

1. There was one EOC activation in anticipation of the winter storm. Declaration of Snow Emergency took effect at 6:00 p.m. on Friday, January 22, 2016 and remained in effect until 10:00 a.m. on Monday, January 25, 2016. Gov. Wolf signed a Proclamation of Disaster Emergency on January 21, 2016 to provide supplemental state funding if necessary.
2. Commissioner Lopez, Mr. Wagner and Chief Foltz met to discuss the upcoming Act 147 grant submission.
3. Chief Foltz conducted staff training on the Township's Emergency Action Plan (EAP).
4. Commissioner Lopez and Mr. Babel met with representatives at Sanatoga Court to review its Emergency and Evacuation Plans. They also toured the facility.

Commissioner Lopez announced on February 27, 2016 Exelon Emergency Preparedness, in cooperation with PEMA and Montgomery County emergency preparedness agencies, will be hosting a training day for emergency works in the areas surrounding the Limerick Generating Station. Elected officials are invited to attend.

### **Fire Marshal**

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

<b>Station</b>	<b>Total Calls</b>	<b>Total Hrs. of Service</b>	<b>Total Personnel Hrs.</b>	<b>Total Personnel Training Hrs.</b>	<b>Total Fundraising Hrs.</b>
<b>Sanatoga (Station 58)</b>	28	35	103.5	123	Not provided
<b>Ringling Hill (Station 59)</b>	24	21	133	209	307

Mr. Babel also delivered a report for the year 2015:

<b>Station</b>	<b>Total Calls</b>	<b>Total Hrs. of Service</b>	<b>Total Personnel Hrs.</b>	<b>Total Personnel Training Hrs.</b>	<b>Total Fundraising Hrs.</b>
<b>Sanatoga (Station 58)</b>	346	380	1,595	1,582	Not provided
<b>Ringling Hill (Station 59)</b>	306	259	1,533	Not provided	Not provided

(All hours are approximate)

Mr. Babel reported in 2015, the total damage from structure fires in the Township was \$88,300.00, which is considerably less than \$781,700.00 in 2014. Mr. Babel thanked Township staff and Chief Foltz for helping him out last year.

Mr. Babel reported the two fire companies, with full crew, were on from 6:00 p.m. on Friday, January 22 until 12:00 noon on Sunday, January 24, 2016 and responded to emergency needs in the Township during the winter weather event.

**Highway—Public Works Department:** Commissioner Foltz read the Public Works Report for the month of January 2016. He reported that during the storm, four men worked straight through for 40 hours with very little sleep. Report will be posted on the bulletin board.

**C.O.G.**—No report.

**Engineering**—Bursich Associates provided a written Engineers' Report updating the Board on various projects and activities going on in the Township. A report summarizing the status of all Township projects was included with the monthly report.

Mr. Exley reported the Transportation Impact Fee Advisory Committee (TIFAC) completed its role in the Act 209 process ahead of schedule. There was a good cooperative effort between the Board, the TIFAC and the consultants.

As a Township resident, Mr. Exley publicly thanked John Fogel and the road crew for the work they did during the winter storm.

**Treasurer**— Ms. Marsteller presented the Tax Collector's Monthly Report to Taxing Districts for the month of January 2016 to the Commissioners for review. She reported tax bills were mailed today, February 1, 2016.

**Solicitor**

Solicitor Garner thanked the Board for showing confidence in his firm and having them represent Lower Pottsgrove Township. He looks forward to working with the Board, the Manager and staff and said Ed has been bringing him up to speed. Solicitor Garner said his firm works for the Board and he welcomed the Commissioners to provide feedback.

**Stipulation to Settle**—Solicitor Garner reported the Township received a letter from the Pottsgrove School District regarding a tax assessment appeal involving Stuart's Inc. located at 2148 E. High Street (former car dealership). The Stipulation to Settle the tax appeal, filed in 2009, was drafted by School District and it is acceptable to them.

The proposed Stipulation starts in 2010, and Solicitor Garner suspects that property may have been vacant for a period of time during that year. The present assessed value is \$1.934 million; for 2010, the Stipulation reduces the assessed value to \$1.458 million for that year. Thereafter, for calendar years 2011, 2012, 2013, 2014 and 2015, the assessed value reverts back to the prior value of \$1.934 million. The effect of the proposed settlement is that there is an overpayment for those years of approximately \$1,000 that the Township would owe as a refund. Prospectively, moving forward into 2016, the agreement is that the assessed value is reduced from \$1.934

million to \$1.264 million. The Township would not owe any back money as a result of the reduced value.

In keeping with protocol, Solicitor Garner brought the Stipulation to the attention of the Board for its consideration. The Stipulation to Settle is acceptable to the Pottsgrove School District and Montgomery County.

Commissioner Foltz asked if the refund owed is \$1,000 per year or total. Solicitor Garner advised it is \$1,000 total. He suspected the reduction is based on the fact that the property is now vacant but he was not privy to the discussions between the School District and the property owner.

Commissioner Vlahos asked Mr. Wagner what the difference in tax will be moving forward in 2016 and what the property owner pays the Township now. Mr. Wagner did not have those figures and the values were not included in the Stipulation to Settle. Commissioner Vlahos requested that information and said he was not in a position to make a decision without it.

Commissioner Foltz asked if the property is vacant, but becomes occupied, would the assessment change. Solicitor Garner said the taxing authorities, on an annual basis, have a right to challenge any assessed value. Solicitor Garner said he would be happy to talk to the School District's Solicitor to get more information to share with the Board so it can make an informed decision at the next meeting.

After discussion, it was the consensus of the Board to table taking action on the matter until more information is provided by the Solicitor and the Manager.

Township Manager Ed Wagner reported on the following:

### **Parks and Recreation**

**LED Sign**—On behalf of the Parks and Recreation Board, Katie Smith provided a memo recommending that the Board consider installation of an LED sign at the Township Municipal Building. Mr. Wagner reported the sign was discussed in May 2014 and he provided a spreadsheet with quotations from three vendors. Since the quotes were close to the municipal bidding thresholds, Mr. Wagner recommended that the project go through the competitive bidding process and that the specifications include two options: a one-sided and a two-sided sign.

Commissioner Foltz said he discussed the sign with Mr. Wagner and they felt it could be beneficial to get bids for both options. Mr. Wagner advised the original proposal was to place the sign on an angle, at the corner, where the original Lower Pottsgrove sign was located. This option would be for a one-side sign visible from one direction. The Board then discussed various scenarios for the location of a two-sided sign. Mr. Wagner advised the Township received \$21,000 in funds through the EG Comcast Grant that should cover the cost of the sign and installation. There is an additional \$14,000 available in Township funds. Commissioner Foltz has offered to donate his labor for the electrical work.

After discussion, Commissioner Klotz made a motion to authorize Solicitor Garner to prepare the bid documents for an LED sign, with a base bid for a single-sided sign and an add-on for a

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

### **Pottstown Metropolitan Regional Planning Committee**

Mr. Wagner reported at the meeting held on January 27, 2016, there was discussion on East Coventry's Multimodal Transportation Grant application for Route 724. Regarding Lower Pottsgrove's grant, Mr. Wagner said Dan Kerr heard news that the Governor may not announce the grants for multimodal transportation until later this month or possibly after the April 26, 2016 primary.

### **Lower Pottsgrove Township Authority**

**Authority Meeting**—Next Authority meeting will be held on Monday, February 8, 2016. Solicitors and Managers of the Lower Pottsgrove, West Pottsgrove and Upper Pottsgrove Authorities are working together on one agreement to present to the Pottstown Borough Authority.

### **CORRESPONDENCE AND INFORMATION:**

**None.**

### **OLD BUSINESS:**

**Meeting Rules of Order**—Commissioner Foltz said proposed Meeting Rules of Order of the Board of Commissioners were included in the Board's packet for review and comments. Mr. Wagner stated if the Board wants to proceed, he would put the Meeting Rules on a future meeting agenda for a resolution to adopt. No action was taken and the matter was tabled to the next meeting.

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

**None.**

### **NEW BUSINESS:**

**Motion to Advertise Public Hearing**—Mr. Wagner reported FEMA has mandated all municipalities to adopt a floodplain management ordinance by March 2, 2016. Lower Pottsgrove's proposed floodplain management ordinance was submitted, as required, to Montgomery County Planning Commission and DCED for review and comments. The Township has received feedback from the County but DCED's comments will not be received for several months. He advised the Township will adopt its ordinance on March 2, 2016, but it may have to readopt it depending on DCED's comments.

Commissioner Klotz made a motion to advertise a public hearing to be held on February 18, 2016, at 6:45 p.m., at the Lower Pottsgrove Township Municipal Building, to receive public comment on floodplain management Ordinance No. 326. Commissioner Vlahos seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**Equipment Rental Bid**—Commissioner Vlahos made a motion to advertise the 2016 Equipment Rental Bid for consideration at the April 4, 2016 Board of Commissioners meeting. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**Diesel Contracts**—Commissioner Vlahos made a motion to award the on-road and off-road diesel contracts to Penn Petroleum, Inc., T/A William R. Gift, Boyertown, PA. Commissioner Lopez seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

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

**Resolution No. 453-N Fee Schedule**—Commissioner Foltz asked if the Solicitor reviewed the fee schedule. Solicitor Garner said Mr. Wagner provided him with the resolution and he did review it. He advised if the Township is happy with the fees, the Board can adopt the resolution.

Commissioner Lopez made a motion to adopt Resolution No. 453-N Amending and Establishing Certain Fees, deposits and Escrows Payable to the Township. Commissioner Swavely seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**Resolution No. 1095-16 Municibid Auction**—Mr. Wagner advised the Board needed to set a reserve price for the Municibid online auction of the 2004 Dodge Dakota Club Cab truck. He recommended a \$2,500 reserve based on the condition of the truck. Mr. Wagner advised the reserve price is not visible on the listing and it will say “reserve not met” until the bidding reaches \$2,500.

Commissioner Lopez made a motion approved Resolution No. 1095-16 authorizing the auction of the 2004 Dodge Dakota Club Cab truck through the Municibid online auction site with a reserve price of \$2,500. Commissioner Swavely seconded the motion. Commissioner Foltz asked if the Solicitor reviewed Resolution No. 1095-16. Solicitor Garner advised Mr. Wagner did provide the resolution to him for review and it is satisfactory. He explained that whenever the Township disposes of property valued at more than \$1,000, it needs to be authorized through a resolution.

With a motion on the floor made by Commissioner Lopez and seconded by Commissioner Swavely, motion carried by a vote of 4-0 in favor. Commissioner Vlahos recused himself and abstained from voting.

**Warrant**—Warrant No. 845 for the month of January 2016 will be distributed via email.

#### **COMMISSIONERS COMMENTS:**

**Commissioner Vlahos** had no comments.

**Commissioner Lopez** welcomed Mr. Garner as the Township Solicitor. He extended his appreciation to the Fire Marshal, both fire companies, Board members and staff for their support and service during the recent winter storm event.

**Commissioner Swavely** had no comments.

**Commissioner Klotz** also welcomed Solicitor Garner and said he looks forward to working with him.

**Commissioner Klotz** thanked the ambulance, police, fire companies and volunteers for successfully getting the pregnant woman to the hospital during the snow storm. He remarked on how they shoveled get her out safely and everyone went above and beyond.

**Commissioner Klotz** thanked the Sanatoga Fire Company for providing a free meal to the Road Crew during the storm. He commented that both fire companies go out of their way to accommodate Township staff and he thanked them for doing that.

**Commissioner Klotz** felt the Township Police, Emergency Management and Road Crew were prepared during the winter storm that resulted in 40 inches of snow. He said the Road Crew worked 40 hours straight in a blinding snow storm and expressed his appreciation to all for doing a tremendous job. In the future, Commissioner Klotz would like to look into keeping snow emergency routes clear of vehicles to allow emergency vehicles can get through.

**Commissioner Foltz** welcomed Solicitor Garner to the table and thanked him for being on board so quickly. He stated four Township employees worked 40 hours during the storm to clear 35 miles of road. He felt the amount of work done by those four employees was amazing and he thanked them again.

**Mr. Wagner** spoke at Sanatoga Ridge Community and everyone remembered the blizzard of 1996, when we were crippled for almost a week. During this storm, we were back up on Sunday afternoon/Monday and that is a credit to the Road Crew. He said Township staff addressed many complaints last week and the Road Crew did it with a smile.

There being no further business, the public meeting was adjourned at 8:01 p.m. Next regularly scheduled meeting will be held on Thursday, February 18, 2016 at 7:00 p.m. A public hearing will be held at 6:45 p.m.

Respectfully submitted,



Michele M. Cappelletti  
Secretary