

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
March 24, 2016

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled work session meeting on Thursday, March 24, 2016 at the Lower Pottsgrove Township Municipal Building, 2199 Buchert Road, Pottstown, Pennsylvania. Meeting was called to order at 7:20 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.

Edward C. Wagner, Manager; Charles D. Garner, Jr., Solicitor 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 March 7, 2016 Board of Commissioners meeting. Commissioner Lopez seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

COMMENTS FROM VISITORS:

Tye Kivela, President of Pottsgrove Little League, requested the presence of Board members at Little League Opening Day ceremonies. Event will be held at 9:00 a.m., April 9, 2016 at the Upper Pool Field located at Moyer Road and Gilbertsville Road in Upper Pottsgrove. Mr. Kivela is trying to establish a sense of community among the three Pottsgroves. He also asked if a police cruiser and/or fire truck could be at the event. Regarding the equipment, Commissioner Swavely will reach out to the fire companies and Commissioner Klotz will contact the Police Department. On behalf of the Board, Commissioner Foltz said it was a great idea and offered support. Mr. Kivela will provide Mr. Wagner with all details.

Tony Doyle, 1745 Kepler Road, would like to have more information on several items on the agenda: Delta Development Group Contract, Regional Streetlight Procurement Program and Transportation Impact Fee. He would like the Board to say something about those subjects and Commissioner Foltz replied the Board will do that.

John Rossi, Walnut Ridge Estates, said last spring and summer, he and his neighbors had to deal with bands of kids, ages 12 to 18, roaming the neighborhood. Some were coming through a hole in the fence, others were from his own neighborhood. They confronted residents, shouted obscenities and committed various acts of vandalism.

Mr. Rossi was told by officers that Lower Pottsgrove's curfew cannot be enforced in Walnut Ridge Estates because it is a Homeowner's Association. He said they no longer

have security and he cannot get in touch with the Association's management team. Mr. Rossi felt the community is part of the Township and the curfew should be enforced.

Chief Foltz was not present at the meeting and Commissioner Foltz deferred Mr. Rossi's concerns to the Police Commissioners. Commissioner Klotz asked the Solicitor if a curfew is not enforceable in a private development. Solicitor Garner said he would look into the matter and get back to Commissioner Klotz with an answer. Commissioner Klotz asked if the association fee should be used towards security and Mr. Rossi said security is still listed as part of the fee but it is not provided. Commissioner Klotz suggested that Mr. Rossi's fight might be with the Association. Mr. Rossi's questioned if there has to be an agreement between the Police and the Association. Commissioner Klotz stated it depends on if the Police are allowed to enforce the curfew by law. Mr. Wagner offered to contact the Property Manager and he will get back to Mr. Rossi with answers.

Mr. Doyle thanked Mr. Rossi for bringing this matter to the attention of the Board. He said the Township has a number of homeowners associations, will be getting more, and should come up with a rule so residents do not lose control.

CORRESPONDENCE AND INFORMATION:

None.

OLD BUSINESS:

Delta Development Group Contract—Commissioner Klotz reported on a meeting that took place with Delta Development Group. He explained Limerick Township entered into an agreement with Delta to secure grant money to build a ramp on Eastbound Route 422. No grant money was secured at the time the Agreement expired on February 29, 2016.

Commissioner Klotz said Delta showed they have done a lot of work on this project. They have been to various committees and feel the money is sitting on the Governor's desk. Since the Delta meeting, the Governor has released funds.

In order to keep the grant in front of the right people, namely CFA and PennDOT, Delta has proposed a new contract with a fee of \$3,000 (reduced from \$6,000), with Limerick Township paying approximately \$2,000 and Lower Pottsgrove Township paying approximately \$1,000 per month. Delta feels they may have a significant answer by May and Commissioner Klotz does not want to throw away the money that's already been spent for another \$2,000 in fees. At the meeting, Delta also agreed to give the Township a free month (March). Mr. Wagner called Delta Development group today and the next CFA meeting is scheduled for May. He said Delta is hopeful that meeting will take place.

Commissioner Klotz recommended that the Board enter into a contract with Delta Development Group at a cost of \$1,050 per month for up to 12 months. The contract would be on a month to month basis.

Commissioner Vlahos made the motion to enter into a month to month contract with Delta Development Group at a fee of \$1,050 for up to 12 months. Commissioner Swavely seconded the motion. Solicitor Garner clarified that the Board is basically extending the Delta contract 2 months, on a month to month basis, with the understanding that it is making 2 payments. Commissioner Klotz said the contract can be up to a year and the Solicitor asked if the Board was approving it for a year now or would the Board be coming back in May to extend the contract. Commissioner Foltz said we are looking to extend the contract for a year so we don't have to keep coming back to the Board. Solicitor Garner said if the Board is approving the contract for 12 months, it is potentially obligating itself. Commissioner Klotz explained Delta advised it is a month to month contract and the Township can cancel in any month by giving Delta 30 days notice; the contract is month to month but the price is good for one year.

Commissioner Vlahos then amended his motion to enter into a contract with Delta Development Group, with a free month in March, then paying \$1,050 per month for the remaining 11 months and, in turn, if the Township is awarded the grant money and Delta's services are no longer required, the contract is on a month to month basis. Commissioner Swavely seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Joe Zlomek of the Sanatoga Post asked if the Township is obligated to pay a lump sum to Delta if it gets the grant. Mr. Wagner said if we get the \$2.2 million grant, Delta would be paid 1.5% of the award amount, which is \$33,000. Lower Pottsgrove's portion would be \$11,550.

SUBDIVISION AND LAND DEVELOPMENT:

None.

NEW BUSINESS:

None.

RESOLUTIONS AND ORDINANCES:

Resolution No. 1098-16 Regional Streetlight Procurement Program—Commissioner Foltz advised there was a presentation on the Regional Streetlight Procurement at the Board's last meeting and he summarized the details of the Program. Mr. Wagner explained the next step is to authorize the Investment Grade Audit at a cost of approximately \$2,361 and the Board can still back out if it decides not to proceed any further.

Commissioner Klotz made a motion to approve Resolution No. 1098-16, authorizing Lower Pottsgrove Township to enter into the Guaranteed Savings Agreement (Investment Grade Audit) with Johnson Controls, Inc. Commissioner Vlahos seconded the motion. Commissioner Foltz asked Solicitor Garner if he reviewed the Agreement. The Solicitor did review it and he was satisfied that the Township is protected and covered. He said the resolution itself authorizes the execution of the Agreement and allows Johnson Controls Inc. to move ahead with the Investment Grade Audit. The Township will get

the results of what its savings are locked in and, at that point, the Board can make a decision whether it wants to move ahead or not. The most the Township would be at risk is the \$2,361 cost for the Investment Grade Audit. Solicitor Garner added the contract is fine from a procurement standpoint.

With a motion on the floor made by Commissioner Klotz and seconded by Commissioner Vlahos, motion to approve Resolution No. 1098-16 carried by a unanimous vote of 5-0 in favor.

Resolution No. 1099-16 Assistant Emergency Management Coordinator—

Commissioner Lopez said we are a growing community and some changes are coming in the Township's Emergency Management office. He said some jobs, like the Papal Visit to Philadelphia, can overtax the Emergency Management system and he would like to have some younger people involved to assist with duties. Commissioner Lopez talked to Eric Linsenbigler about volunteering as an Assistant on the Emergency Management team and Eric is willing to accept the challenge.

Commissioner Foltz explained part of this stems back to when he served as Emergency Management Coordinator, then Michael Foltz took over before he became Chief of Police, and the duties are now handled by Commissioner Lopez. The Township is now in a position to eventually release the Police Department from Emergency Management responsibilities. He extended his appreciation to Eric for his interest.

Eric introduced himself and told the Board he is in his 10th year as a volunteer firefighter for Sanatoga Fire Company. He has held several offices with the Fire Company and is currently serving as Lieutenant. Eric attended Montgomery County Community College for two years for Fire Science, then switched to Emergency Management. Commissioner Lopez said Eric has a number of certifications that fit well with Emergency Management and he is an excellent fit for the position.

Commissioner Foltz asked Eric if there was an emergency at the Township, would someone be able to fill in for him at Sanatoga Fire Company. Eric already discussed this with the Fire Company's Chief and President and any duties he has there can be handled to allow him to fulfil his obligations to the Township. Commissioner Klotz has known Eric for many years and said it is impressive that at age 23, he has served as a volunteer fireman for 10 years. He thanked Eric for his service and for stepping up to the Emergency Management position. Commissioner Foltz advised that Michele Cappelletti will continue in an administrative position supporting Emergency Management.

Commissioner Lopez made a motion to approved Resolution No. 1099-16, appointing Eric Linsenbigler to the position of Assistant Emergency Management Coordinator for Lower Pottsgrove Township. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Ordinance No. 327 Transportation Impact Fee—Solicitor Garner advised Ordinance No. 327 is the culmination of the long process that began when the Board established the Impact Fee Advisory Committee. The Committee went through all processes necessary to implement an Act 209 fee under the Municipalities Planning Code. The ordinance is prepared and over the past months a number of resolutions were approved to adopt the necessary elements in order to allow the fee to be imposed. Solicitor Garner stated the ordinance has been advertised and has been available for public inspection. At this point, he strongly suggested that the Board enact Ordinance No. 327 tonight. The Township was within its timeframe for adoption and the ordinance will establish a formal Act 209 fee.

Commissioner Klotz made a motion to enact Ordinance No. 327, Imposing An Impact Fee Upon New Development Within A Transportation Service Area Within Lower Pottsgrove Township And Establish Procedures And Standards Ancillary Thereto. Commissioner Lopez seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Commissioner Foltz said the Impact Fee process was a lot of work and thanked all involved. Mr. Wagner advised the process started in October 2014 and the ordinance had to be passed by April 28, 2016.

Warrant #846— Commissioner Swavely made a motion to approve Warrant #846 for the month of February 2016. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Acceptance of Treasurer's Report—Commissioner Swavely made a motion to accept the Treasurer's Report for the month of February 2016, as submitted by Jennifer Marsteller. Commissioner Lopez seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

COMMISSIONERS' COMMENTS:

Commissioner Vlahos will not be in the country on April 9, 2016. He apologized to Tye Kivela for not being able to attend Pottsgrove Little League's Opening Day ceremonies and wished him luck.

Commissioner Lopez expressed appreciation to Mr. Kivela for guiding young kids, keeping them out of trouble and teaching them skills at the same time. Mr. Kivela said their goal is to start kids off to become great citizens and we have a great young citizen here in Eric Linsenbigler.

Commissioner Swavely thanked Mr. Linsenbigler for stepping up and offering his valuable service to the Township. He looks forward to working with him on various events that will take place.

Commissioner Swavely said the Egg Hunt had a super good turnout and he recognized those who worked on the event: Katie Smith, Jane Smale, the Parks and Recreation Board and Tom Palatucci. He also acknowledged the Pottsgrove Softball Team volunteers, who also did a wonderful job. Commissioner Swavely said the event was well organized and thanked everyone for their help.

Commissioner Klotz congratulated Eric on his appointment and said he is one of those guys who is part of the community. He said what Eric does every day is important to this community and he appreciates his efforts.

Commissioner Klotz recognized Mr. Kivela for the endless hours he spends with Pottsgrove Little League. He feels that kids who are involved in extracurricular activities usually become productive citizens. Commissioner Klotz is looking forward to being at the Opening Day ceremonies on April 9.

Commissioner Foltz thanked Eric Linsenbigler and Pottsgrove Little League for what they are doing for the community.

Commissioner Foltz said he very seldom gives kudos to the Police Department but he shared something he read in Sound Off. Someone thanked the Police Department for conducting aggressive driving enforcement on Route 422 and Commissioner Foltz appreciates that a citizen values what the Police are doing there.

Mr. Wagner welcomed Eric and said he looks forward to working with him.

EXECUTIVE SESSION:

Commissioner Foltz announced immediately following tonight's public meeting, the Board would be meeting in executive session on a real estate matter and would not be reconvening into public session.

There being no further business, the public meeting adjourned 8:15 p.m. Next meeting will be held on April 4, 2016 at 7:00 p.m.

Respectfully submitted,



Michele M. Cappelletti
Township Secretary