

**LOWER POTTS GROVE TOWNSHIP      BOARD OF COMMISSIONERS**  
**April 21, 2016**

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled work session meeting on Thursday, April 21, 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; Earl E. Swavely, Jr. and Raymond W. Lopez.

Edward C. Wagner, Manager; Charles D. Garner, Jr., Solicitor, Chad Camburn, Township Engineer and Michele Cappelletti, Secretary.

Commissioner James Vlahos was absent.

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 Garner announced the Board of Commissioners met in executive session from 6:00 p.m. to 7:00 p.m. to discuss matters pertaining to personnel, collective bargaining, litigation and real estate. No action was taken.

**APPROVAL OF MINUTES:**

Commissioner Klotz made a motion to approve the meeting minutes of the regularly scheduled April 4, 2016 Board of Commissioners meeting. Commissioner Lopez seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**COMMENTS FROM VISITORS:**

**None.**

**CORRESPONDENCE AND INFORMATION:**

Mr. Wagner reported the following two zoning hearing applications are scheduled to be heard on May 17, 2016 at 6:00 p.m. at the Lower Pottsgrove Township Municipal Building:

**Application No. 2016-03 of Daniel Freas, 1111 Crestwood Drive**

Applicant requesting a variance to construct a 40 ft. x 36 ft. pole barn at the property located at the intersection of Crestwood Drive and Buchert Road. After discussion, Mr. Wagner asked the Commissioners to further review the application and consider taking action if they want to send a representative to the hearing.

**Application No. 2016-02 of Castle Caldecott, LLC (Sanatoga Greene Development)**

Frank Bartle, Esq. is representing the applicant, Castle Caldecott, LLC. Applicant is requesting 7 variances and the application was provided to the Board for its review.

**Conditional Use Application of Castle Caldecott, LLC**

Mr. Wagner reported Castle Caldecott, LLC also filed a conditional use application in accordance with Lower Pottsgrove Township's Code of Ordinances, §250-34E.(1) which states: *No slopes in excess of 25% shall be built on without a conditional use, approved by the Board of Commissioners of Lower Pottsgrove Township.* A copy of the application was provided in the Board's packet for review. Mr. Wagner advised the Township has an indefinite continuance from Frank Bartle, the developer's counsel, and no action is required at this time.

**OLD BUSINESS:**

**Pottsgrove Little League Opening Day Ceremonies**—Commissioner Foltz, Commissioner Swavely, Ed Wagner, Lew Babel, Ofc. Diesinger and the police attended the Pottsgrove Little League Opening Day ceremonies held at 9:00 a.m. on April 16 at the Upper Pool Field located at Moyer Road and Gilbertsville Road in Upper Pottsgrove. Commissioner Swavely threw out the first pitch for one of the teams and the Township was presented with a plaque for its participation. Commissioner Foltz commented it was a nice outing and the Township was well represented. He also recognized the 8-year old boy who did an excellent job singing the National Anthem.

**SUBDIVISION AND LAND DEVELOPMENT:**

None.

**NEW BUSINESS:**

**Manager's Contract**—Commissioner Swavely made a motion to approve a two-year employment contract for Township Manager Ed Wagner. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Montgomery County Consortium Testing**—Mr. Wagner reported the Township Police Department participated in the consortium testing last year. Our current list of 3 candidates expires in August and Chief Foltz would like to continue moving forward with this process. Mr. Wagner advised it is a free service and the only costs involved the last time were polygraph testing and post-offer examinations. Commissioner Klotz made a motion to authorize participation in the Montgomery County Consortium Testing. Commissioner Swavely seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Sanitary Sewer/Access Easement Agreement**—Ed Gieske explained he purchased 2159 Yerger Road a year ago and it has a failed septic system. He investigated putting in another system on the property but it was not feasible, so he looked into tapping into the sewer main on Bleim Road. Mr. Gieske provided Township Engineer Chad Camburn with drawings for his review. He said the easement agreement has been drawn up and he was hoping to move forward with the project.

Mr. Wagner advised the Sanitary Sewer/Access Easement Agreement was approved by Lower Pottsgrove Township Authority on April 11, 2016. The project involves boring under Yerger Road, which was paved by the Township last year. Mr. Wagner explained

since the Township owns Yerger Road, there needs to be a tri-party agreement between the Township, the Authority and Mr. Gieske before Mr. Gieske can proceed with the project. Authority Solicitor Stephen Kalis prepared the agreement and Township Solicitor Garner reviewed it.

Mr. Camburn advised that he and John Fogel met with the property owner at the request of the Authority because there were concerns about potential and future damage to the road. Mr. Camburn advised there will be minimal digging up of the road and the goal is to keep it off the pavement for the majority of the run. Mr. Camburn provided details of the project and advised the current and future owner(s) are responsible for perpetual maintenance, not only for the sewer force main itself but also to the manhole. Mr. Wagner advised that Mr. Gieske will post a 12 month, \$20,000 maintenance bond as part of agreement.

Solicitor Garner added that the concern from the Township's end was to make sure we are protected in respect to the integrity of the road. He feels the agreement protects the Township in addition to the maintenance that is being posted for 12 months after construction. The tri-party agreement will be recorded and it is noted in that agreement that the owner is responsible for the integrity of the road in perpetuity. Once the agreement is recorded, the obligation will run with the property. All attorney's fees and engineering fees are being borne by the applicant.

Mr. Gieske and his contractor answered technical questions from the Board regarding the project. After discussion, Commissioner Klotz made a motion to approve the Sanitary Sewer/Access Easement Agreement for 2159 Yerger Road. Commissioner Lopez seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

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

**Resolution No. 818-F**—Mr. Wagner advised Resolution No. 818-F authorizes the disposition of public records. The Township follows the schedules and procedures for disposition of records as set forth in the Municipal Records Manual. Solicitor Garner advised the Township is required to pass a resolution anytime it destroys municipal records.

Commissioner Swavely made a motion to approve Resolution No. 818-F authorizing the disposition of records according to the Municipal Records Manual. Commissioner Lopez seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Resolution No. 1104-16**—Commissioner Klotz made a motion to approve Resolution No. 1104-16 authorizing the auction of the 2012 Chevrolet Tahoe police vehicle. Commissioner Swavely seconded the motion. Commissioner Foltz asked if the Board had to set a price on the vehicle. Mr. Wagner advised a reserve price of \$6,500 was stated in the resolution. Motion carried by a unanimous vote of 4-0 in favor.

**Resolution No. 1105-16**—Commissioner Lopez advised he and Mr. Wagner attended a meeting at the County on Monday, April 18, 2016 conducted by PEMA. The purpose of

the meeting was to assist potential applicants with the forms needed to recoup funds expended during the Jonas Snowstorm in January 2016. Lower Pottsgrove Township's expenses totaled approximately \$33,000 and, if the financial assistance is awarded, the Township would be reimbursed approximately 75% of that amount.

Commissioner Klotz made a motion to approve Resolution No. 1105-16, Designation of Agent Resolution for the January 2016 Jonas Snowstorm. Commissioner Swavely seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Warrant #847**— Commissioner Klotz made a motion to approve Warrant #847 for the month of March 2016. Commissioner Swavely seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Acceptance of Treasurer's Report**—Commissioner Klotz made a motion to accept the Treasurer's Report for the month of March 2016, as submitted by Jennifer Marsteller. Commissioner Swavely seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

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

**Commissioner Lopez** asked if there was a meeting date change for May. Mr. Wagner said possibly the June 6, 2016 meeting could be changed to June 7 but he has not received confirmation on that date.

**Commissioner Swavely** thanked Ringing Hill and Sanatoga Fire Companies for their presence and participation at the Little League Opening Day ceremonies.

**Commissioner Klotz** asked when the Fishing Rodeo will be held. Commissioner Foltz advised it will be held on Saturday, April 23, 2016 at 7:30 a.m. Commissioner Klotz said you don't always see community events, like the Little League Opening Day and Fishing Rodeo, in bigger townships. He feels this is what small town America is really about and he is proud to be a part of Lower Pottsgrove Township and everything that goes on here. He complemented everyone who was involved with the events for their good work.

**Commissioner Foltz** has been onsite at Sanatoga Park and said the improvements are coming along nicely. They are constructing tiers with macadam, redoing the bathrooms and making the facility handicapped accessible. Commissioner Foltz recognized the Township's road crew for their work on this project and he feels they get a lot of work done with only having four people. He also said the contractor is doing a good job.

**Mr. Wagner** reported the Montgomery County Correctional Facility spread 135 yards of mulch at the Municipal Building in 2 weeks. John Fogel was extremely pleased with the work.

**Mr. Wagner** reported the Fishing Rodeo will be held on Saturday from 8:00 a.m. to 11:00 a.m. and 54 kids are registered. He thanked Bursich Associates and Wolf, Baldwin & Associates for each contributing \$500 to sponsor this event.

**Mr. Wagner** reported Katie Smith posted pictures of the progress at the Sanatoga Bandshell on Facebook and is getting nice comments.

**POLICE COMMITTEE:**

Commissioner Klotz announced the Lower Pottsgrove Township Police Association will be holding its annual golf outing on Monday, June 6, 2016 at Brookside Country Club. Cost of the event includes golf (shotgun start), lunch, hors d'oeuvres, silent auction, dinner and prizes.

There being no further business, the public meeting adjourned 7:25 p.m. Next meeting will be held on May 2, 2016 at 7:00 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michele M. Cappelletti".

Michele M. Cappelletti  
Township Secretary