

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
May 2, 2016

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Monday, May 2, 2016 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 were in attendance:

Board of Commissioners: Bruce L. Foltz, President; Stephen M. Klotz, Vice President; 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.

Michele Cappelletti, Secretary, was absent from the meeting.

Commissioner Foltz announced the meeting was being recorded and asked speakers to please state their name, address and nature of business for the record.

As required by the Sunshine Act, Solicitor Garner announced the Board met in executive session at 6:30 this evening to discuss a personnel matter.

Commissioner Foltz read a resignation letter submitted by Commissioner James Vlahos. Commissioner Vlahos resigned due to business and various community service commitments. His resignation was effective immediately.

APPROVAL OF MINUTES:

Commissioner Klotz made a motion to approve the minutes of the April 21, 2016 Board of Commissioners meeting. Commissioner Swavely seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

COMMENTS FROM VISITORS:

Dave Fisher, a North Coventry Township resident who owns real estate at 5 S. Sunnybrook Road in Lower Pottsgrove Township, had concerns going forward regarding how people are selected and appointed. Mr. Fisher acknowledged Shawn Watson, who was in the audience and said as far as he's concerned, Shawn is a great guy and he had a lot of damage done to him regarding financial matters and the media blew it up. Mr. Fisher said commissioners, solicitors, engineers, and tax collector all have to be bonded and when people get into public office, they don't realize what is involved, what is ethical or not ethical, because they don't know. Mr. Fisher said if someone doesn't have their own financial act in order, it concerns him as a taxpayer who is determining how our tax dollars are being spent. He recommended the state's yearly financial disclosure statement should be expanded upon locally and also suggested providing new appointees with a welcoming packet.

Tye Kivella, Pottsgrove Little League, thanked the Commissioners for their support and for attending Opening Day Festivities. He shared an email from a former Pottsgrove Little League player, who is looking to do volunteer work with the organization in the Spring and Summer

months. Mr. Kivella thanked the Board and said without the Township's support, they wouldn't have fine young men like this coming back.

Tony Doyle, 1745 Kepler Road, asked when Wooded Way will be paved and if residents will be notified. Mr. Wagner estimated the work will be done in July and John Fogel will put a letter in the door to notify residents.

Mr. Doyle asked if there is any more information on the Spring Valley Farms development. Mr. Wagner advised the developer has a meeting scheduled with PennDOT on May 19 to go over various improvements associated with Bleim Road and Pleasant View Road. Mr. Wagner could possibly have an update on the project at the May 19, 2016 Board of Commissioners meeting.

Mr. Doyle asked when the Public Works Department's work schedule changes to summer hours. Mr. Wagner advised from Memorial Day to Labor Day, they work 6:00 a.m. to 2:00 p.m. During the rest of the year, hours are 6:30 a.m. to 2:30 p.m.

Mr. Doyle had questions for Tax Collector Jennifer Marsteller regarding the procedure and timeframe involved when people lose their homes. Ms. Marsteller said she doesn't have anything to do with it but explained the process depends on who is owed the money (such as a mortgage company, School District, Township, etc.). Ms. Marsteller advised she collects taxes for the current year and whatever isn't collected by the end of the year gets turned over to two separate companies and they handle it from there. **Dave Fisher** said if it involves a delinquent mortgage, there is a mortgage modification program and homeowners can apply for rate relief.

REPORTS:

Police

Chief Foltz reported there were 967 calls for service in April 2016. There were 136 criminal violations; 34 adults were arrested and 17 juveniles were handled.

Chief Foltz noted that the Department has seen a considerable increase in crime at the Days Inn. To address the problems, he has been working with the Township's Codes Department, increased patrol activity in and around the hotel and has attempted to initiate a conversation with Days Inn corporate. Chief Foltz said this is an ongoing process and a confidential letter to Days Inn corporate was included in the Commissioners' packets. He highlighted the following from his written report:

1. Calls for Service/Departmental Activities

- a. Conducted the Buckle-up PA first wave of 2016. 65 citations were issued and all were in the 422 corridor.

2. Fleet

- a. Two new Chevrolet Tahoes police vehicles are now put in service. The decommissioned 2012 Tahoe will be listed for sale by auction on Municibid. The 2011 Tahoe is in the final stages of retrofit for sale to the Animal Control Officer and should be turned over to him next week. Chief Foltz is personally donating non-reflective lettering for this vehicle so it does not appear to be part of the Township's fleet.

Curfew—Chief Foltz said at a previous meeting, a resident of Walnut Ridge Estates inquired about the curfew ordinance and the Police Department’s ability to enforce it within the perimeters of private communities. Chief had a lengthy discussion with the Manager and the Solicitor and there are some ways this could be addressed; however, before proceeding any further, Chief Foltz wanted to bring the matter to the Board’s attention.

Solicitor Garner said the issue is with the Township’s standing curfew ordinance, which defines a public place. As a result, the Township is presently restricted under that ordinance as far as what it can do with respect to curfew enforcement. An ordinance modification would be required to enforce the curfew within private communities.

Commissioner Foltz asked the Chief if he felt the Commissioners should consider amending the ordinance. Chief Foltz did not have a preference one way or another but noted the Department is hearing a lot of complaints and it may be time to look into it. He said it would give a benefit for quality of life issues but it will also increase time and calls for service. The Board of Commissioners took the matter under advisement and no action was taken.

Regarding the problems at Days Inn, Commissioner Swavely asked Chief Foltz if he is finding the issues are with out of town people, local talent or a combination of both. Chief Foltz said a combination is what we are seeing.

Commissioner Foltz asked for a progress report on retrofitting the police locker room. Chief Foltz reported he is still waiting for one quote to come back from a general contractor. He would like to keep things moving and get something done by June 1 because they are going to be out of space.

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 April 2016. He highlighted the following activities:

1. There were no EOC activations during the month of April.
2. Commissioner Lopez and Chief Foltz met to discuss general emergency management topics and to set up future training and meeting dates and times.
3. Commissioner Lopez and Chief Foltz met with a new Hazmat vendor representative. Commissioner Lopez felt it was helpful to know the vendor before an incident occurs.
4. Commissioner Lopez and Ed Wagner attended an information session on submittal of documents to recoup expenses incurred during the January 2016 snow emergency.
5. Commissioner Lopez and Chief Foltz attended the monthly training at the Montgomery County Emergency Operations Center.
6. Commissioner Lopez and newly appointed Assistant Emergency Management Coordinator Eric Linsenbigler met to review equipment and software items/applications.
7. Act 147 grant funding in the amount of \$974.19 was used for traffic control devices housed in the critical incident management trailer. Final invoices were submitted to Montgomery County for reimbursement.
8. New ID card project is underway and we hope to start distributing cards in early June.

Exelon Emergency Planning Brochure—Commissioner Lopez reported the Exelon Emergency Planning Brochures have been mailed to residents. The Township will not receive a supply of these brochures. An online version is available at www.exeloncorp.com/limerick.

Fire Marshal

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

Station	Total Calls	Total Hrs. of Service	Total Personnel Hrs.	Total Personnel Training Hrs.	Total Fundraising Hrs.
Sanatoga (Station 58)	26	30	60	208	Not provided
Ringling Hill (Station 59)	27	15	135	122 117 Feb.	691 509 Feb.

(All hours are approximate)

Mr. Babel received a phone call from AmeriGas notifying him that they were going to burn off propane at Shaner's in Sanatoga. Mr. Babel was on-site during the burn on Tuesday, April 26 from 7:00 a.m. to 2:00 p.m. Due to strong winds, the process was shut down and continued on Wednesday, April 27. All chemicals and propane were removed from 2 tanks and the tanks were then moved from the site on Friday, April 29.

Highway—Public Works Department: Commissioner Foltz read the Public Works Report for the month of April 2016. He noted that the Public Works Department has been working on the retaining wall at Sanatoga Park and they are doing a nice job. Mr. Wagner has pictures of the improvements. Report will be posted on the bulletin board.

Commissioner Foltz said John had Montgomery County Corrections sweep curb lines and streets in the Township. Shortly after this was done, a resident at Hause Avenue and King Street threw grass all over King Street. This is happening throughout the Township and Commissioner Foltz would like to address it. He asked the Solicitor if he is aware of any ordinances that would prohibit this. Solicitor Garner is aware of such ordinances but said there is difficulty enforcing them. Commissioner Foltz said if there is one available, he would like to read it.

C.O.G.—Commissioner Foltz reported the next meeting will be held on May 3, 2016 at Douglass Montgomery Township.

Engineering—Bursich Associates provided a written Engineers' Report updating the Board on various projects and activities going on in the Township. He highlighted the following:

1. **Rupert Road Bridge** - Engineering has begun on the Rupert Road Bridge. The final plans, specifications and estimates are scheduled to be issued to the County by February 2017. Construction is to take place in Summer 2017, with completion before school starts.

Mr. Wagner said there is a letter from Chad Camburn in the packet confirming the Bridge will have two 12-foot wide lanes, with a 4-foot shoulder and a 4-foot sidewalk. Mr. Wagner said he, Chad and Chief Foltz are going to have a discussion on the speed limit.

Joe Zlomek of the Sanatoga Post asked if the Township originally planned to do the Bridge this year. Mr. Exley advised the design was this year, not the construction.

Treasurer— Ms. Marsteller presented the Tax Collector's Monthly Report to Taxing Districts for the month of April 2016 to the Commissioners for review.

Solicitor

Solicitor Garner highlighted the following from his written report:

1. **Solid Waste and Recycling Contract** – Current contract will expire at the end of 2016. There was a Committee meeting to discuss conceptually what options could be bid. The Committee's plan is to bring a recommendation to the full board with respect to future bid documents and specifications. The plan would be to put the contract out for bid by the middle of Summer with the idea of opening the bid(s) in September 2016. This would allow time for review, discussion and, if there is a problem, a rebid if necessary.

Given the resignation of Commissioner Vlahos this evening, Solicitor Garner gave the Board an overview of the appointment process moving forward. He said at some point during tonight's meeting, the resignation should be formally accepted by the Board. The acceptance of the resignation triggers a 30-day window where the Board has the ability to appoint a successor commissioner, who will serve until the next municipal election occurring at the end of 2017. If the Board is unable to arrive at a candidate within that 30 days, the First Class Township Code provides that the four Commissioners and the Vacancy Board Chairman would hold a special meeting within a 15-day window thereafter to make an appointment. In the extreme, if a successor is not appointed at that point, it would go to the Court of Common Pleas of Montgomery County. Solicitor Garner suggested that the Board, at some point, discuss the process on how to fill the vacancy.

Commissioner Swavely made a motion to accept the resignation of Commissioner James Vlahos. Commissioner Lopez seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Commissioner Foltz asked the Solicitor if the Board has to advertise the vacancy. Solicitor Garner advised there is no legal requirement to advertise for the position. Commissioner Foltz said the Board interviewed once before and asked if they can go from that list. Solicitor Garner said there are no strict rules, it is up to the Board. Solicitor Garner said he is always going to suggest the Board be as transparent as possible and make available to all residents that there is an opening. However, the selection process is totally up to the Board and the Commissioners can decide who they want to select and the process to move forward.

Commissioner Klotz said the Board interviewed several people and there are also several members of the Township's various boards and commissions who have showed interest. He said once the word is out, the Board will see who is still interested and he felt the Board could make an educated decision quickly.

Joe Zlomek asked if the Board wanted to make a public announcement that it is accepting resumes and applications. Commissioner Klotz said we just did.

Parks and Recreation

Mr. Wagner highlighted the following activities:

1. **Fishing Rodeo**—Event took place on the April 23, 2016 at Sunnybrook. 52 children participated. Pictures are posted on the Township's website and Facebook page.
2. **Sanatoga Park Bandshell**—Project is moving along nicely. Ribbon cutting ceremony will take place prior to the first Summer concert on Sunday, June 26, 2016 at 5:45 p.m. Light refreshments will be served.
3. **LED Sign**—6 bids were received for the single/double sided LED sign. Bids are currently under review. Mr. Wagner expects to make a recommendation to award the contract at the May 19, 2016 Board of Commissioners meeting.

Pottstown Metropolitan Regional Planning Committee

Mr. Wagner reported the Regional Planning Committee met on April 27, 2016. The main topic of discussion was regional wayfinding signs. Justin Keller delivered a presentation and asked for the Board's support of this program at a previous meeting.

Lower Pottsgrove Township Authority

Authority Meeting—Sewer Specialties will begin I & I work and will be televising sewer lines later this month. They will be working on areas that drain into the Sanatoga Lake Pump Station, in particular the Woodgate development and near and around Sanatoga Lake.

Mr. Wagner announced the next Authority meeting will take place on June 13, 2016. The meeting scheduled for May 9 will be cancelled.

Commissioner Foltz said Jim Vlahos also served on the Authority, so we will be needing a replacement for the Authority also. Since Mr. Vlahos' resignation was only from the Board of Commissioners, Mr. Wagner advised there should be two separate resignations, one for each position held.

CORRESPONDENCE AND INFORMATION:

None.

OLD BUSINESS:

Officer Kenney Local Agency Hearing—Solicitor Garner advised at the request of Officer Kenney, the Board held a local agency hearing on a Heart and Lung Act claim on March 24, 2016. At that time, the Board heard testimony and evidence was submitted as part of the record.

Solicitor Garner said in support of Officer Kenney's request for a local agency hearing, we allowed the record to remain open until this evening for the purposes of accepting legal authority briefs or position papers concerning the position of both Mr. Fallon, who represents the Township and Mr. Gotlieb, who represents Officer Kenney.

Solicitor Garner did receive a letter brief from Mr. Fallon on April 29 and he believed the Manager provided the Board with a copy of that brief. He also received today, by fax, a letter brief from Mr. Gotlieb in support of his position in support of his client, Officer Kenney. Solicitor Garner will provide the Board with a copy of that document.

Solicitor Garner further explained under the Local Agency Law, the Board is required to adjudicate in writing, including findings and reasons for your decision, in this regard. There is no specific timeframe for the Board to do that. Solicitor Garner suggested the Board take the next few months to review the information and perhaps by July, the Board would be in a position to reach a decision. Because this is a quasi-judicial matter, the Board does have the right to discuss it in executive session prior to reaching a final decision. With the Board's permission, Solicitor Garner will let the lawyers involved know the Board's decision will likely come sometime in July 2016.

The Board agreed with the Solicitor Garner's recommendation and authorized him to move forward with the matter.

Zoning Hearing Application of 1111 Crestwood Drive—Mr. Wagner stated this application is for a variance to erect a 40 ft. by 36 ft. pole barn at the intersection of Crestwood Drive and Buchert Road, as well as relief from the setback requirements. Mr. Wagner asked if the Board wanted him to attend the May 17, 2016 zoning hearing on its behalf.

Commissioner Foltz's personal opinion was the structure is excessive for a residential area, especially in that location. Commissioner Klotz agreed and made a motion to authorize Ed Wagner to attend the zoning hearing on May 17, 2016 to oppose the zoning hearing application for the property located at 1111 Crestwood Drive. Commissioner Lopez seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Zoning Hearing Application of Castle Caldecott, LLC (Sanatoga Greene)—Mr. Wagner referenced a letter from Solicitor Garner outlining the various variances requested by the applicant. The applicant is seeking relief from the Parks and Recreation requirement and has proposed to construct a promenade that would connect to the Township parks. The applicant is also requesting a variance for parking relief and is asking to reduce the number of parking spaces from 2 per apartment to 1.7 per apartment. The applicant has proposed to put in 103 reserve parking spaces if the Board sees fit. Mr. Wagner asked if the Board wanted him to attend the zoning hearing for this application as well.

Commissioner Klotz said the last time he checked, no one was driving a .7 car and he made a motion to authorize Mr. Wagner to attend the zoning hearing on May 17, 2017 to oppose the variances requested by the applicant, Castle Caldecott, LLC, for relief from the Parks and Recreation requirement and parking relief. Commissioner Swavely seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

SUBDIVISION AND LAND DEVELOPMENT:

None.

NEW BUSINESS:

Lehman Agreement—Mr. Wagner advised the agreement has been the same for the past two years and allows Mr. Lehman to cut the grass fields located at Bleim Road and North Pleasantview Road and bale the hay. Solicitor Garner reviewed the agreement and was satisfied with it.

Commissioner Klotz asked if it costs the Township anything and Mr. Wagner replied it does not. Commissioner Klotz then made a motion to authorize the agreement between Lower Pottsgrove Township and Ryan Lehman Farms. Commissioner Swavely seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

RESOLUTIONS AND ORDINANCES:

None.

Warrant—Warrant No. 848 for the month of April 2016 will be distributed via email.

COMMISSIONERS COMMENTS:

Commissioner Lopez commended the Police Department and all involved with Fishing Rodeo. He said it was a nice event and gave the kids the opportunity to learn something new. Commissioner Lopez also asked Mr. Wagner to convey to the staff working on the Sanatoga Park project that they are doing a great job.

Commissioner Swavely agreed that Township staff and the Police Department did a wonderful job with the Fishing Rodeo, especially considering the weather.

Commissioner Klotz thanked Tye Kivella and Pottsgrove Little League. He said he always talks about the youth of the community and one thing he knows is sports keeps kids from going sideways. Commissioner Klotz said Tye, as a volunteer coach, means as much to the community as anyone else and the fact that he is attracting volunteers back to his organization means he is doing something right.

Commissioner Klotz mentioned Terrell Chestnut, a fine young man who he has been involved with during his entire life, was recently drafted to the San Diego Chargers. He told how Terrell overcame the odds, earned a 4.0 average at West Virginia University and is working on his Master's Degree. Terrell is now ready to begin his professional football career with the Chargers. Commissioner Klotz advised Terrell Chestnut is also chairman of the Township's Vacancy Board, so the Commissioners would be looking to fill that position at some point in the future.

Commissioner Foltz said Township employee Jane Smale was scheduled to leave for vacation but she still worked the Fishing Rodeo before she left for the airport. He thanked Jane for her dedication.

Solicitor Garner advised the only meeting scheduled within the thirty day window to appoint a commissioner is May 19, 2016.

There being no further business, the public meeting was adjourned at 8:48 p.m. Next regularly scheduled meeting will be held on Thursday, May 19, 2016 at 7:00 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Michele M. Cappelletti".

Michele M. Cappelletti
Secretary