

**LOWER POTTS GROVE TOWNSHIP    BOARD OF COMMISSIONERS**  
**June 9, 2016**

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Thursday, June 9, 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., Raymond W. Lopez and Robert W. Mohollen.

Matthew Hovey, 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 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 minutes of the May 2, 2016 and May 19, 2016 Board of Commissioners meetings. Commissioner Lopez seconded the motion and it was unanimously approved. Vote was 5-0 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, congratulated Commissioner Mohollen on his appointment.

Mr. Fisher said it has come to his attention that there is a member of the Zoning Hearing Board who has not filed financial disclosures, nor has he filed in his capacity as constable. Mr. Fisher requested that this be looked into and advised that person is Keith Diener.

Mr. Fisher distributed a folder of information to each Commissioner. Mr. Fisher's concern is if someone is not compliant, and he/she votes at a zoning hearing, that vote could be challenged because that Zoning Hearing Board member does not have the capacity to vote. Mr. Fisher concluded by saying if you're a public official, and a Zoning Hearing Board officer is definitely a public official, you should be held to a higher standard. Mr. Fisher said he would like a response and asked if the Board had any questions.

Commissioner Klotz asked Mr. Fisher about his Right to Know request that was included in the folder. Mr. Fisher said it is not his request and Commissioner Klotz replied then it is hearsay. Mr. Fisher advised the Right to Know request was filed by Josh Stouch and Mr. Stouch was not present at the meeting.

Commissioner Klotz asked Mr. Fisher why he was questioning this if he did not file the Right to Know. He requested that Mr. Fisher file a Right to Know with the Township. Commissioner Klotz said it appears there is a personal issue with Mr. Diener and asked Mr. Fisher how he got

the information. Mr. Fisher said he is a friend of Josh Stouch and the information crossed his desk.

Commissioner Klotz said he is finding these attacks to be very personal and he is getting tired of it. He asked how Mr. Fisher got Mr. Diener's personal state tax records. Mr. Fisher said it was printed from the Montgomery County website. Commissioner Klotz asked Mr. Fisher if he printed it and Mr. Fisher said he did not. Commissioner Klotz stated someone gave it to you and it is hearsay and a personal attack. Mr. Fisher respectfully disagreed and Commissioner Klotz asked Mr. Fisher what his personal agenda was. Mr. Fisher's response was he wants people to be on this Board and the Zoning Hearing Board who pay their taxes and are compliant.

Commissioner Foltz asked the Solicitor if the documents were legal documents for someone else to present or does the person who actually obtained the documents have to present them. Mr. Hovey said given that this is public comment, there are no real restrictions on what can or cannot be presented by the public. He said Mr. Fisher could present any document that the Board wants to accept and the Board can then do with them as they wish. It was the consensus of the Board to take the documents under advisement.

Mr. Fisher's concern is if a Board member can't take oath because he/she is not compliant, that creates a problem with that member making a vote because he/she is not eligible to do so and that could possibly disqualify that zoning hearing. He stated it is not a personal attack on anybody and he is just bringing the matter to the Board's attention. Mr. Fisher said it's a character issue and desperate people do desperate things if they need money. He said he is not making any accusations, he was making a statement.

Mr. Hovey said the Board is entitled to review these documents and take them under consideration and does not necessarily have to respond.

**Dave Strunk**, Rivendell Lane in the Woodgate Development, had a complaint about getting his street repaved. Mr. Strunk said he talked to Ed Wagner awhile back and it was his understanding that Rivendell Lane was going to be repaved this year. Mr. Strunk recently stopped and talked to the Township's foreman and he was told the Township would be paving Shire Drive, but not Rivendell. Mr. Strunk asked what was going on because this was a promise Mr. Wagner had made. Mr. Wagner said the road (Rivendell) was on the list but he never promised it was going to be repaved. Mr. Strunk disagreed. His neighbor said they are promised every year when they call that the road will be paved "next year."

After discussion on the condition of the road, Commissioner Foltz asked Mr. Wagner where we stand as far as repaving. Mr. Wagner said Wooded Way and Shire Drive are both in bad condition and the Township has enough funds to pave those two roads. Mr. Strunk asked how much it would cost to pave from the intersection of Oakdale and Rivendell to the cul de sac. Commissioner Foltz suggested having Mr. Wagner get prices on Rivendell and then seeing what we have in our fund for paving. Mr. Wagner said the Board will have the final say and expenditure of the funds has to be at a public meeting. It was the consensus of the Board to authorize Mr. Wagner to proceed and get the cost to repave Rivendell Lane. Mr. Wagner will contact Mr. Strunk with any updates.

**Tony Doyle**, 1745 Kepler Road, asked how much additional money the Township allocates every year for paving, in addition to Liquid Fuels funding. Mr. Wagner did not know off the top of his head and said he would have to look into it. Mr. Doyle felt the Township should budget an additional \$50,000 to \$100,000 to start catching up because there are a lot of bad roads. He felt the Board may have to raise taxes for this. Commissioner Foltz said people are not going to like raising taxes so the Township tries to stay within the guidelines of what we have for Liquid Fuels and what we add to it each year.

**Mr. Doyle** expressed concern about Verizon and Comcast not trimming trees that are overgrowing into communications wires. He felt a meeting should be held between Verizon, Comcast, PennDOT and John Fogel to discuss what needs to be done.

**Mr. Doyle** asked for an update on Wil Hallman's Buchert Ridge Development. Mr. Wagner advised Mr. Hallman has final plan approval and he is working on getting financing from the banks.

**Mr. Doyle** asked if the Township has had a real meeting with School Board representatives. He would like better communication with them regarding future development. Mr. Wagner said he has been in discussions with Dave Nester, the School District's Business Manager. Mr. Doyle suggested having Mr. Wagner make a presentation at a School Board meeting so everyone is aware. Mr. Wagner said that would be up to the Board of Commissioners.

**Mr. Doyle** asked when the actuary, Joe Duda, would be coming to a meeting. Mr. Wagner said he usually comes in September.

## **REPORTS:**

### **Police**

Chief Foltz reported there were 1,019 calls for service in May 2016. There were 123 criminal violations; 30 adults were arrested and 14 juveniles were handled. He highlighted the following from his written report:

#### **a. Traffic Enforcement**

- a. There were 111 traffic citations issued and 70 of those citations were written as part of the Buckle Up PA campaign. Breakdown is as follows:
  - 14 citations written on E. High Street
  - 26 citations written on 422 Bypass/Construction Zone
  - 27 citations written on Bleim Road
  - 3 citations written in various other locations
- b. School zones have been the subject of recent complaints. Increased directed enforcement in those areas.

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

- a. Montgomery County Consortium will be holding the police candidate written test on August 13, 2016 at Montgomery County Community College. Application process will open on July 1, 2016 and the last day to submit applications will be July 29, 2016. The Police Department will be participating in the testing to update its eligibility list.

**c. Criminal Investigations and Arrests**

- a. Detectives arrested a Pottsgrove High School teacher for Institutional Sexual Assault and Criminal Use of Communications Facilities.
- b. Detectives investigated reports of terrorist threats and a shooting incident at the same residence in the 1100 block of Kepler Road. An arrest was made in both of those cases and that suspect is in prison. Case is pending trial.
- c. Two officers sustained minor injuries while they were involved in arrests of drug suspects and a fraud suspect. Fortunately, both officers are OK and there was no lost time. The Chief has seen an increase in this type of activity.

**d. Fleet**

- a. Decommissioned 2012 Chevrolet Tahoe was sold on Municibid for \$9,300. Mr. Wagner is waiting to hear back from the successful bidder.
- b. Decommissioned 2011 Chevrolet Tahoe was sold and turned over to the ACO as part of an agreement for reduced fees. Total amount paid for the vehicle was \$10,000.

**e. Overtime**

- a. 135 hours of overtime was expended at a cost of approximately \$5,500. Almost half is reimbursable through the Buckle Up PA enforcement activity and a privately contracted security detail for the Norristown Prom.

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 May 2016. He highlighted the following activities:

1. There were no EOC activations during the month of May.
2. Commissioner Lopez attended monthly training at Montgomery County Public Safety.
3. The ongoing EOC security project should be completed within the next month and ID cards will be issued.
4. Montgomery County Hazards Mitigation Plan is due in March 2017. Once in place, the Township would be eligible for grant funding for issues having to do with emergencies, Police and Fire. Upon completion, the Plan becomes a Federal document.

**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>	31	36	86.5	126.5	Not provided
<b>Ringling Hill (Station 59)</b>	27	17	99	79	334

(All hours are approximate)

**Highway—Public Works Department:** Commissioner Foltz read the Public Works Report for the month of May 2016. Report will be posted on the bulletin board.

Commissioner Foltz complimented the Public Works Department on their excellent work at Sanatoga Park. They added more tiered seating, installed new fixtures in the restrooms and painted the restrooms. Commissioner Foltz invited the public to come out to the concerts and see the improvements. Mr. Wagner advised the first concert of the season is June 26 and we would like to have the press there for the ribbon-cutting ceremony.

Mr. Wagner reported he reached out to the attorney for North End Shopping Center and left a voice message regarding the Citgo Gas Station. To date, he has not heard back from him.

**C.O.G.**—No report. September C.O.G. meeting will be held at Lower Pottsgrove 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** – Project is well on its way. Final plans, specifications and estimates are due to the County by February of the upcoming year so the Bridge can be reconstructed during the Summer of 2017.

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

### **Solicitor**

Mr. Hovey highlighted the following from the written Solicitor's report:

1. **Oil and Chip Bid**—Notice to Bidders will be advertised on June 13 and June 16, 2016. Bid opening is June 27, 2016 at 10:00 a.m. This timeline will allow for the Board to review the bids and possibly award at the July 5, 2016 Board of Commissioners meeting.
2. **Pole Barn Bid**—Notice to Bidders will be advertised next week, target dates are June 14 and June 17, 2016 with the bid opening on July 8, 2016 at 1:00 p.m. This timeline will allow for the Board to review the bids and possibly award at the July 21, 2016 Board of Commissioners meeting. Commissioner Foltz said it was important to have this project completed before winter because the intention is to have heat for the employees.

### **Parks and Recreation**

Mr. Wagner highlighted the following activities:

1. **Mercury Mile**—Will take place at Noon on Wednesday, June 15, 2016 at Sanatoga Park.
2. **Summer Concerts**—The Board was provided with the concert schedule. The first concert of the season will take place on June 26, 2016. There will be a ribbon cutting ceremony for the Sanatoga Park Improvements at 5:45 p.m.
3. **Park Contest**—Contest starts July 1, 2016. The more people who register online, the better the chances for the Township to secure a grant.

Commissioner Foltz announced the Historical Society will be holding its Annual Strawberry Festival on Saturday, June 11, 2016 from 10 a.m. to 2:00 p.m. at the Chapel grounds.

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

Mr. Wagner reported the Pottstown Metropolitan Regional Planning Committee met on May 25, 2016. The Committee cancelled its June, July and August meetings and meetings will resume on Wednesday, September 28, 2016.

**Lower Pottsgrove Township Authority**

**Authority Meeting**—Mr. Wagner announced the next Authority meeting will take place on June 13, 2016. Status updates will be presented on the 2016 Capital Improvements Projects and I&I contract.

**CORRESPONDENCE AND INFORMATION:**

**None.**

**OLD BUSINESS:**

**Grass Clippings in Streets**—Commissioner Foltz revisited the ongoing problem of grass clippings in the streets. The Board was provided with a sample ordinance for its review and consideration. Mr. Hovey said the ordinance makes a public policy statement but, from an enforcement standpoint, there could be some difficulties. Commissioner Foltz said enforcement would be worked out between the Codes Department and the Police Department. Mr. Doyle asked where this was occurring and Commissioner Foltz said at Hause Avenue and King Street.

**SUBDIVISION AND LAND DEVELOPMENT:**

**None.**

**NEW BUSINESS:**

**Michele Cappelletti Retirement**—Commissioner Foltz said due to family commitments, Michele Cappelletti has submitted her notice of retirement, with her last day of work being July 8, 2016. Michele commented that her departure is bittersweet. She enjoyed working with everyone and found her position to be rewarding and fulfilling; however, due to family commitments, her life is now going in another direction.

The Board complemented Michele on her outstanding work and professionalism and thanked her for 13 years of service to Lower Pottsgrove Township. With that being said, Commissioner Lopez made a motion to accept the notice of retirement of Michele Cappelletti, with her last day of work being July 8, 2016. Commissioner Swavely seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**Appointment to Trash Committee**—Commissioner Swavely made a motion to appoint Commissioner Mohollen as a member of the Trash Committee. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**Conditional Use Hearing**—Mr. Wagner requested authorization to advertise a conditional use hearing for Castle Caldecott, LLC to allow building in the steep slopes. A packet of information was provided to the Board and the Solicitor's office is preparing the legal notice.

Commissioner Klotz made a motion to advertise a Conditional Use Hearing for Castle Caldecott, LLC to be held on Thursday, July 21, 2016 at 6:30 p.m. at the Lower Pottsgrove Township Municipal Building, 2199 Buchert Road, Pottstown, PA. Commissioner Swavely seconded the motion and it was unanimously approved.

Mr. Wagner noted that the Board previously authorized a public hearing for a zoning map amendment extending the GMU and GRO to include one (1) additional parcel. That hearing will be held at the Municipal Building on July 5, 2016 at 6:45 p.m.

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

**Resolution 1108-16**—Approval of this resolution would authorize the Manager to sign an Agreement on behalf of the Township to allow electronic access to PennDOT systems.

Commissioner Lopez made a motion to approve Resolution No. 1108-16, resolving that the Manager of Lower Pottsgrove Township be authorized and directed to sign an Agreement to allow electronic access to PennDOT systems. Commissioner Mohollen seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**Resolution No. 1109-16**—Regional Recreation Coordinator Justin Keller explained approval of Resolution No. 1109-16 authorizes the Township to apply for the fourth of five grants. This particular grant is for a stormwater conveyance system at Gerald Richards Park, as well as re-grading the two upper Little League fields in the creation of a practice field. The Township has already received one grant for design and engineering and two other grants are pending.

Mr. Keller advised the grants are very dependent on having support from state legislators. He reported we met with Rep. Tom Quigley and presented the project to him. Mr. Keller felt Rep. Quigley will be happy to support this project and he also reached out to Rep. Hennessey and U. S. Rep. Ryan Costello to provide letters of support.

Commissioner Foltz asked if these rates are still available and Mr. Keller said yes, it depends on how well the Township's application fits into the Commonwealth Financing Authority's (CFA) program.

Commissioner Lopez made a motion to approve Resolution No. 1109-16, Greenways, Trails, and Recreation Program (GTRP) Grant, Gerald Richards Park – Phase One Athletic Field Rehabilitation and Stormwater Improvements. Commissioner Swavely seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**Warrant**—Warrant No. 849 for the month of May 2016 will be distributed via email for review.

#### **COMMISSIONERS COMMENTS:**

**Commissioner Mohollen** had no comments.

**Commissioner Lopez** again thanked Michele Cappelletti for her with the Township and wished her well.

**Commissioner Swavely** had no comments.

**Commissioner Klotz** said we all sit on this Board as elected or appointed officials. At times, we appoint people to serve on boards who do not have the financial means and do not pay their taxes. He felt this becomes a problem when it turns into a personal attack. He continued to say when someone hands the Board of Commissioners a packet of dockets, none of which has a

name or names attached to it, what is being provided is all hearsay. Commissioner Klotz felt this is demeaning to the person and to the Board because the information could have been printed from any source and it may not be true. He said the Township has followed the Right to Know Law and to have people attacked on hearsay, at a public meeting, in front of the media, is not the way it should be done. Commissioner Klotz say he won't put any effort into looking at the documents presented because he believes it is hearsay. He said bring me the facts.

**Commissioner Klotz** said there is always a rock and Michele Cappelletti has been that rock for those who sit on the Board. He again thanked Michele Cappelletti for her service.

**Commissioner Foltz** said Michele Cappelletti was originally going to leave in June and he convinced her to stay into July. He again thanked Michele and said we are going to miss you.

**Mr. Wagner** was part of the interview process when Michele was hired and said she is an asset, very well organized and a credit to the managers she served.

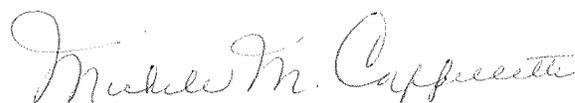
**Mr. Hovey** said although his working relationship with Michele has been short, he appreciated the help she has given him.

**Mr. Exley** said when Michele was hired, people were thinking it would be difficult to replace Pat Mazeski. He felt Michele did a very good job and it has been a pleasure working with her.

**Ms. Marsteller** said everything that was said is true and Michele will be missed.

There being no further business, the public meeting was adjourned at 8:48 p.m. Next regularly scheduled meeting will be held on Thursday, June 23, 2016 at 7:00 p.m.

Respectfully submitted,



Michele M. Cappelletti  
Secretary