

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS

August 18, 2016

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Monday, August 18, 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 attended:

Board of Commissioners: Bruce L. Foltz, President; Stephen M. Klotz, Vice President; Raymond W. Lopez and Robert W. Mohollen.

Charles Garner, Solicitor, Edward C. Wagner, Manager, Eric Linsenbigler Assistant Emergency Management Coordinator

EXECUTIVE SESSION:

Mr. Garner announced that prior to tonight's meeting the board did meet in executive session at 6:00 p.m. to discuss a matter of litigation and no was action taken.

APPROVAL OF THE MINUTES:

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

COMMENTS FROM VISITORS:

Sandra Leh 1792 N Adams Street: Wanted to bring to the attention of the board the loud music that is coming from Ringing Rocks Park. The loud music plays from 3:30 till 9pm five to seven days a week. Mrs. Leh let the board know that there had been numerous calls to the police, and the police come out and they turn the music down and when the police leave the music gets turned up even louder. Also she does not like to keep calling the police because the police have more pressing issues to deal within the township. She would like the Board to consider adopting a noise ordinance for the quality of life in their neighborhood.

Mr. Foltz addressed Mrs. Leh's concern with the noise in her neighborhood and stated that the Commissioners will look into what ordinances the Board could potentially consider and then turned it over to Chief Michael Foltz for comment. Chief Foltz stated that he was aware that Mrs. Leh would be coming in and with that he looked back to January 2014 where there were 10 responses for loud music complaints all related to the same residents. On each of those occasions the police went out and talked to the party and they turned it down. On a couple of those occasions we asked if anyone would like to prosecute, which would be under disorderly conduct. In order to prosecute under a disorderly conduct you need to have a complaint to back the police for when they go in front of a judge. Chief Foltz stated that he was not aware that someone told Mrs. Leh that the police can't do anything because we do not have a noise ordinance that is incorrect, we do have a disorderly conduct violation that we can charge for unreasonable noise.

Specifically the way that the Police will conduct that is if they go out and ask the person to turn the music down and they leave and 5 or 10 minutes later the resident calls them back and tell them that the noise is back up, the officer goes out and verifies they will cite them with a disorderly conduct but in order to do so the Police are going to need your support to get those changes and to proceed to court. Chief Foltz suggested to try this approach first and he will also personally volunteer himself to go out and talk to the party to try and eliminate this problem.

Carol Baland 1824 N Adams: Stated that he can be sitting in his house with air conditioner running, TV on and hear music and feel the floor and the walls vibrating. It's approximately 200 feet from his house to Mr. Baland's back patio and he can hear the music playing.

Jim Leh: 1792 North Adams Street explained to the board that he and Mr. Baland back yards are connected to the person of complaint of loud noise.

Mr. Garner made a couple of comments about the resident's issues. He stated that when the Chief was allotting to your cooperation or support what he was basically saying that whoever hears the noise has to be willing to testify in court with respect to any violation whether it be under disorderly conduct section or whether a noise ordinance would be adopted. He just wanted to make them aware that they will need a person to testify.

Commissioner Klotz made a comment that he agreed with Mr. Garner that this complaint needs to be addressed and something needs to be done.

Chief Foltz stated that the Police will need a resident or residents who are willing to testify. He also said that he is going to put a memo out to the officers that if they get another call from up there, the Police will come out and if residents are willing to testify whether the officer hears it or not they will get the citations filled and it will go before the court. All that Chief Foltz asks is for a few residents to come and support the police in court and state that the noise is a quality of life issue.

CORRESPONDENCE AND INFORMATION:

July 2016 Police Report: Chief Foltz reported that there were 1,187 calls for service in the Month of July. There were 204 traffic enforcement violations and 78 were from the PA Aggressive Driver Detail. 24 citations were issued in 422 construction zone. 103 criminal violations were reported in July. 19 of those involved were adults and 3 involved juveniles.

On July 22, 2016 Sargent Scott Weidenhammer was involved in an on duty accident involving a patrol vehicle. He struck a pedestrian on High Street between Porter Road and Sunnybrook Road. The pedestrian was seriously injured and the investigation was done by Montgomery County Detectives. It was determined to be an accident, there was no fault on the officer and was also cleared with the Internal Affairs Investigation. Chief Foltz would like to the Board to help him convince PennDot and any developers that come in there that the bridge needs a lot more lighting and it needs to be addressed for proper pedestrian traffic. There are no sidewalks across

the bridge but there are sidewalks on either side. If you drive there at night there's no overhead lighting from Sunnybrook Road to the Hospital. He also took notice that the crosswalks need to be restriping by PennDot.

On July 29, 2016 there was a SWAT deployment in the Township, in the Walnut Ridge Development which was related to the Pottstown investigation that involved a high risk arrest and search warrant for a residence there. It was successfully served with minimum distribution to the neighborhood which took place around 6:00 AM.

Montgomery County MIRT (Major Incident Response Team), Lower Pottsgrove Police had an officer that was dedicated to this team on as call basis. He was deployed with the team to the Philadelphia Democratic National Convention in which he logged 32 hours of overtime for the township that will all be reimbursed though Homeland Security and Philadelphia City. With the MIRT unit the officer attended 5 hours of required training though the month, which will also be reimbursed though the department of Homeland Security Fund.

Chief Foltz was proud to announce that Sergeant James was selected to attend the FBI National Academy and he will be attending the 267th session which will begin in January 2017. It's a 10 week course that takes place in Quantico, Virginia at the training academy that is a highly selective course. Chief Foltz asked for a formal recommendation to the board to accept that training and see that he gets to attend in January. Commissioner Klotz made a motion to approve the training for Sergeant Will James which was then seconded by Commissioner Lopez and was carried out by a 4-0 vote of approval.

On August 16th the Civil Service Commission met for the purpose of discussing the current eligibility for officers. The current eligibility list is down to the final two candidate's one of those who have already secured employment. The vote was made by the Commission to void the current list. The township is currently participated in the County consortium test which was given earlier this month. There were 480 applications that put in for the test and 380 took the test and of them 215 specifically applied for Lower Pottsgrove Township. The Commission would like to maintain a current eligibility list at all times.

Manager Edward Wagner stated that he has a meeting with the developer on Tuesday and he will bring Chief Foltz's concerns at possible additional lighting in front of the property. He also will make a call to find out on the status of repainting the crosswalks.

OLD BUSINESS:

Application 2016-01CU Castle Caldecott, LLC the property located on Evergreen Road:

Mr. Garner stated that at the meeting on July 21, 2016 a conditional use hearing was held on behalf of the Castle Caldecott LLC. They were seeking to request a conditional use from the Board pursuant to Section 250-34.E.(1) of the Township's Zoning Ordinance to allow the disturbance of certain steep slopes with perspective of the proposed development known as Sanatoga Green. As required by the Municipal Planning Code the Board has forty- five (45) days to render a decision with respect with the request of conditional use. Mr. Garner's opinion based on everything that was presented the applicant did in fact satisfy those objective criteria that the

ordinance states and that the board is obligated to act on the conditional use request in this case. If the board is inclined to do that it should be completed in a written order that he had prepared an order and sent to the board for their review. Essentially the order would grant the conditional use to allow the disturbance of the steep slope however there will be conditional imposed on that order and we would recommend that those conditions obviously include the applicant must satisfy any and all other ordinances rules or regulations that have to be in place in order to develop the property but specifically they would have to address the information that was outlined in the exhibit that was prepared by the Township Engineer which was noted on the recorded as Board Exhibit 4 that they have to obtain their land development approval, and satisfy those concerns raised by The Township Engineer. **See actual order**

Commissioner Klotz made a motion to approve the conditional use application of Castle Caldecott LLC as stated which was then seconded by Commissioner Mohollen and carried out by a 4-0 vote of approval.

SUBDIVISION AND LAND DEVELOPMENT:

None.

NEW BUSINESS:

2017 Township Budget Adoption Calendar for Review: Manager Edward Wagner stated that no action was needed.

Motion to authorize staff to obtain quotes on the Traffic Signal Maintenance Contract: Motion was made by Commissioner Klotz to advertise for the traffic signal maintenance contract which was then seconded by Commissioner Mohollen which was carried out in a 4-0 vote in favor.

Motion to extend a conditional offer of employment to Sharon Collette as the Township Secretary: A motion was made by Commissioner Lopez to extend a conditional offer to Sharon Collette as the Township Secretary which was then seconded by Commissioner Mohollen and carried out by a 4-0 vote in favor.

RESOLUTION AND ORDINANCE:

Resolution 1111-16 confirming James Hilbert as Special Fire Police Officer:

Chief Foltz spoke on the resolution and stated that James Hilbert is currently a sworn officer at the Sanatoga Fire Company and wants to run with Ringing Hill as well.

Commissioner Lopez made a motion to approve Resolution 1111-16 which Commissioner Mohollen seconded and it was carried out in 4-0 vote in favor.

Ordinance 105-IFOG Program of Chapter 185, Sewers and Sewage Disposal: A motion was made by Commissioner Lopez to approve Ordinance 105-I and was seconded by Commissioner Mohollen and was carried out by a 4-0 vote of approval.

Ordinance 329 Regulating the Disposal of Grass Clippings and Yard Waste on Township Streets: A motion was made by Commissioner Lopez which was then seconded by Commissioner Mohollen. Commissioner Foltz has a question which began a discussion on the ordinance. Commissioner Foltz asked if there needed to be a minimum fine on the ordinance that correlates with the maximum fine. Mr. Garner stated that the Code Enforcement Officer will recommend a fine when he completes the violation form. Commissioner Klotz continued the discussion with some questions and concerns he had with the ordinance. After much discussion Commissioner Klotz made a motion to table Ordinance 329 Regulating the Disposal of Grass Clippings and Yard Waste on Township Streets. There was no second to the motion so the motion dies. Commissioner Klotz continued to express his concerns regarding the proposed ordinance. At that point Commissioner Lopez withdrew his motion to approve the disposal of grass clippings and yard waste on township streets. Commissioner Lopez then made a motion to table the ordinance 329 which was then seconded by Commissioner Foltz and it was carried out in 4-0 vote in favor.

Approve of Warrant #851 for the month of July 2016: Commissioner Mohollen made a motion to approve warrant #851 of July 2016 which was seconded by Commissioner Lopez and was unanimously approved. Vote was 4-0 in favor.

Accept Treasurer's Report for July 2016: Commissioner Mohollen made a motion to approve the treasurer's report for July 2016 which was seconded by Commissioner Lopez and it was unanimously approved. Vote was 4-0 in favor.

COMMISSIONERS COMMENTS:

Commissioner Mohollen had no comments.

Commissioner Lopez had no comments

Commissioner Klotz welcomed Sharon to Lower Pottsgrove Township. On the ordinances he stated that he got them two days before the meeting. He would like to receive the ordinances more in advance so that they can have more time to read over them.

Commissioner Foltz read a letter from the previous secretary Michele Cappelletti which thanked the board and the township staff for everything. Mr. Foltz would like to start a program for supporting the local police department. He also spoke of the residents being able to buy a sign which would say "We Support Lower Pottsgrove Police" and any proceeds from the signs would go back into the Lower Pottsgrove Police Association Fund. Commissioner Foltz asked for support from his fellow commissioners to purchase 50 "We Support Lower Pottsgrove Police" signs to sell to residents. Commissioner Klotz made a motion to approve the purchase of 50 signs which was then seconded by Commissioner Foltz which was unanimously approved. Vote was 4-0 in favor. Chief Foltz made a comment that these signs are there to show the officers when they are driving around the township that they have support from the township.

Ed Wagner: had no comments.

Solicitor Garner had no comments.

There being no further business, the public meeting was adjourned at 8:04 p.m. Next regularly scheduled meeting will be held on Tuesday, September 6, 2016 a

t 7:00 p.m.

Respectfully submitted,

Katie H. Smith
Administrative Support