

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
May 7, 2007

The Board of Commissioners of Lower Pottsgrove Township held their regularly scheduled meeting on Monday, May 7, 2007. Meeting was called to order at 7:00 p.m. The following attended:

Bruce L. Foltz, President
 Thomas C. Troutman, Vice President
 Jonathan H. Spadt
 Stephen M. Klotz
 Anthony A. Doyle
 R. Kurtz Holloway, Solicitor

Rodney P. Hawthorne, Manager
 Alyson Elliott, Assistant Manager
 Sally Moyer, Treasurer
 Chief of Police Michael Shade
 Lew Babel, Fire Marshal
 Michele Cappelletti, Secretary

PRESENTATION:

Chief Shade presented an Exceptional Duty Commendation Award to Officer Alan Edlund. Officer Edlund, a trained crisis negotiator, handled a suicidal subject in the Windhaven Trailer Park on April 22, 2007. After approximately two hours, the person exited his home and was taken into custody. The Board of Commissioners congratulated Officer Edlund and thanked him for his excellent police work.

COMMENTS BY VISITORS:

Bill Wolfgang, Pruss Hill Road, asked for the Township's policy on appointing and interviewing new members of the Planning Committee.

Mr. Hawthorne explained that parties who are interested in serving on Township Boards or Commissions complete an information sheet, which the Township keeps on file. As positions become open on the various boards, the Board reviews and evaluates the applications. The Board then appoints the individual to the appropriate position. Mr. Hawthorne told Mr. Wolfgang if he is interested in serving on a Board, he should come into the office and complete an information sheet.

RESOLUTIONS AND ORDINANCES:

Oak Drive Signage—

1. **Street Sign:** In response to a resident's request, Mr. Hawthorne researched the Oak Drive file and determined that both sections are called Oak Drive. Also, Oak Drive is an ordained Township road. A street sign has been ordered for Oak Drive and will be installed as soon as John Fogel receives it.
2. **3-Way Stop Signs—**Based on his study, Chief Shade recommended that 3-way stop signs with stop bars be installed on Oak Drive. Mr. Spadt motioned to authorize Solicitor Holloway to prepare an ordinance to install stop signs and stop bars at the T-intersection of Oak Drive and Oak Drive and to authorize staff to advertise this ordinance. Mr. Klotz seconded the motion and it was unanimously approved. Vote was 5-0.
3. **No Outlet Signs—**Mr. Spadt motioned for Solicitor Holloway to prepare a resolution authorizing the installation of two No Outlet signs. One will be installed at the intersection of Oak Drive and Welsh Drive, and one on Welsh Drive, just past Hause

Avenue. Mr. Klotz seconded the motion and it was unanimously approved. Vote was 5-0.

Ordinance No. 270—Mr. Klotz motioned to advertise Ordinance No. 270 amending the Lower Pottsgrove Township Code of Ordinances, Chapter 15, Part 4, prohibiting parking on the north side of School Lane. Mr. Spadt seconded the motion and it was unanimously approved. Vote was 5-0.

Ordinance No. 271—The Board discussed the issuance of parking tickets and the penalties for violations. Mr. Klotz requested that the penalty for parking in a space reserved for handicapped persons or disabled veterans be increased from \$20.00 to \$25.00.

Mr. Spadt motioned to authorize Solicitor Holloway to revise Ordinance No. 271 by increasing the penalty for parking in a space reserved for handicapped persons or disabled veterans from \$20.00 for each violation to \$25.00 for each violation and to advertise the ordinance, as revised. Mr. Klotz seconded the motion and it was unanimously approved. Vote was 5-0.

APPROVAL OF MINUTES:

Minutes of April 26, 2007—Mr. Troutman provided the following information and requested it be added to the minutes of the April 26, 2007 Board of Commissioners meeting:

OLD BUSINESS:

Municipal Building New Addition (Page 664)

Mr. Troutman asked if cost consideration was given to a new building (separate new building on Township lands), possibly across the street or the purchase and rehab of an existing building.

Lower Pottsgrove Township could have purchased the old Lower Pottsgrove Elementary School for less money and have 55,000 square feet to use or rent out. Woody Righter and Mr. Troutman had investigated.

Mr. Troutman stated he needed this information to make a decision on a building. Don Wirt said he had no thoughts on this item.

Also, Mr. Troutman asked if there was any fat in the design, as there is in many architectural designs. Don Wirt said there is no fat to eliminate.

Mr. Troutman asked if the generator location was driving the design, as the location was mentioned several times. Don Wirt said the generator location was not driving the design.

Minutes of April 2, 2007—Mr. Spadt noted that Paul Saponaro read a prepared statement at the April 2 Board of Commissioners' meeting. Mr. Saponaro presented a copy of his statement to the Township Secretary and requested it be included in the minutes and posted on the Township website. After reading Mr. Saponaro's letter, Mr. Spadt found much of the information in the statement to be inaccurate. He recommended that the Board of Commissioners table approval of the April 2, 2007 minutes until they have the opportunity to properly review the statement and address the inaccuracies.

Mr. Spadt motioned to approve the minutes of the April 26, 2007 Board of Commissioners meeting, with Mr. Troutman's additional language, and to not take action on the April 2, 2007 minutes until the Board of Commissioners thoroughly reviews Paul Saponaro's statement and addresses the inaccuracies in that statement. He also authorized Solicitor Holloway to review Mr. Saponaro's statement, in conjunction with Township staff if necessary, and to advise the Board of any inaccurate or legally unsound information. Mr. Klotz seconded the motion and it was unanimously approved. Vote was 5-0.

Solicitor Holloway said that unless there is a strong legal basis, the statement should be allowed, subject to the Board of Commissioners' ability to dispute the inaccuracies. Mr. Saponaro's written statement would be admitted as part of the record, and then the full Board or certain commissioners could properly set forth a counterpoint to this statement.

REPORTS:

Police—Chief Mike Shade reported that there were 1,320 calls for service in April 2007.

1. **Criminal Investigations:** The Department handled a very violent situation in Rolling Hills. The subject was apparently under the influence of narcotics and was breaking into apartments or attempting to do so. Officers encountered the subject and his actions led them to deploy the "Taser" device to apprehend him.
2. **Overtime:** Chief Shade reported that there was very little overtime.
 - a. The Department took part in the funeral detail for FBI agent Barry Bush. The officers took almost all hours of overtime as compensatory time. Chief Shade noted that Commissioner Steve Klotz provided coffee and soft pretzels to numerous police officers working the streets of the detail. The officers informed Chief Shade that this was the only food they had for the day and they appreciated Commissioner Klotz's thoughtfulness.
 - b. The Department received reimbursement for overtime expenses from the "Smooth Operator" detail.
 - c. Approximately 1/3 of the overtime costs was for officers working the Easter holiday.
3. **Traffic Enforcement:**
 - a. The speed detail on Bleim Road resulted in 36 citations and 12 hours of overtime.
 - b. Officer Weidenhammer had the most DUI arrests in 2006. He received awards from MADD and Congressman Jim Gerlach.
4. **Training:** Officer Weidenhammer attended a week-long school on on-scene collision investigation.
5. **MDTs:** Mr. Foltz is impressed with the MDTs (mobile data terminals) that are installed in the patrol cars. Chief Shade reported that four patrol cars are equipped with the MDTs, which are hooked into the County system. Chief would like to equip the remaining three marked patrol vehicles with MDTs. The biggest expense is the cost for wireless service, which is \$50 per unit per month. Mr. Spadt advised that the four units we have were at no cost to the Township as they were funded by County money that was allotted to the Department several years ago. Also, the County is providing the wireless service for up to two years.

Fire Marshal—Mr. Babel did not have the written reports from the fire companies due to computer problems. He will provide hard copies of the reports at a later date.

1. **Calls for Service for the month of April:** Sanatoga had 35 calls, 298 manhours; Ringing Hill had 23 calls; 127 manhours.
2. **Fire Committee:** Meeting at Ringing Hill Fire Company, May 16, 2007 at 7:00 p.m.
3. **Meeting with Reginald Brinson:** Reginald Brinson, Radiological Trainer, Office of Emergency Preparedness, will be conducting a training session and update for anyone involved with the Limerick drill. Session will be held at the Lower Pottsgrove Township Municipal Building on Wednesday, May 9 at 1:30 p.m. The Limerick Drill is scheduled for Tuesday, August 7, 2007.

Highway—Mr. Doyle reported on the activity of the Public Works Department during the month of April 2007. The report will be posted on the bulletin board.

COG—Mr. Doyle provided minutes of the March 13 COG meeting, which was included in each Commissioner's packet. He reported that COG reorganized and the officers are as follows: John Doering, Chairman; Raymond Lopez, Secretary/Treasurer and Martin Dyas, Vice Chairman. He reported that the Township would again participate in the Pottstown Area Patriot Award (PAPA).

Engineering—Mr. Yuhas reported:

1. **Sunnybrook Road:** An under-drain will be installed near CVS on Sunnybrook Road. The under-drain will alleviate the problems that result from seepage from a spring or drainage swale on Sunnybrook Road.
2. **Pleasant View Road Curve:** Plans were submitted to PennDOT for the safety review, which includes the federal waivers. Mr. Yuhas said that PennDOT is receptive and he felt that if this submission is approved, the chances for approval of the project are good. There will be another three or four submissions after this one. The plan includes the intersection and sidewalk. Mr. Doyle asked if the telephone box is going to be affected by the sidewalk. Mr. Yuhas was not sure.

SOLICITOR'S REPORT:

None.

SUBDIVISION AND LAND DEVELOPMENT:

Resolution #710—Ms. Elliott presented the amended site plan for Chestmont Storage, which was reviewed and recommended by the Township's Planning Commission and staff. Mr. Foltz commented that he was impressed with the project.

Mr. Spadt motioned to approve Resolution #710, amended site plan for Chestmont Storage. Mr. Klotz seconded the motion and it was unanimously approved. Vote was 5-0.

Resolution #715-- Ms. Elliott reported that the developer needed to amend the site plan for the Southview Development, as they encountered more bedrock than anticipated. The amended plan was reviewed and recommended by the Township's Planning Commission and staff.

Mr. Troutman motioned to approve Resolution #715, amended site plan for the Southview Development. Mr. Spadt seconded the motion and it was unanimously approved. Vote was 5-0.

OLD BUSINESS:

Street Light Assessment-- Mr. Doyle stated that he would like the Board to vote on whether or not to discontinue the light tax assessment on individuals or to incorporate it in the General Fund budget starting in 2008. He felt the assessment was unfair. Mr. Troutman said the former Township manager intended to do this several years ago. Mr. Troutman would also like to have the tax incorporated into the General Fund and felt the assessment was a nuisance. Mr. Troutman stated that the streetlights are for the common good and the Township has many lights. He felt that some streetlights, such as the ones on High Street, were no longer needed.

Mr. Klotz asked Mr. Doyle if he pays the street light assessment. Mr. Doyle does not. Mr. Klotz asked Mr. Troutman and Mr. Troutman replied that he pays for four or five lights. Sally Moyer stated that she pays for three streetlights.

Mr. Doyle requested that the Board vote on the issue. Mr. Doyle motioned not to re-enact the street light assessment for the 2008 budget year. Mr. Troutman seconded the motion.

Mr. Spadt was not sure if Mr. Troutman should vote on discontinuing the street light assessment, as he has a personal interest in having it revoked. Mr. Spadt asked the Solicitor if Mr. Troutman should recuse himself from the vote. The Solicitor was not prepared to give an opinion at the meeting and would have to do a legal review before rendering an opinion.

Mr. Spadt felt it was premature to make a decision on the street light assessment at this time. He does not want to increase the tax burden on Lower Pottsgrove Township residents after recently assessing the \$100.00 trash fee. He is not prepared to add an additional tax at this point.

Mr. Doyle stated that \$25,000 was not that much to incorporate into the General Fund. Mr. Klotz disagreed and said it would be a tax increase for residents who do not currently pay it.

Mr. Foltz felt if everyone would have to pay the light tax, the situation could snowball and many residents would oppose it. His opinion was if the current light tax assessment is working, it should remain as is.

Resident Bill Wolfgang commented that there are no lights where he lives and he enjoys the darkness. He asked why he would have to pay. Mr. Spadt said if the Township discontinued the individual assessment, Mr. Wolfgang would be paying for all the streetlights in the Township.

Mr. Troutman felt the next step to consider would be removing certain streetlights if we do not need them. Mr. Hawthorne will research the ordinance and advise the procedure for removing properties from the rolls for assessment of street lighting.

After discussion, Mr. Doyle and Mr. Troutman voted not to re-enact the street light assessment for the 2008 budget year. Mr. Foltz, Mr. Spadt and Mr. Klotz voted "Nay." Vote was 2-3 and the motion did not carry.

Mr. Wolfgang thanked the Board for voting not to raise taxes. Mr. Doyle responded to Mr. Wolfgang that residents pay for many services they do not use. Mr. Doyle feels the streetlights are for the benefit of the community.

NEW BUSINESS:

May 24, 2007 Board of Commissioners Meeting—Mr. Hawthorne pointed out that the Board of Commissioners work session meeting is scheduled for May 24, 2007. This is the Thursday prior to the Memorial Day holiday and the office will be closed for that holiday on Monday, May 28. Mr. Hawthorne asked if the Board would want to cancel the May 24 meeting, noting that the next meeting is scheduled for June 4, 2007, which is only 6 business days later.

After discussion, Mr. Spadt motioned to cancel the May 24, 2007 regularly scheduled meeting of the Board of Commissioners. Mr. Klotz seconded the motion and it was unanimously approved. Vote was 5-0.

CORRESPONDENCE AND INFORMATION:

Information--The following documents were included in the Commissioners' packets:

1. Emergency Preparedness In-House Training
2. Response letter to Pottsgrove School District RE: Open Space offer
3. A.C.E. Information
4. Philadelphia Inquirer article dated Sunday, April 29, 2007 on Noise.

TREASURER'S REPORT:

Mr. Spadt motioned to approve the Treasurer's Report for the month of April 2007, as presented by Sally Moyer. Mr. Doyle seconded the motion and it was unanimously approved. Vote was 5-0.

Warrant #740 for the month of April 2007 was distributed to the Board of Commissioners for review.

COMMISSIONERS COMMENTS:

Mr. Doyle read in the newspaper that Douglassville is buying new compostable bags for \$.13 or \$.16 per bag. He asked Mr. Hawthorne to check what Lower Pottsgrove pays for its compostable bags.

Mr. Klotz stated that a resident at a prior meeting inquired about a noise ordinance. He asked Mr. Hawthorne if the resident contacted him. Mr. Hawthorne reported that he did receive an email from this resident and Chief Shade is researching the matter.

Mr. Foltz wants a noise ordinance that is not complicated. Mr. Klotz felt there should be simpler solution and he is working on putting together a noise ordinance that he will pass on to Solicitor Holloway.

Mr. Klotz commented that he attended the Spouse Appreciation Dinner and thanked Mr. Spadt for doing a great job planning this event. Mr. Spadt is the Executive Director of the Montgomery County Chapter of the Pennsylvania State Association of First Class Township Commissioners (PSATC).

Mr. Spadt stated that as Chair of the Police Committee, he has been intimately involved with police issues. He advised that Solicitor Holloway donated \$4,000 in professional services for police and other matters. Mr. Spadt noted that Solicitor Holloway cares about Lower Pottsgrove Township and we are grateful for his commitment. Solicitor Holloway said it was his pleasure to donate the time and effort on those matters.

Mr. Spadt reported that a few weeks ago there was an article regarding Oxy Chem/Glenn Springs Holdings releasing treated water into our sewer collection system. The Board authorized special counsel to take legal action. However, Authority Solicitor Howard Kalis, Authority Engineer Bill Dingman and Township Manager Rod Hawthorne successfully negotiated an agreement with Glen Springs Holdings, in which Glenn Springs Holdings will pay the Township \$1,000,000.00 over five years, without releasing any water into our system. The DEP approved this agreement. Without this agreement, the Township would have been faced with legal fees, higher sewer bills and uncertainty.

Mr. Hawthorne stated that the credit goes to Mr. Kalis, Mr. Dingman and Special Counsel Manko Gold Katcher & Fox. They were instrumental in developing the terms of the agreement.

Mr. Foltz authorized Mr. Hawthorne to send a letter of thanks from the Board of Commissioners to all parties involved.

Mr. Troutman announced that there would be a circus held at Sunnybrook on Memorial Day. There are free kids tickets available. He also informed the Board that the Sunnybrook Foundation has a Basket Bingo fundraiser planned for June 10 and a Flea Market Day for June 9.

Mr. Troutman reported that Paul Cutillo recently donated \$250.00 to the Township's Parks and Recreation fund to be used towards the Fishing Derby. Ms. Elliott sent Mr. Cutillo a thank you letter acknowledging his donation.

Mr. Foltz asked if the Sunnybrook Foundation needed permits for the circus. Solicitor Holloway stated that historic revitalization is an area where the Township would have flexibility and could provide donated funds. Mr. Spadt motioned to waive Township fees for the Walker Bros. Circus, sponsored by Sunnybrook Foundation, which will be held at Sunnybrook on Monday, May 28, 2007 at 5:30 p.m. and 7:30 p.m. Mr. Doyle seconded the motion and Mr. Troutman recused himself from the vote. Motion carried by a vote of 4-0.

The Board discussed waiving fees for all special events at Sunnybrook. Solicitor Holloway felt it would be prudent to consider one event at a time, since some of the numbers could be significant. For example, Police overtime may be required for coverage during large events. The Solicitor recommended that the Board get input from the Township staff on what the Township is giving up for each particular event.

Mr. Hawthorne spoke to Tom Sephakis of the Sunnybrook Foundation and advised him to complete the necessary Township paperwork for each special event. Mr. Hawthorne will then present the information to the Board, who would determine if the fees could be waived.

Mr. Doyle motioned to waive Township fees for two events that will be held at Sunnybrook: The Basket Bingo fundraiser planned for June 10 and the Flea Market Day for June 9. Mr. Spadt seconded the motion and Mr. Troutman recused himself from the vote. Motion carried by a vote of 4-0.

Mr. Foltz requested that the trees near the pole barn be replaced. Mr. Spadt has a source that will donate the trees.

Mr. Foltz advised Township resident Paul Saponaro that Keith Place is working on resolving the issue with the swale on Oak Drive.

Mr. Klotz advised the Board that there are no chairs for the road crew in the pole barn. He requested that the Board approve purchasing five or six chairs from Staples at a closeout special cost of \$39.00 each. Mr. Hawthorne confirmed that there are funds in the budget for this purchase. Mr. Foltz said that Oxy Chem has office furniture that they are giving away, free of charge. He suggested that John Fogel check into this option before buying the chairs from Staples.

Mr. Klotz motioned to authorize John Fogel to look at the chairs at Oxy Chem and if the chairs are not available, to purchase six chairs for the Public Works Department from Staples at \$39.00 each, for a total cost of approximately \$240.00. Mr. Troutman seconded the motion and it was unanimously approved. Vote was 5-0.

Ms. Elliott recommended that Mr. Fogel also check the state bid price for the chairs.

MANAGER'S COMMENTS:

Mr. Hawthorne reported that he received quotes for cleaning the Township Municipal Building. The lowest bid was \$5,040.00 for cleaning the Township Office and Police Department one day per week and \$9,120.00 for two days per week. Since the Township budgeted \$3,300.00 for cleaning services for the entire year, Mr. Hawthorne recommended that if a change is made, it should be done during the budget season for the year 2008. Mr. Spadt agreed that Mr. Hawthorne's recommendation makes sense from a budget standpoint.

Mr. Doyle walked through the office while the current cleaner was working and he was satisfied with his performance.

Mr. Klotz polled approximately 90 percent of the Township employees. On a scale of 1 to 10, most employees rated the current cleaning service from 0 to 1.

Mr. Spadt felt that for financial reasons, the Township should retain the current service and have Mr. Hawthorne address the performance issues. Mr. Troutman requested that Mr. Hawthorne find out if the quotes submitted by other cleaning services expire after a certain date.

Ms. Elliott provides the Board with copies of the Planning Commission minutes and agendas. These minutes and agendas are also posted on the Township website. In an effort to conserve paper, Ms. Elliott asked if the Board would substitute the electronic copy on the website for the

paper copies she supplies. The Board agreed to use the electronic version and discontinue the paper copies.

Public meeting adjourned at 8:40 p.m. The May 24, 2007 regularly scheduled meeting has been cancelled. Next regularly scheduled meeting will be held on Monday, June 4, 2007 at 7:00 p.m.

Respectfully submitted,

Michele M. Cappelletti
Secretary