

## LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS

**July 6, 2017**

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Thursday, July 6, 2017 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 Foltz, President, Stephen M. Klotz, Vice President; Raymond W. Lopez and Robert W. Mohollen. Commissioner Swavely was not in attendance.

Charles Garner, Solicitor, Edward C. Wagner, Manager; Police Chief Michael Foltz; Lew Babel, Fire Marshal; Jennifer Marsteller, Treasurer; Chad Camburn, Township Engineer and Sharon Colletti, Secretary were also in attendance.

Commissioner Foltz stated that the meeting will be recorded.

Solicitor Garner announced that prior to the meeting the board met in Executive Session to discuss a personnel matter; no action was taken.

Commissioner Klotz made the motion to approve the minutes from the June 8, 2017 meeting. Commissioner Lopez seconded the motion; all in favor (4-0)

### COMMENTS FROM VISITORS:

**Tony Doyle, 1745 Kepler Road**, expressed his thanks to Chad Camburn, Township Engineer for the excellent job he did on the Sanatoga Green review. He thanked Chief Foltz for the outstanding job the force has been doing to keep residents safe. He questioned the proposed width of streets for the Sanatoga Green development.

### REPORTS OF OFFICIALS AND COMMISSIONS

#### Police Report:

<b>CALLS FOR SERVICE</b>	<b>997</b>
<b>ASSISTS:</b>	
<b>Given by Lower Pottsgrove PD</b>	<b>7</b>
<b>Received by Lower Pottsgrove PD</b>	<b>4</b>
<b>TRAFFIC ENFORCEMENT:</b>	
<b>Violations Indicated</b>	<b>76</b>
<b>DUI Arrests</b>	<b>6</b>
<b>CRIMINAL INVESTIGATIONS:</b>	
<b>Violations Indicated</b>	<b>81</b>
<b>Adults Arrested</b>	<b>19</b>
<b>Juveniles Handled</b>	<b>8</b>

All statistics and information are included in the Chief's report.

Department handguns were upgraded to new models of the Glock 40 caliber. They are outfitted with weapon mounted lights and required new holsters (with trade the new guns cost us less than \$100 each – not including the lights and holsters).

The PA Aggressive Driver Wave #3 grant was received in the amount of \$2,325 to be utilized for enforcement activities between July 6 and August 27.

An officer was involved in an accident with Patrol unit #3 on June 20th at the intersection of Keim and Charlotte Streets. As a result, the vehicle had to be totaled. The car was a 2015 AWD Charger and had almost 32,000 miles. The cost of a new 2018 AWD Dodge Charger is \$27,500 and insurance will pay \$23,000 – over 84% of the loss.

Commissioner Klotz made the motion to approve the purchase of a new 2018 AWD Dodge Charger. Commissioner Lopez seconded the motion; all in favor (4-0).

A draft proposal of Noise Ordinance in each commissioner's packets for review. Would like to advertise proposed ordinance at the July 20<sup>th</sup> meeting.

Commissioner Klotz made the Chief aware of complaints he had received in regards to an aggressive motorcyclist who leaves the Turkey Hill area enroute to 422 in the mornings. He asked the Chief to have it looked into.

**Emergency Management:** Eric Linsenbigler, Assistant Emergency Management Coordinator, presented the Emergency Management report.

- ❖ There was one limited EOC activation on June 19 due to a summer storm passing through the township with a prediction of an evening of heavy thunder storms and possible flooding in low lying areas for our area.
- ❖ On Wednesday June 21<sup>st</sup>, Ray Lopez attended the monthly EMC training at the Montgomery County Public Safety Training Campus.
- ❖ Ongoing projects: Preparation continues for the Limerick Generating Station Emergency Exercise scheduled for November and efforts continue to connect to our community through social media sites and to members of our community that do not have capabilities to connect with us through the internet or by email.

**Fire Marshal:** Fire Marshal Babel noted the following statistics for the month of April:

Station	Total Calls	Total Hrs. of Service	Total Personnel Hrs.	Total Personnel Training Hrs.	Total Fundraising Hrs.
Sanatoga (Station 58)	22	26 Hours 0 Minutes	140 Hours 5 Minutes	176 Hours 30 Minutes	N/A
Ringling Hill (Station 59)	20	N/A	N/A	N/A	N/A

(All hours are approximate)

Mr. Babel remarked that it has been a very safe summer to date and we have been very lucky so far.

Commissioner Foltz announced that the Sanatoga Fire Department has an interest in using the storage shed behind their existing building for a smoke training facility. He explained that currently there is only one facility in the area which provides training of this type and that having a local training facility would benefit the township greatly. The simulated events would use a fog machine to produce smoke type conditions and would not present any risk to the firefighters or to the residents. The project needs to go before the Planning Commission before anything can move forward.

**Highway – Public Works Department:** Commissioner Foltz read the Public Works Report for the month of June 2017 and announced it would be posted in the lobby.

**C.O.G.:** There was no report as there was no meeting

**Engineer:** Chad Camburn, P.E. of Bursich Engineering, stated that his office received new plans for Spring Valley Farms which are currently under review and that they are still awaiting approval from Pottstown Borough in regards to their water supply.

**Treasurer:** Ms. Marsteller stated that she collected \$3,290 for the month of June. Due to the delay in the school board approving the budget, the tax bills would be going out on July 7<sup>th</sup>. As they are going out a week late, they also will be due a week later.

**Solicitor:** Mr. Garner stated he did not have any specific items to highlight as the majority of the items will be covered to some extent throughout the meeting.

**Parks and Recreation:** Mr. Wagner presented the report. He stated the concert series kicked off last month and that Flamin' Dick and the Hot Rods would be performing this coming Sunday July 9<sup>th</sup>. He announced that the band shell had just been power-washed and re-stained and looks wonderful. Chief Foltz will have an officer on patrol and the Sanatoga Fire Company will be sponsoring a snack table. He reminded everyone that July is Parks & Rec month and to please get out and vote for Sanatoga Park in the Pottstown Health & Wellness contest.

**Lower Pottsgrove Township Authority:** Mr. Wagner stated that the next meeting will be Monday, July 10<sup>th</sup> where they will be going over the progress report for the corrective action plan. They have not heard back yet from DEP. Later on this agenda, the Authority talked about a sanitary sewer access agreement for 1636 Pleasantview Road.

**Pottstown Metropolitan Planning Commission:** Mr. Wagner stated that Tom Troutman attended the meeting on June 28<sup>th</sup> and the main topic of conversation was in regards to a program presented by Sara Richardson from Montgomery County Planning Commission in which county and educational facilities have been converted into residential applications. There will be no meeting for the Commission in August.

#### **CORRESPONDENCE AND INFORMATION**

None

**OLD BUSINESS**

Commissioner Mohollen made the motion to advertise Ordinance 337 amending Chapter 165 Peddling and Soliciting Draft Noise Ordinance. Commissioner Lopez seconded the motion; all in favor (4-0)

**SUBDIVISION AND LAND DEVELOPMENT:**

2016-01: Sanatoga Green, Land Development Plan, proposal to overall site consists of four parcels located along Evergreen and Linfield Roads within the Gateway Mixed Use / Gateway Residential Overlay Zoning District.

Solicitor Garner began the conversation by stating that he supplied the applicant with a draft Preliminary Plan Resolution. Today at noon, Mr. Garner received a revised resolution with some suggested changes to what had been prepared. Mr. Garner and Mr. Bartle spoke at length and Mr. Garner suggested that the applicant come before the board tonight and explain those issues or discrepancies. We also received an e-mail extending to the board another 30 days (until August 7, 2017) to act and consider this.

Commissioner Foltz requested that this not be a lengthy presentation reviewing items already discussed but instead to please highlight the changes made to the document presented.

Mr. Bartle stated that many items that were previously agreed upon or resolved prior, were not reflected on the resolution.

Mr. Drauschak stated that they were in the process of finalizing a joint developer's agreement between Sanatoga Green and LFT (Tornetta) to share costs associated with the extension of Park Road, the extension of the sewer lines, intersection improvement costs, etc. There will be a formal agreement and it will be made available to the Township prior to final approval.

A heated discussion ensued in regards to details that were not pertinent to this meeting and as a result, Commissioner Klotz made the motion to table the proposal until staff could work out preliminary details. Commissioner Mohollen seconded the motion; all in favor (4-0). Mr. Bartle respectfully pleaded with the Board to hear what they have laid out but President Foltz felt he should honor the request of the Board. Commissioner Klotz stated that he felt that if the Resolution gets cleaned up between the staff, the Board is pretty ready to vote on it at that point and there is no sense arguing different points of the proposal at this meeting. Mr. Bartle continued to argue his point. President Foltz decided to override the Board this one time and gave Mr. Bartle 15 minutes to make his presentation with no arguments or debates. Solicitor Garner suggested that Mr. Bartle discuss only the plan approval resolution and reiterated the Board's concerns in regards to the phasing and that this would be built as a residential project with no guarantee that the commercial components would be built.

Mr. Bartle stated that the applicant currently has only one contract at this point, and that is with D.R. Horton for the townhomes. He stated they are marketing the other locations and have good interest. He feels the applicant would not be pursuing the project to the extent they are if they didn't feel that the project would be 100% go. He expressed the Applicants concerns with

regards to the phasing restrictions that were outlined in the proposed Resolution and how those restrictions could potentially affect the financing for the project.

Mr. Ken Briar, provided the Board with an update in regards to the proposed commercial portion. Mr. Briar stated that they have received a signed amendment of an LOI with the hospital group requesting a six-month extension. He stated the applicant only agreed to sign the amendment if the medical group agreed to build a 50,000 sq. ft. medical office building on the site. As a result, negotiations with them can begin and hopefully economic terms can be reached. He also stated there is a second group that has stepped up and is expressing interest in the site in the event the first agreement fell through or as a second facility.

Mr. Drauschak feels that there cannot be a restriction in place that impacts their ability to finance other components of the project. He stated that they are not going to develop the portion shown to be commercial as anything else but commercial.

Solicitor Garner proposed that the Applicant consider the two residential portions not being built sequentially. That being, the project would start with a residential phase, most likely the townhomes as a contract is in place; the second phase would have to be commercial, then residential then the final to be commercial. At least then there would be some assurance so the Township would not be “stuck” with no commercial component. Mr. Bartle argued that there would be large up-front costs in preparing the site for the entire project. Mr. Drauschak stated that terms such as this could potentially hurt the development of the project as developers could use the information to secure themselves a better (or no) deal. Mr. Briar stated he could not agree to these terms as they are actively marketing all phases and they cannot turn away a potential deal because they are not permitted to build that particular phase.

Commissioner Klotz suggested that there be a staff meeting scheduled prior to the next Commissioners meeting to see if some of the outstanding issues could be resolved. He volunteered to participate and asked if another Commissioner would as well so things could be resolved prior to the next Commissioners meeting. President Foltz liked the idea and said he would like to be involved as well.

President Foltz opened the floor to public comment; there were no comments.

#### **NEW BUSINESS:**

Commissioner Klotz made the motion to enter into a sanitary sewer/access easement agreement for 1536 N. Pleasantview Road. Commissioner Lopez seconded the motion; all in favor (4-0)

Commissioner Klotz made the motion to reimburse Sgt. William James, as per the contract, for tuition and books @ Wilmington University in the amount of \$3,573.12. Commissioner Lopez seconded the motion; all in favor (4-0)

#### **RESOLUTIONS AND ORDINANCES**

Commissioner Lopez made the motion to adopt Ordinance 335 establishing regulations for Blasting; Commissioner Mohollen seconded the motion; all in favor (4-0)

Commissioner Lopez made the motion to adopt Ordinance 336 establishing the regulations for the use of holding tanks. Commissioner Mohollen seconded the motion; all in favor (4-0)

**Commissioner Klotz made the motion to approve Warrant #861 for the month of May 2017. Commissioner Mohollen seconded the motion; all in favor (4-0)**

**Commissioner Klotz made the motion to accept the Treasurer's report for May 2017. Commissioner Mohollen seconded the motion; all in favor (4-0)**

**REVIEW OF WARRANT #862 FOR THE MONTH OF JUNE 2017.**

Township Manager stated it would be ready by the end of the week for review.

**COMMISSIONERS COMMENTS:**

**Commissioner Mohollen** had the opportunity to visit J.P. Mascaro's recycling center located in Birdsboro. He said it was a fascinating operation which processes approximately 300 tons of recycling every day. A recent survey done shows that as a result of these efforts, the landfill's capacity has been extended approximately 14 years.

**Commissioner Lopez** stated that the summer concerts kicked-off a couple of weeks ago and it was a great event. He thanked the Public Works crew for their work in cleaning up and staining the bandshell and it was nice to see both a police and fire company presence at the event.

**Commissioner Klotz** reminded everyone that although Lower Pottsgrove Township wants to remain business friendly to those who wish to move into the township, it does not mean that we will concede to all project needs. Instead we will work with the applicant to ensure the best fit for both parties.

**Commissioner Foltz** had no comment.

**Ed Wagner** announced the both the township and sewer audits were complete; all Commissioners have a copy for their reading pleasure.

**Solicitor Garner** had no comment.

There being no further business, the public meeting was adjourned at 8:25 p.m. Next regularly scheduled meeting will be held on Thursday, July 20, 2017 at 7:00 p.m.

Respectfully submitted,

Sharon Colletti  
Township Secretary