

## LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS

October 20, 2016

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Thursday, October 20, 2016 at the Lower Pottsgrove Township Municipal Building, 2199 Buchert Road, Pottstown, Pennsylvania. The 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 Garner, Solicitor, Edward C. Wagner, Manager; and Sharon Colletti, Secretary also were present.

Mr. Garner announced that prior to tonight's meeting the Board met in Executive Session to discuss a matter of collective bargaining. The Sunshine Law requires this announcement to be made.

### APPROVAL OF THE MINUTES:

Commissioner Klotz made a motion to approve the minutes of the October 3, 2016 Board of Commissioners Meeting. Commissioner Lopez seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

### NEW BUSINESS:

**Mr. Anthony Seitz, Delta Development Group:** Discussed the status of the upcoming Sanatoga Interchange project. Mr. Seitz reported that the funding decision for the westbound ramp of the Sanatoga Interchange was made by the Commonwealth Financing Authority in July of 2016 and was the highest awarded project in the state. The funds have been committed and there is a three year window for the use of the funds. Mr. Seitz explained that the funds require a 30% non-state match between Limerick and Lower Pottsgrove which equates to \$900,988. That is the commitment for the westbound ramp only.

It is the opinion of Mr. Seitz and the Delta Group that there now is an opportunity to secure funding for the more expensive eastbound ramp. PennDOT would obviously like to see those ramps built and Mr. Seitz believes the funds can be achieved to construct both the westbound and the eastbound exits as one unified project through direct discussion with PennDOT. Mr. Seitz outlined some of the advantages of constructing both ramps at the same time and feels we can get both ramps done with the match commitment currently in place by the two townships.

Commissioner Lopez stated as the Emergency Management Coordinator, he would like to hold a meeting with the public safety personnel with regards to how this project would affect a shut-down of the bypass due to a vehicle accident, etc. Mr. Lopez feels everyone should sit down together and discuss how this will affect everyone in the event of an emergency situation, especially in high-traffic scenarios.

Commissioner Foltz asked for clarification as to what exactly Delta Development Group needs from the Board tonight. Mr. Wagner explained that for the westbound ramp Delta has a contract with Limerick Township and we are sharing the cost with them 65/35. For the eastbound ramp, Delta has already executed a contract with Limerick Township and asked if this is something we want to go along with.

Commissioner Klotz made a motion to approve the consultant agreement with Delta Development Group. Commissioner Lopez seconded the motion. Mr. Garner stated that since we did not have public comment yet, under the Sunshine Act, the public has the right to make comment prior to any action being taken.

**Tom Troutman**, a Pottsgrove Resident, asked what the timeframe is for the project; specifically when would the project start, finish and for how many months. Mr. Wagner stated that Traffic Planning and Design gave an estimated start date of November 2017. Should both ramps be done simultaneously, the design process would take longer and we would be looking at a May 2018 start. Mr. Klotz stated that all start dates are estimated and are based upon the actual design and the approval process.

**Joe Zlomek**, the Post Publications, asked what the Township's financial outlay was in total for the three month period and what percentage that represents of the total contract. Mr. Wagner stated the percentage is 65/35 (Limerick/Lower Pottsgrove) and the cost is \$5,250.00 in total for three months.

**Tony Doyle**, 1745 Kepler Road asked if Sanatoga Green was making a contribution to the interchange project.

**Ted Drauschak**, the managing member in Castle Caldecott the developer for Sanatoga Greene, was in attendance and addressed Mr. Doyle's question. Mr. Drauschak stated that there have been several meetings with both Townships and thanked Delta Development for their great job in getting the grant for the construction of the westbound ramp. Mr. Drauschak stated they intend to fully cooperate with this process and will be making a significant contribution somewhere in the range \$700,000 in fees to the Act 209 fund as a part of the project approval.

Mr. Drauschak stated that the right-of-way required at the corner of 422 and Evergreen Road is an outstanding piece to the eastbound ramp portion. One of the members of Castle Caldecott owns the three acres at the corner. It is the intent to meet with the Township joint committee to resolve that issue and hopefully find a way to accommodate the design and provide the land necessary for the ramp to be constructed. Mr. Drauschak stated that obviously it is in their best interest and feels it is also in the Township's and the community's best interest to have both ramps constructed simultaneously.

The motion previously made by Commissioner Klotz to approve the consultant agreement with Delta Development Group was unanimously approved (4-0).

The Commissioners thanked Mr. Seitz for their work on this project. Mr. Seitz thanked the Board for the opportunity to work with the Township and provide their services. They are very excited for the project to begin.

**Mike Bayesa, Johnson Controls** stated he represents the regional procurement program put out by DVRPC (Delaware Valley Regional Planning Commission). In the spring, the Township authorized an investment grade audit and tonight he is presenting the results. Mr. Bayesa stated that the current PECO bill shows the Township has 91 fixtures and that the energy usage should be \$3,142; however PECO charges \$19,683 for pole maintenance, depreciation and fixtures. With the new program, the PECO charge will now be \$7,944 based upon a per pole service charge in lieu of \$19,683 in pole maintenance, and the new energy bill will be \$1,516. The savings will be \$13,364 annually.

Mr. Bayesa described the different lamps that will be used throughout the township and that the goal was to keep the project local. The distributor is Wesco located in Norristown, and the lighting rep is Penn Lighting located in Philadelphia. Johnson Controls is in Plymouth Meeting so any issues can, and will be handled locally.

Mr. Bayesa explained the project highlights. The total project cost is \$37,984 and estimates the project payback to be 3.8 years. Mr. Bayesa stated that he intends to have a kick-off meeting in early December and will review bill of materials and place the equipment order. He anticipates that the project will kick off sometime in the spring and due to the size of the project, will most likely be complete in under three weeks.

Commissioner Foltz stated that he and Mr. Wagner have done a lot of research and have stayed heavily involved in the project since the initial meeting. He stated that they, along with Commissioner Lopez, went to Phoenixville to see firsthand the results of a street-light retrofit project recently done and were very impressed with the results.

Commissioner Foltz stated he is anxious to get the project moving and asked what is required from the Board at this time. Mr. Bayesa explained there is a Resolution that must be executed to accept the investment grade audit. Since the Resolution was not available at the time of the meeting, Mr. Garner stated it was his opinion that the Board be given ample time to review the Resolution and that it would be on the agenda for the November 7<sup>th</sup> meeting.

**Tony Doyle**, 1745 Kepler Road, asked if the \$37,984 price tag was the total out of pocket amount the Township would have to endure. Mr. Bayesa replied that it was.

#### **COMMENTS FROM VISITORS:**

**Tom Troutman** expressed a concern he's had for a while regarding the parking and traffic on Hause Avenue and feels it is very unsafe. Commissioner Foltz agrees and feels it should be discussed with the Chief to have a traffic study done to determine what type of solution could be identified. Mr. Wagner stated he would speak to the Chief to get his thoughts and could hopefully have some input for the next meeting.

**David Fisher**, a North Coventry Township resident who owns real estate in Lower Pottsgrove (5 South Sunnybrook Road) asked Mr. Wagner the status of his previous requests for information. Mr. Fisher asked if filling out a Right-to-Know request would get him additional updates to the file.

Mr. Fisher passed out a field report dated December 12, 2007 stating that extra spaces were paved as allowed by plans. Mr. Fisher wonders if there is another plan as the existing plan does not allow for additional macadam spaces unless certain other provision apply. He does not feel those provisions have been followed.

Mr. Fisher mentioned that this issue has been going on for about six months and a lot of time and Township resources have been expended in the process. He is wondering who is responsible for those costs but they certainly shouldn't be passed on to the taxpayers.

Commissioner Foltz asked Mr. Garner to address Mr. Fisher's comments. Mr. Garner stated that in regards to information Mr. Fisher feels he does not have that maybe it would be worthwhile for him to file a Right-to-Know. Mr. Fisher may find there is some additional information that now is in the file that was not there before based upon the Township's investigation of the complaint. With respect to that, based upon the complaints and concerns, the Township has undertaken its due diligence to investigate the assertions related to the development process for 1954 East High Street, which occurred nearly a decade ago, to the extent that there were deficiencies or aspects of the project not in compliance with the approved plan or then current regulations. The Township staff is now satisfied that those issues have been addressed and properly resolved. The Township appreciates Mr. Fisher bringing this to the Board's attention and considers the matter to be closed, and any further communication from this point further must now be done through the appropriate attorneys.

#### **CORRESPONDENCE AND INFORMATION:**

None

#### **OLD BUSINESS:**

None

#### **SUBDIVISION AND LAND DEVELOPMENT:**

None.

#### **RESOLUTION AND ORDINANCE:**

**Resolution 1113-16 authorizes the transfer of State Aid to Police and Non-Uniform Pension Accounts.** Mr. Wagner stated this Resolution clarifies what portion of State Aid goes to Police and Non-Uniform Pension Funds. Commissioner Klotz made the motion to approve Resolution 1113-16 authorizing the transfer of State Aid to Police and Non-Uniform Pension Accounts. Commissioner Swavely seconded the motion. All in favor (4-0)

**Resolution 1114-16 creating of a policy to reuse/destroy electronic recording of meetings.** Mr. Garner stated based upon the new Right-to-Know law enacted in 2009, audio recordings of meetings taken for the purpose of creating meeting minutes are technically public records. The Township indicated its willingness to be able to reuse either the tapes or remove the electronic recordings. In order to do that legally, a Resolution must be passed in order to allow these recordings to be eliminated. Basically this Resolution, which is permitted by law, allows

eliminating a recording 60-days after that recording is made. Commissioner Klotz made the motion to approve Resolution 1114-16 creating of a policy to reuse/destroy electronic recording of meetings. Commissioner Lopez seconded the motion. All in favor (4-0)

**Joe Zlomek**, the Post Publications, asked if the Post would be permitted to take digital copies of the records and archive them on it's website for public use and if this request is affected by the above Resolution. Mr. Garner stated that he did not believe that the Resolution limits or restricts that request. The audio recording in an electronic form is a public record and the Post has every right to make a request for that within the 60-day window. Once you have it you can use it as it is deemed necessary.

**Charles Nippert**, Pleasantview Road asked if it was correct that the existing records still exist and have not been destroyed. Mr. Garner stated that he did not know the status of previous records but this Resolution would allow anything beyond sixty days old be destroyed or taped over. Mr. Nippert stated the implication was that currently somewhere/someplace there were stacks of tapes. Commissioner Foltz stated he did not know how many there are as the system has only been in place since 2014.

**Ordinance 330 to restrict certain turns at the Intersection of Porter Road and High Street.** Mr. Wagner stated this ordinance is to restrict movement consistent with the Act 209 passed in April 2016. In order to achieve the D-level of service under the existing conditions, PennDOT is recommending we restrict the left turn out of Porter Road onto High Street between the hours of 4:00 p.m. and 6:00 p.m. Commissioner Lopez made the motion to approve Ordinance 330 to restrict certain turns at the intersection of Porter Road and High Street. Commissioner Swavely seconded the motion. All in favor (4-0).

Mr. Doyle asked if that pertained to all traffic, and Mr. Wagner replied that it did.

Commissioner Foltz invited Mr. Drauschak to say a couple of words if he so desired. Mr. Drauschak gave an update as to the status of the Sanatoga Greene Project. He stated the project will come before the Board again in November. Mr. Drauschak stated that they did go before the Planning Commission on the 17<sup>th</sup> and provided them an update as well.

Mr. Drauschak stated he felt that the Township has the perception that they were trying to hurry the process up to the point that the Board would not have the opportunity to address the issues that it had concerns about. Mr. Drauschak assured the Board that this is not the case and wants to give this Board every opportunity to address and understand the project. Mr. Drauschak stated that as a life-time resident of the Township he wants the Board's full participation and full ability to comment. He wants the Board to make sure they are serving the community at large and they are bringing something very beneficial to the Township. Mr. Drauschak feels they have addressed some of the concerns that were raised and hopes to have a lot of the issues under control by the time they come before this Board again in November.

Commissioner Foltz thanked Mr. Drauschak and asked if anyone had any questions.

**Commissioner Klotz motioned for the approval of Warrant #853 for the month of September 2016. Commissioner Swavely seconded the motion and it was unanimously approved (4-0)**

**Commissioner Klotz motioned to accept the Treasurer's Report for September 2016. Commissioner Lopez seconded the motion and it was unanimously approved (4-0)**

**COMMISSIONERS COMMENTS:**

**Commissioner Lopez** mentioned he was looking forward to Community Day on Saturday and encouraged everyone to attend.

**Commissioner Swavely** no comments.

**Commissioner Klotz** stated he was noticing an abundance of temporary/portable business signs and flags throughout the Township, especially the High Street District and thought they were becoming a distraction. He suggested that they be looked into by the Township.

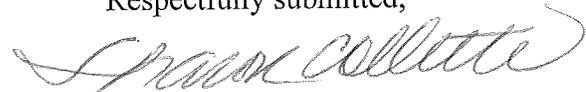
**Commissioner Foltz** stated he is anxious for the streetlight project to begin and it will make a big difference for safety and appearance throughout the Township.

**Ed Wagner** reiterated the information pertaining to the Fall Fest event announcing that the hours were from 10:00-2:00 at the old St. Pius and hoped to see everyone there. Both Sanatoga and Ringing Hill Fire Companies will be attending the Fall Fest on Saturday. Mr. Wagner stated that there will be a helicopter this year and there is no rain date.

**Solicitor Garner** had no comments.

There being no further business, the public meeting was adjourned at 7:56 p.m. Next regularly scheduled meeting will be held on Monday, November 7, 2016 at 7:00 p.m.

Respectfully submitted,



Sharon Colletti  
Township Secretary