

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
May 6, 2013

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Monday, May 6, 2013 at the Lower Pottsgrove Township Municipal Building, 2199 Buchert Road, Pottstown, Pennsylvania. Meeting was called to order at 6:00 p.m. and the Pledge of Allegiance was recited. The following were in attendance:

Board of Commissioners: Jonathan H. Spadt, President; Bruce L. Foltz, Vice President; Michael McGroarty and Stephen M. Klotz.

R. Kurtz Holloway, Solicitor; Rodney P. Hawthorne, Manager; Alyson E. Elliott, Assistant 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 James Kaiser was absent from the meeting.

EXECUTIVE SESSION:

Commissioner Spadt announced that the Board of Commissioners met in executive session at 5:00 p.m. to discuss a potential real estate matter. Executive session adjourned at 5:55 p.m. No action was taken.

PRESENTATION:

Sanatoga Green—Robert L. Brant, Esquire attended the meeting on behalf of his client, Castle Caldecott, LLC. In March 2013, Mr. Brant wrote a letter to Mr. Hawthorne regarding the development of the 41-acre Dinnocenti Tract on Evergreen and South Park Roads in Lower Pottsgrove Township. Wallace Roberts & Todd (WRT) was hired to design the plan. The conceptual plan is for a mixed use development and includes a hotel, day care center, rental housing and sale housing. Mr. Brant also stated that the proposed plan does not comply with the Township's current zoning and will require zoning ordinance amendments and possibly subdivision and land development ordinance (SALDO) amendments.

Maarten Pesch, Alex Morris and David Witham of WRT were present at the meeting. Mr. Pesch delivered a power point presentation on Sanatoga Green "A Sustainable Living and Working Environment." He noted that the plan is in its early stages and is not a final plan; it is a conceptual plan of what could happen. Mr. Witham discussed the sustainable design approach of the project.

Commissioner Spadt thanked Mr. Pesch and Mr. Witham and asked if there were any questions from the Board.

Commissioner Klotz was concerned about traffic and asked how we are going to justify three extra entrances onto Evergreen Road. Mr. Brant said this is a conceptual plan and it will be reviewed by a traffic engineer. Commissioner Klotz said it was his understanding that the 422 Interchange is at full capacity without any more commercial development. Mr. Pesch said the commercial facilities are limited and the project will be mostly residential. Commissioner Klotz said 400 residents, plus a hotel, on 41 acres seems extreme to him. Mr. Pesch said there would be approximately 10 units per acre. Mr. Brant stated he does not think the density is out of line

for 41 acres. Commissioner Klotz would rather see more sale units than rental units. Mr. Brant said the mix is up for discussion and could change as the project moves along. Commissioner Klotz felt the concept was good and he liked the open space design of the plan.

Commissioner McGroarty's biggest concern was that all the work done on the Interchange District originally designated more commercial than residential development, and the Sanatoga Green project puts significant weight on residential.

From a fire/emergency management aspect, Commissioner Foltz was concerned about 4-story buildings in the Township and the maintenance of the elevators in those buildings. He was also concerned about the rentals becoming Section 8 housing in the future. Mr. Brant said the market for this type of rental housing is approximately \$1,700 to \$1,800 per month rent, which is nowhere near Section 8. Commissioner Foltz asked if the townhouses and rentals will be governed by a homeowners' association. Mr. Brant said all details can be discussed in the future.

Commissioner Spadt echoed the comments made by the Commissioners and said the professionalism of this group was impressive. He then asked for comments from the audience.

Bill Herbert, South Park Road, asked if there is a website showing the progress of the project. Mr. Brant said not yet, this is the first time rolling it out. Mr. Herbert also said he was more than willing to sell his house to the developers.

Township Engineer Scott Exley said traffic is going to be a concern and Evergreen Road is the way to go. Mr. Exley has seen one of WRT's projects, Germantown Academy, and echoed Commissioner Spadt's thoughts and statements on WRT's professionalism.

Mr. Brant would like to allow the planners and architects to work together with Township staff. Commissioner Klotz made a motion to authorize Township staff to meet with the planners to discuss the Sanatoga Green project. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Mr. Exley asked Mr. Brant about marketing the project and why they believe it will be successful. Mr. Brant said the project is designed to take advantage of the natural resources of the site and they think the site will market itself. Ron Dinnocenti said housing will work. This area is considered background, it doesn't have exposure, and houses will sell and rent better here.

Commissioner Spadt closed by saying to Mr. Brant there is a general level of interest and the Board is willing to work with you.

COMMENDATIONS:

Chief of Police Michael A. Foltz reported that the Police Department has adopted a new shoulder patch/emblem. The patch was designed by Ofc. Jim Kenney and incorporates a more personalized theme for the Township.

The Department will also be deploying a new look for the officers' daily uniform. A new Class "B" operational uniform will be deployed for daily patrol operations, while the current uniform will be maintained as a Class "A" or dress uniform for special occasions and high profile events.

Chief Foltz presented Ofc. Kenney with a plaque that displays the new patch and explains the symbolism used in the design. The plaque will be hung in the Police Department. Chief Foltz also presented Ofc. Kenney with a commendation.

Commissioner Foltz requested that an identical plaque be presented to the Lower Pottsgrove Historical Society because of its historical value. He offered to personally pay for the additional plaque.

Commissioner Foltz asked if the officers would be wearing their metal badges with the new Class "B" uniform. Chief Foltz said for safety reasons, there will be a sewn-on badge on the dress-down uniform. Commissioner Klotz asked if the officers on bike duty have the option of wearing shorts. Chief Foltz said they can wear shorts, but there is a safety concern because bare limbs are exposed.

OLD BUSINESS:

Approval to Hire Laborer— Mr. Hawthorne recommended hiring Ed Windrim to fill the open position on the road crew at a rate of \$19.00 per hour.

Commissioner Klotz made a motion to hire Ed Windrim for the position of public works laborer at a rate of \$19.00 per hour, with a starting date of May 20, 2013. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

RESOLUTIONS AND ORDINANCES:

Resolution No. 972—Commissioner Klotz made a motion to approve Resolution No. 972, Confirming Special Fire Police Officer Joseph Patrick Oberholtzer of the Sanatoga Fire Company. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Resolution No. 973—Chief Foltz reported that the written exam for an entry level police officer was administered on March 23, 2013. In accordance with the provisions of the Civil Service Rules and Regulations, only one candidate qualified to move forward in the process to establish a Civil Service eligibility list.

Chief Foltz and the Civil Service Commission were faced with the dilemma of starting the process over again or moving forward with waivers. It was decided to secure waivers from the candidates and to continue with the process.

Solicitor Holloway said the standards set forth in the Rules and Regulations were too difficult to meet, so it was decided to revise the rule going forward. Commissioner Klotz asked if the revised rule applies to the candidates who were just tested. Solicitor Holloway replied it will not. To address the situation with the current applicants, they devised waivers for everyone involved and allowed challenges to be made. Chief Foltz advised that currently there are 17 candidates moving forward with the physical agility testing.

Commissioner Klotz made a motion to approve Resolution No. 973 amending the Rules and Regulations of the Civil Service Commission of Lower Pottsgrove Township. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Resolution No. 974—Approval of Resolution No. 974 Supporting Signing High Street As Business Route 422 was tabled to a later date.

Resolution Nos. 975 and 976—Commissioner Klotz made a motion to approve Resolution No. 975 Authorizing the Auction of a 2008 Ford Crown Victoria Police Vehicle Through Municibid with a reserve price of \$2,000 and Resolution No. 976 Authorizing the Auction of a 2006 Ford Crown Victoria Police Vehicle Through Municibid with a reserve price of \$1,000. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Warrant—Warrant No. 812 for April 2013 was distributed via email for the Commissioners' review.

Commissioner President Spadt excused himself from the meeting at 7:00 p.m. Commissioner Vice President Foltz presided over the remainder of the meeting.

COMMENTS FROM VISITORS:

Tony Doyle, 1745 Kepler Road, commented that Mr. Brant should keep in contact with staff on the Sanatoga Green project. He asked if the Township's Planning Commission will be getting involved. Commissioner Foltz said the developer wanted to see if the Board of Commissioners was interested in the project. Now a meeting will be set up with staff to get the process started and it will definitely go through the Planning Commission.

Ms. Elliott said the proposed plan does not meet the current or proposed zoning ordinance. There are a number of hurdles to overcome. The zoning ordinance and possibly the subdivision/land development ordinance will have to be revised to make the project work.

Mr. Doyle does not want staff to shoot down the project and jeopardize an area of the Township that should be developed. He asked Ms. Elliott and Mr. Hawthorne to take the time keep the Board informed on this project.

Ms. Elliott said the Township now has a tool, which is available through Montgomery County, to determine if the numbers that are being proposed are appropriate. Commissioner Foltz asked if the plan will be presented to the County. Ms. Elliott said yes, it will.

Commissioner Klotz commented that Alyson and Rod keep the Board up to date on the progress of various projects in the Township, and the Board is usually the first to hear. Commissioner McGroarty, who sat on the Planning Commission before he was elected Commissioner, said when a new project comes in, it goes to staff, then the Planning Commission and finally the Board of Commissioners. He said the experts sit at their tables and review the plan before it comes back to the Board.

Mr. Doyle read a response letter from Mr. Hawthorne regarding his Right to Know request for all legal bills paid by the Township in the year 2012, including those of special counsel. The letter states that the cost of duplication of the invoices is estimated to be \$150.00. Mr. Doyle said he wanted Mr. Hawthorne to know he received the letter and he will get back to him.

Mr. Hawthorne said the duplication cost depends on the detail. There are nine attorneys, who would have to review all of their invoices and redact certain details. If Mr. Doyle is only interested in the name of the attorney, description of work and the cost, he could amend his Right to Know request to reflect that. Mr. Hawthorne said if Mr. Doyle changed his mind, he should contact him. Solicitor Holloway clarified that the estimated cost is for copies of the invoices, not staff time.

Joe Zlomek of the Sanatoga Post had questions about Sanatoga Green. He asked if Ron Dinnocenti is recusing himself from all action surrounding the Sanatoga Green project. Commissioner Klotz said the plan has not been presented to the Planning Commission so we are not there yet.

Wil Hallman of Hallman Retirement Neighborhoods (HRN) asked why they can't move into the Buchert Ridge Community Center (Prizer House). Mr. Hallman said they agreed to go to zoning regarding the lighting and Solicitor Holloway has been in contact with HRN's engineer.

Commissioner McGroarty referred to a letter to Rod Hawthorne from Township Engineer Chad Camburn. According to the letter, an agreement has been drafted but there are reasons the project has been held up. Mr. Exley said the non-compliant lighting is the major issue. Solicitor Holloway said HRN needs to submit a timeline and reiterated that the lighting is the big issue.

Mr. Exley is working with HRN's engineer and attorney to have the plan meet the most minimum requirements for lighting in Lower Pottsgrove Township's zoning ordinance. At this time, it does not meet those requirements. Solicitor Holloway stated HRN's attorney, Carrie Nase, contacted him and he cannot give her a decision without first talking to Mr. Hawthorne and Ms. Elliott. He noted the lighting issue is a much more significant issue than originally thought.

Commissioner Foltz asked who authorized the lighting in the first place. Solicitor Holloway said the lighting is per plan and the project should be built according to plan. Mr. Hallman said when they built Buchert Ridge, they asked if they could use the same lights as Sanatoga Ridge and no one said any different. He said what is on the plan was approved by the Township and there have been no questions for five years. Mr. Hallman stated that they have never had a complaint about the lighting at either location (Sanatoga Ridge or Buchert Ridge).

Commissioner Klotz asked if the zoning has changed from 20 years ago, when Sanatoga Ridge was developed, and were those lights allowed then. Mr. Exley said he would have to go back and check the prior zoning. Solicitor Holloway said the zoning has not changed since Buchert Ridge was approved and that's the one we are dealing with. Commissioner Klotz said the lighting is not "as built" on the plan and asked if it is the only thing holding up the project.

Solicitor Holloway said the Zoning Hearing Board would need to grant a variance to allow the non-compliant lighting they have in place at Buchert Ridge Community. There are also a number of other requirements. Mr. Exley said we are working with their attorney and engineer to get a minimum standard so we could recommend support of a variance.

Solicitor Holloway said there was discussion about issuing a temporary U&O upon application to the Zoning Hearing Board. He spoke to HRN's attorney at 3:00 p.m. today and did not have a chance to talk to management about that conversation.

Commissioner Klotz asked about a private community vs. a public community – is the Township liable? Solicitor Holloway said there is an approved plan, they did not put the lights in according to the approved plan and we cannot turn our backs on this. It is now a zoning matter.

Commissioner Foltz asked if the Board could override the Zoning Hearing Board. The Solicitor advised that the Board can enter an appearance but it cannot override the decision of the Zoning Hearing Board. The Board of Commissioners does not have the power to grant relief.

Mr. Hawthorne said if the Commissioners drove through Buchert Ridge at 9:00 p.m. and thought the lighting was okay, they can make a recommendation to the Zoning Hearing Board. Solicitor Holloway said the Board of Commissioners can always make a recommendation to the Zoning Hearing Board; however, the Zoning Hearing Board is the only board that has the authority to grant the variance.

Commissioner McGroarty asked about allowing a temporary U&O when application is made to the Zoning Hearing Board. Solicitor Holloway said the Agreement talks about issuing a temporary U&O when application is made to the Zoning Hearing Board but pointed out that HRN owes the Township a revised timeframe schedule, as five of the milestone dates originally proposed by HRN have already passed.

Mr. Hallman suggested having the Board say there have been no complaints or problems at Buchert Ridge or Sanatoga Ridge with their lighting. Solicitor Holloway advised, to protect the Board, Mr. Hallman is the only one who can tell us that fact. The Board does not have control over the residents' complaints made to Mr. Hallman.

There was further discussion between the Board, the Solicitor and the Engineer regarding the non-compliant lighting. It was the consensus of the Board that Mr. Hallman should go before the Zoning Hearing Board and move along with the lights from there. Commissioner McGroarty commented that staff is trying to work with Mr. Hallman, to get things done, and as a Commissioner, he takes their advice to heart. Commissioner McGroarty's own personal opinion is that it doesn't matter what he thinks as an individual, his concern lies with what is best for the Township.

Joe Zlomek of the Sanatoga Post stated it (bringing the lighting into compliance) is not a matter of switching bulbs and changing fixtures. Mr. Exley said there are multiple ways to accomplish what needs to be done. Commissioner Foltz said you cannot just put in bigger bulbs.

Mr. Zlomek asked if he correctly understands that there is no original document that says the lights approved for Sanatoga Ridge Community are also approved for Buchert Ridge Community. The Solicitor said that is correct, there is no document.

APPROVAL OF MINUTES:

Commissioner Klotz made a motion to approve the minutes of the April 25, 2013 Board of Commissioners meeting. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

REPORTS:

Police

Chief Foltz highlighted the following from his report:

1. Calls for Service/Departmental Activities:

- a. As of April 9, 2013 Chief Foltz has taken over as Team Commander of the Chester-Montgomery County Emergency Response Team (CMERT).
- b. There was a homicide on May 5, 2013. A male subject was abducted during a home invasion in West Pottsgrove Township and shot in the back. It is believed he was shot in Lower Pottsgrove. Investigation is ongoing and the DA's office is aware. Commissioner Klotz thanked Chief Foltz and his staff for keeping the Board up to date during this tragedy.

2. Criminal Investigations/Arrests:

- a. A second armed robbery of a pizza delivery person occurred on Pebble Beach Drive on April 5. A similar incident with the same *Modus Operandi* took place a few weeks earlier in Walnut Ridge Estates. Det. Campbell is following up on the case.

3. Fleet:

- a. See **Resolution Nos. 975 and 976.**

All statistics and information are included in the written report. Chief Foltz asked the Commissioners to contact him if they had any questions or comments regarding his report.

Fire Marshal

Mr. Babel reported the following statistics for March 2013:

Station	Total Calls	Total Hrs. of Service	Total Personnel Hrs.	Total Personnel Training Hrs.	Total Fundraising Hrs.
	March 2013	March 2013	March 2013	March 2013	March 2013
Sanatoga (Station 58)	26	20	145	154	Not provided
Ringling Hill (Station 59)	No report – Computer Issues Will issue a combined report next month.				

(Hours are approximate)

County Radio Upgrade--Both fire companies had their radios reprogrammed last week to comply with new county radio procedures. Mr. Babel attended a class on the county radio

upgrade and his radio was reprogrammed to meet procedures. All cost for reprogramming was paid for by county radio service. Sprint Communications is paying for all updates.

Highway—Public Works Department: Commissioner Foltz read the Public Works Report for April 2013. Report will be posted on the bulletin board.

C.O.G.—Commissioner Foltz reported there will be a C.O.G. meeting held on May 14, 2013 hosted by Douglass Montgomery Township.

Engineering—Scott Exley of Bursich Associates provided an Engineers' Report updating the Board on various projects and activities going on in the Township.

Emergency Management—No report.

Treasurer—Ms. Marsteller presented the Tax Collector's Monthly Report to Taxing Districts for the month of April 2013 to the Commissioners for review. Ms. Marsteller reported that in April 2012, she collected 87.34% and in April 2013, she collected 87.89%.

Solicitor

1483 N. Charlotte St.—The Solicitor discussed a request by Nadir Harooni of 1483 N. Charlotte Street to utilize the property as a used car dealership, used tire sales and a residential apartment. Keith Place sent a zoning denial letter for the three proposed uses. The Solicitor has concerns about the used tire sales use and wanted the Board to be aware, as Mr. Harooni may apply for a zoning hearing.

Parks and Recreation and Pottstown Metropolitan Regional Planning

Regional Recreation Coordinator—Ms. Elliott reported that the Parks and Recreation Board heard a presentation on the Regional Recreation Coordinator position and have made a recommendation to the Board of Commissioners to support it. Ms. Elliott will deliver a presentation to the Board at a future date. Four other communities have voted to participate.

Health and Wellness Foundation Mini-Grants—Ms. Elliott discussed the Pottstown Health & Wellness Foundation mini-grants, which are for small projects that do not require a lot of planning.

Intergovernmental Cooperative Agreement—Regional Planning intends to amend this Agreement.

Lower Pottsgrove Township Authority—Mr. Hawthorne reported on a memo from Township Engineer Chad Camburn: The Township is currently under a PaDEP Corrective Action Plan (CAP) to reduce the stormwater inflow and infiltration (I/I) into the Township's sanitary sewer conveyance system. In order to remain in compliance with the PaDEP Corrective Action Plan (CAP), to reduce the stormwater I/I into the Township's sanitary sewer conveyance system, and to provide for the opportunity for new development in the Township, a contract was bid and awarded to Sewer Specialty Services in January 2013.

On February 11, 2013, Sewer Specialty Services began work under the two-year, \$157,800 unit price contract. Mr. Hawthorne reported on the work completed and the estimated I/I removed to date. A color coded map illustrated the priority areas and work completed within the Township. Mr. Hawthorne is also in the process of meeting with Bill Dingman to discuss the possibility of bidding another contract for more of the same type of work.

The Township also conducts door-to-door inspections of individual homes to look for low vents and to check sump pumps. The Township will also eventually televise the laterals from the house to the road; if there is a leak, a letter would be sent to the property owner to correct the problem.

Commissioner Klotz asked for the lifespan of a grout repair. Mr. Hawthorne believed it was better than 10 years and he can get the exact information on the lifespan.

CORRESPONDENCE AND INFORMATION:

The following information was included in the Commissioners' packets:

1. Legal Notice published in The Mercury advertising 6:00 p.m. meeting start time on May 6, 2013.
2. Letter from Keith A. Place to Nadir Harooni. Ref: 1483 North Charlotte Street.
3. Voting machine delivery and pick up dates.
4. Limerick Generating Station Community Information Night –May 16, 2013
5. Revised Bylaws for the Montgomery County Association of Township Commissioners.

SUBDIVISION AND LAND DEVELOPMENT:

None.

OLD BUSINESS:

See **PRESENTATION.**

NEW BUSINESS:

None.

COMMISSIONERS COMMENTS:

Commissioner Klotz commented that he missed the Trout Rodeo. He said the Police do a great job with this event and it is great for the Township. He thanked everyone involved.

Commissioners McGroarty said he understands Wil Hallman's frustration and if his tone was too animated (earlier in the meeting), he apologizes. Mr. Hallman thanked the Board for their indulgence.

Commissioner Foltz was not available to go to the Trout Rodeo but he thanked Sunnybrook for hosting the event.

As Chairman of Sunnybrook, Mr. Hallman said everyone appreciated the professionalism of those involved with the Trout Rodeo. Chief Foltz thanked Sunnybrook for allowing the Police Department to conduct the event on its property. Mr. Zlomek commented that the community buzz on Sunnybrook is very good right now.

Commissioner Foltz again mentioned that he would like to get a second plaque made displaying the new Police Department emblem and present it to the Historical Society.

There being no further business, the meeting was adjourned at 8:00 p.m.

Next regularly scheduled meeting will be held on Thursday, May 23, 2013 at 7:00 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Michele M. Cappelletti".

Michele M. Cappelletti
Secretary