

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
May 23, 2013

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled work session meeting on Thursday, May 23, 2013 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, Vice President; Michael McGroarty; James D. Kaiser and Stephen M. Klotz.

R. Kurtz Holloway, Solicitor; Rodney P. Hawthorne, Manager; Alyson Elliott, Assistant Manager, Scott Exley and Chad Camburn, Engineers and Michele Cappelletti, Secretary.

Commissioner President Jonathan H. Spadt was absent from the meeting.

PRESENTATION:

Zoning Application for Moyer Insulators, Inc.—On behalf of his client, Moyer Insulators, Inc., James D. Scheffey, Esquire filed a zoning application with the Township to replace an existing single-sided billboard sign with a dual-sided electronic billboard on his client's premises (300 Armand Hammer Boulevard). Mr. Scheffey was present at the meeting to review his client's proposal with the Board of Commissioners. Terry Moyer and Don Mace of Scepter Signs were also present.

Mr. Scheffey stated that the electronic billboard sign, with a message change once every 24 hours, is permitted in the Interchange District according to Lower Pottsgrove Township's Zoning Ordinance; however, PennDOT regulations allow a message change once every 5 or 6 seconds. The applicant is requesting a message change every 10 seconds. Mr. Scheffey noted there is a similar sign located on the south side of Route 422 and the Township entered into an agreement with Lamar Advertising to allow the Township to have use of the sign. Moyer Insulators, Inc. would be willing to do the same.

In closing, Mr. Scheffey asked for the Board of Commissioners' support before the application goes before the Zoning Hearing Board.

Commissioner Klotz said the sign is lit on both sides and asked if they are requesting to have that change every 5 to 6 seconds. Mr. Scheffey said the state allows the message to change every 5 to 6 seconds but his client is proposing a change every 10 seconds. The sign will be used approximately 50% of the time for Moyer's business and will advertise other off-site businesses the rest of the time.

Commissioner Foltz asked if they are willing to allow the Township to use the sign for emergencies. Mr. Moyer said yes and also to advertise Township events.

Solicitor Holloway said the applicant is not proposing to move the sign closer to the right of way; it will stay at the same 61 feet. Mr. Scheffey said PennDOT replaced the standard steel guard rails on Route 422 with 51" high barriers, so the sign will sit up a little higher to allow it to be visible.

Solicitor Holloway said the applicant is proposing, if the Board would support the variance request, that they would enter into an agreement with the Township regulating brightness, time of change, size dimensions (similar in size to the Lamar sign), allowing Township use, etc. The agreement would virtually be the same type of agreement that the Township entered into with Lamar Advertising. The Solicitor said if the Board looks at the applicant's request favorably, he would then need authorization to work out an agreement and report back to the Board at the next meeting.

Commissioner McGroarty said if there is an agreement, he would like the Board to see it before them. He had no real issues with what Moyer Insulators is proposing. Commissioner Klotz agreed.

Commissioner Kaiser made a motion to authorize Solicitor Holloway to work out the terms of an agreement between Lower Pottsgrove Township and Moyer Insulators, Inc., which will be similar to the agreement the Township has with Lamar Advertising, and to present the draft agreement to the Board of Commissioners for its review by June 3, 2013. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Tony Doyle, 1745 Kepler Road, said the sign will be used 50% of the time by Moyer's and 50% of the time by other businesses. He said it will be a money making sign and asked if Moyer's is going to control the sign content. Terry Moyer advised that A. D. Moyer will be controlling the sign.

EXECUTIVE SESSION:

Solicitor Holloway announced that the Board met in executive session this evening at 6:45 p.m. to discuss a personnel matter. No official action will be taken at tonight's meeting.

OLD BUSINESS:

Buchert Ridge Zoning Application (Lighting)—Carrie Nase, Esquire of Fox Rothschild was present at the meeting to represent Hallman Retirement Neighborhoods (HRN), owner/developer of the Buchert Ridge Community. Ms. Nase explained to the Board that during construction, the developer did not install the lights shown on the plan. Instead, they used the same lights that were installed at Sanatoga Ridge Community. HRN's concern is if they were forced to comply with zoning, the lights would shine brightly into the homes in Buchert Ridge Community. HRN has made application to the Zoning Hearing Board and is seeking relief for any area of lighting that is proposed to be non-compliant with the ordinance. The application is scheduled to be heard on June 18, 2013. HRN's engineer, John McMenamin, distributed a lighting improvement plan to the Board.

Commissioner Foltz challenged anyone to drive through Buchert Ridge Community at night and say there is not enough light to walk or drive safely through the development. He asked if the Township was going to issue a temporary U&O for the Prizer House Community Center.

Solicitor Holloway said an agreement has been worked out for the temporary U&O and he was having Rod Hawthorne sign it on behalf of the Board. Mr. Hawthorne said he and Chad Camburn went on-site this afternoon and everything was done except the installation of bollards around a spigot in the back of the garage. Wil Hallman said they are taking the spigot out.

Mr. Exley said to make sure the handicapped parking space meets ADA requirements. Mr. Hawthorne said the Township's Director of Codes Administration, Keith Place, will be inspecting the handicapped parking space tomorrow. He is prepared to issue a temporary U&O tomorrow or Tuesday, May 28.

After discussion, Commissioner Foltz asked the Board members if they supported Buchert Ridge Community's application to the Zoning Hearing Board. Commissioner Klotz agreed with Bruce about the lighting and supports the variance. Commissioner Kaiser had no issues and Commissioner McGroarty felt the lighting was sufficient and if all other issues have been addressed, he was okay with it.

Commissioner Klotz made a motion to support Buchert Ridge Community's request for a variance and to send a representative to the Zoning Hearing scheduled for June 18, 2013 at 6:00 p.m. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

COMMENTS FROM VISITORS:

Woody Righter, 2435 Welsh Drive, expressed his concerns about the Commissioners' attendance at the meetings. According to the minutes, in 2012 there were 24 meetings scheduled. Two of the meetings were cancelled. Of the 22 meetings that were held, only 8 meetings had the full Board present. So far in 2013, only 4 meetings had the full Board present.

Mr. Righter serves on two boards and if a member misses a certain number of meetings (he used 3 as an example) the other board members decide if that person should continue to serve. He realizes there are sometimes extenuating circumstances that would prevent a Board member from attending a meeting; however, he is concerned that important issues that should be voted on right away are tabled when the full Board is not present.

Mr. Righter, himself a former Lower Pottsgrove Township Commissioner, would like to see the Commissioners attend all the meetings and said when he sat on the Board, he did not fail to attend a meeting in four years.

Commissioner Klotz said he knows when Woody was a Commissioner, he was diligent about attending the meetings. Commissioner Klotz said he is the same way and hasn't missed a meeting since taking office.

Don Clancy, candidate for the Pottsgrove School Board, said he heard the Township is thinking about putting in a major development and he would like to learn more about it. He would like to understand how it may impact the District's elementary schools.

Commissioner Kaiser said two proposed projects were presented to the Board. The Commissioners discussed the projects and expressed their concerns but no decisions have been made. Commissioner Foltz suggested that Mr. Clancy speak with Alyson Elliott and Rod Hawthorne regarding new developments. Commissioner McGroarty said that proposed projects must first go through Lower Pottsgrove's Planning Commission process. Ms. Elliott said Mr. Clancy is welcome to call or email her to discuss the projects.

Scott Houting, 1880 N. Pleasantview Road, asked about the status of a residential development off of Bleim Road. Commissioner Kaiser said that project is still under discussion and the Township is looking at the impact on surrounding residents, the Township as a whole, the school district, etc. Mr. Houting asked if Bleim Road is no longer being moved. Commissioner Kaiser said as of the last update, which is a sketch plan, the road is not being moved.

Solicitor Holloway said there has been no formal submission of a new plan. The approved plan for this project is from years ago and the developer has brought a conceptual plan for Commissioner approval to move forward. There has been no official application made to the Township for Subdivision/Land Development for that site.

Mr. Houting said four years ago, the developer was responsible for moving Bleim Road. Commissioner Kaiser said that is the plan that is approved now. Ms. Elliott explained that due to the economy, the approved plan has an extension through the state of Pennsylvania and it is valid until 2016. The only reason the plan would be invalid would be if the Township changed its zoning ordinance. The new proposal follows the zoning for that area and the developer is looking for support. Commissioner Klotz said according to the plan that has approval now, the road would be moved but the new, proposed plan does not bind the developer to move the road.

Commissioner Foltz asked Mr. Houting what he would like to see. Mr. Houting said attaching Bleim Road to Sanatoga Road makes more sense. As a resident, he felt it would behoove the Township to move Bleim Road and connect it to Sanatoga Road.

Tony Doyle addressed his comments to School Board candidate Don Clancy. Mr. Doyle said the first plan for this project was for 185 units; the new, proposed plan is for 285 units. He wondered if the School Board realized the difference from the old plan to the new plan. Additionally, there could be another 300 to 400 houses in a proposed

development off of Evergreen Road. Mr. Doyle suggested that Mr. Clancy contact Alyson Elliott for more information.

Regarding pension plans, **Mr. Doyle** said everyone reads the newspapers and 401(k)s are hot. He said the government is now close to going with 401(k)s for new hires and Limerick Township just did that. Mr. Doyle wants to get ahead of the curve, as the pensions are financially swamping the Township. He said he and Tom Troutman brought this up 7 years ago, then again 3 years ago and now the time has come. Things are changing.

Mr. Doyle asked Alyson Elliott if she is taking over the website. Ms. Elliott said she is redesigning the website and every 3 to 6 months she will report to the Board on its status. She said Mr. Doyle is welcome to stop in the office to see it. Mr. Doyle asked if she is going to report on it at a meeting. Ms. Elliott said if the Board wants updates, she would be happy to provide. The website will go live all at once and should be ready by the end of the year.

APPROVAL OF MINUTES:

Commissioner Klotz made a motion to approve the meeting minutes of the May 6, 2013 Board of Commissioners meeting. Commissioner McGroarty seconded the motion. Commissioner Foltz stated that Commissioner President Jonathan Spadt left the meeting early, yet he is listed as being present in the minutes. Township Secretary Michele Cappelletti said Commissioner Spadt excused himself from the meeting, which started at 6:00 p.m., at 7:00 p.m. and it is noted on page 1547 of the May 6 meeting minutes. Motion carried by a vote of 4-0 in favor.

RESOLUTIONS AND ORDINANCES:

None.

CORRESPONDENCE AND INFORMATION:

The following information was included in the Commissioners' packets:

1. Emails to Rod Hawthorne from Michelle Portnoff. Subject: HB 1336 - 5% Legislation Update.
2. Lower Pottsgrove Township Historical Society membership drive.

SUBDIVISION AND LAND DEVELOPMENT:

None.

NEW BUSINESS:

Tuition Reimbursement—Commissioner McGroarty made a motion to approve Officer James Kenney's Request for Reimbursement for Tuition and Books, in the amount of \$1,841.50 plus \$103.86 for books, for a total reimbursement of \$1,945.36. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Warrant #812— Commissioner Klotz made a motion to approve Warrant #812 for the month of April 2013. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Acceptance of Revised Treasurer's Report—Jennifer Marsteller revised her April 2013 report and it was included in the Commissioners' packet for their review and approval.

Commissioner Kaiser made a motion to accept the revised Treasurer's Report for the month of April 2013, as submitted by Jennifer Marsteller. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

COMMISSIONERS' COMMENTS:

Commissioner Foltz stated that several months ago, he was approached by Sanatoga Fire Company about having a meeting with a few commissioners (Commissioner Foltz and Commissioner McGroarty), both fire companies, the Fire Marshal, the Chief of Police and the Emergency Management Coordinator to discuss future development in the Township. Commissioner Foltz recently found out that a meeting was held without all parties being present. Mr. Hawthorne said he did not know they had a meeting. Commissioner Foltz said Mr. Hawthorne and Ms. Elliott had a meeting with the fire companies and Ms. Elliott confirmed that they did have a meeting with both chiefs in Rod's office. Commissioner Foltz said he found out second hand and the fire companies wanted some commissioners present at the meeting. Mr. Hawthorne said he will be glad to set up another meeting. Commissioner Foltz recommended having the meeting next month.

There being no further business, the public meeting adjourned at 7:45 p.m.

Next meeting will be held on Monday, June 3, 2013 at 7:00 p.m.

Respectfully submitted,



Michele M. Cappelletti
Township Secretary