

**LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS**  
**June 20, 2013**

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled work session meeting on Thursday, June 20, 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, and Michele Cappelletti, Secretary.

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

**COMMENTS FROM VISITORS:**

**Wil Hallman**, Hallman Retirement Neighborhoods (HRN), thanked the Board for supporting his request for a variance at a recent zoning hearing.

Mr. Hallman referred to an article posted on the Sanatoga Post, which discussed the Township Planning Commission's recommendation to explore assessing impact fees on future construction in the Township. Mr. Hallman said he was being proactive; he was concerned about being assessed impact fees on Buchert Ridge Phase II, as this project has not yet received final approval.

Mr. Hallman asked if there was some way the Township and Sunnybrook could work together. He would like to have a Lower Pottsgrove Township Commissioner sit on Sunnybrook's Board. As President of the Sunnybrook Foundation Board of Directors, Mr. Hallman's intentions are to save and preserve Sunnybrook, stabilize it and give it back to the community.

Commissioner Foltz asked the Solicitor if a Lower Pottsgrove Township Commissioner could legally sit on Sunnybrook's Board, or would it be a conflict of interest. Solicitor Holloway said Board members here can sit on boards of non-profit organizations. The potential conflict would be when the Board of Commissioners would have to take action on a Sunnybrook application. In that event, the Commissioner would have to recuse himself from voting. Sitting on the board does not create a conflict; it would be if and when Sunnybrook would need approval.

Commissioner Klotz said Mr. Hallman has done a great job at Sunnybrook and he thanked him for it. He certainly does not want to have a conflict, but he would be glad to get involved and help.

**IMPACT FEES:**

Mr. Hawthorne reported that this item was not on the agenda, but Ms. Elliott was prepared to discuss impact fees under "Comments." She prepared a summary memo for the Board's review and the topic was going to be on the July 1, 2013 meeting agenda for discussion.

Commissioner Foltz asked Ms. Elliott to report on the subject of impact fees. Ms. Elliott told Mr. Hallman that the fees would not impact projects already in the pipeline. The fees would not be retroactive and are intended for new applications.

Ms. Elliott explained that a number of large developments have been proposed to the Township. Township staff has run the proposed developments through the fiscal impact model to determine if they would be beneficial to the Township. The conclusion was that every scenario will have a negative impact on the Township, some more than others. The #1 reason is traffic; it is the biggest cost across the board. Unless things change, the Township will have to raise taxes to pay for new development.

Ms. Elliott said the best way to address this issue is with traffic impact fees. Other municipalities in the immediate area, Limerick, New Hanover, Douglass, East Coventry and North Coventry Townships, all have traffic impact fees. Ms. Elliott stated that initiating traffic impact fees is a very long, involved process and she would be happy to discuss the matter further with the Commissioners.

Commissioner Klotz understood that developments already in the pipeline are not going to be assessed impact fees. He said Wil Hallman owns and maintains his own roads and his development is for age 55 and over. He asked how the impact fees would work for that type of development. Ms. Elliott said the fee is based on peak hour trips and Wil's development probably wouldn't generate peak hour trips like a 400-unit development would, so options based on the type of development could be considered.

Commissioner Kaiser and Commissioner McGroarty discussed running the proposed projects through the fiscal impact model and the process of establishing impact fees. Ms. Elliott said the fiscal impact model would not be used to determine the impact fee. The impact study is another process. The Township would conduct an 18-month study and the fee would be established at the end of the study.

Commissioner Foltz said the Board will further discuss impact fees at a future meeting. In his personal opinion, establishing impact fees is just another stumbling block to discourage people from developing in the Township. Commissioner McGroarty did not see it that way and there was further discussion among the Commissioners. Mr. Hawthorne offered to bring in local municipal managers, John Cover of the Montgomery County Planning Commission or Traffic Planning and Design to discuss the pros and cons of impact fees, so the Board can discuss and make a decision.

Commissioner Foltz requested that the matter not be put on the July 1 agenda, as there is a lot of information for the Commissioners to review and consider. Mr. Hawthorne said

Commissioner Spadt will not be at the July 1 meeting, so he will list the discussion of impact fees as an agenda item for the second meeting of July.

Todd Maxey updated the Board on the status of his land development project at 2766 E. High Street. He said they are in the final stages with the engineer for the driveway and are in the processing of filling out the Highway Occupancy Permit and the Land Development Application. Mr. Maxey said the Township should have something within the next two weeks. Mr. Hawthorne said the original goal was for Mr. Maxey to submit his application by the end of June. The Township's attorney is working with Mr. Maxey's attorney on the agreement. Mr. Hawthorne said Mr. Maxey needs to get his plan in and the Township is waiting for him to submit it.

**APPROVAL OF MINUTES:**

Commissioner Klotz made a motion to approve the meeting minutes of the June 3, 2013 Board of Commissioners meeting. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**CORRESPONDENCE AND INFORMATION:**

The following information was included in the Commissioners' packets:

1. Letter to Kenneth E. Picardi, Chairman of the Lower Pottsgrove Township Zoning Hearing Board from Rodney P. Hawthorne, Manager. Re: Zoning Hearing Application #2013-04 of Buchert Ridge Community, Inc., 2011 Buchert Road.
2. Article posted on June 18, 2013 on the Sanatoga Post: *Big Hits (By the Fish) Made Township Derby A Hit too.*

**SUBDIVISION AND LAND DEVELOPMENT:**

**None.**

**OLD BUSINESS:**

**Municibid**—Commissioner Klotz made a motion to accept the high bid in the amount of \$2,101.00 for the 2006 Ford Crown Victoria, Listing No. 16027 on Municibid, submitted by Bernard Wojciechowski. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

The reserve price on this vehicle was \$1,000.00.

**RESOLUTIONS AND ORDINANCES:**

**None.**

**NEW BUSINESS:**

**Oil and Chip**—Mr. Hawthorne reported that all documents are ready and he requested authorization to get proposals to oil and chip Snell Road.

Commissioner Kaiser made a motion to authorize Township staff to seek proposals to oil and chip Snell Road. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Discussion on Proposed Resolution No. 980 Amending Right to Know Policy**—The Commonwealth of Pennsylvania adopted an amended Right to Know Law effective January 1, 2009. As a result, the Township's standing Right to Know Policy needs to be amended. Solicitor Holloway explained the following proposed changes to the Township's Right to Know Policy, which was adopted by Resolution No. 792 on November 1, 2008:

1. **Timing Requirements:** Open records requests filed with the Township are usually handed to an employee who passes them on to the Open Records Officer. There could be a time difference when a request is received in the Township office and when it actually is in the hands of the Open Records Officer. Resolution No. 980 allows for the response to a written request within five (5) business days of receipt by the Open Records Officer.
2. **Open Records Officer:** Resolution No. 792 names specific individuals as the Open Records Officer, Alternate Open Records Officer and Open Records Officer for the Police Department. Proposed Resolution No. 980 names a position, for example Manager, instead of names.

After discussion, Commissioner Klotz made a motion to approve Resolution No. 980 Amending Right to Know Policy and Appointing Open Records Officers and Alternate Open Records Officer. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Warrant #813**— Commissioner McGroarty made a motion to approve Warrant #813 for the month of May 2013. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

**Acceptance of Treasurer's Report**—Commissioner Kaiser made a motion to accept the Treasurer's Report for the month of May 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 Klotz** said when he was working in Villanova the other day, police officers surrounded his car looking for suspects who robbed a bank in Lower Pottsgrove Township. Commissioner Klotz learned there was a daylight robbery in our Township, a Township we consider "small," and he was impressed with how quickly our Police Department responded. He said it was a phenomenal success story, we have great officers and he thanked them. He said crimes like this happen in Lower Pottsgrove too and he gave kudos to our Police Department.

**Commissioner Kaiser** had no comments.

**Commissioner McGroarty** thanked staff for their work on the Fish Rodeo. He also thanked Solicitor Holloway and his law firm for sponsoring the event.

**Commissioner Foltz** reported on the meeting with Sanatoga Fire Company that he attended with Commissioner McGroarty, Chief Foltz, and Fire Marshal Lew Babel. He said the meeting went very well and the Fire Company appreciated it.

**MANAGERS' COMMENTS:**

**Business Route 422**--Mr. Hawthorne reported he received a letter from Kim Trotman of Pennsylvania State Representative Mark Painter's office. The letter, from Pennsylvania State Representative Tim Hennessey to Representative Painter, states Rep. Hennessey's support of Rep. Painter's proposal regarding a delayed designation of High Street in Pottstown as Business Route 422. Mr. Hawthorne will email the letter to the Board of Commissioners.

*2013 mc*

**2012 Pottsgrove Falcon Football Program**—Mr. Hawthorne asked the Board members if they would like to make a personal donation to the Pottsgrove Falcon Football Club. He asked for \$25.00 per Commissioner to sponsor a half-page ad that will run in the program. The Commissioners agreed to personally donate \$25.00 each towards a half-page advertisement in the Pottsgrove High School Football program.

**Summer Concert Series**—Ms. Elliott announced that the first concert of the season will be at 6:00 p.m. on Sunday, June 23, 2013 at the Sanatoga Band Shell. Local favorite The Bill Koss Combo will provide the entertainment.

**EXECUTIVE SESSION:**

At 7:40 p.m., Solicitor Holloway announced that the Board will meet in executive session immediately following tonight's public meeting to discuss issues relating to ongoing contract negotiations. The Board will reconvene into public session to take any official action.

The Board reconvened into public session at 7:56 p.m. No action was taken. The public meeting adjourned at 7:57 p.m.

Next meeting will be held on Monday, July 1, 2013 at 7:00 p.m.

Respectfully submitted,



Michele M. Cappelletti  
Township Secretary