

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
August 5, 2013

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Monday, August 5, 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 were in attendance:

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

R. Kurtz Holloway, Solicitor; Alyson E. Elliott, Assistant Manager; Michael A. Foltz, Chief of Police; Lew Babel, Fire Marshal; Chris Wilcox, Emergency Management Coordinator; Jennifer V. Marsteller, Treasurer/Tax Collector; Scott Exley, Township Engineer and Michele Cappelletti, Secretary.

Board President Jonathan H. Spadt, Commissioner James D. Kaiser and Township Manager Rodney P. Hawthorne were absent from the meeting.

Commissioner Foltz announced that the Board would be taking the agenda items out of order and Commendations and Awards would be handled first.

COMMENDATIONS:

Police Department Commendation

Chief Foltz presented a Department Commendation to Cpl. Declan Coyle of Upper Merion Police Department for his exceptional actions on June 20, 2013. On this date, a hostile bank take-over occurred at National Penn Bank on Sunnybrook Road in Lower Pottsgrove Township. Cpl. Coyle was traveling on Route 422, on his way to work in his personal vehicle, when he heard the bulletin. Cpl. Coyle coordinated the response and all three subjects were apprehended almost immediately. The apprehension resulted in the full recovery of the stolen funds.

Chief Foltz commended Cpl. Coyle for his professionalism, diligence and alertness and his exemplary service to Lower Pottsgrove Township. On behalf of National Penn Bank, Mr. Thomas Spann thanked Cpl. Coyle, Chief Foltz and all the officers of the Lower Pottsgrove Township Police Department. Lt. Mike Martin of the Upper Merion Police Department and Cpl. Coyle's family were also at the meeting.

Montgomery County Public Safety Award

Scott Mikalonis, Deputy Director of Emergency Management for Montgomery County, presented professional level certifications to Chief of Police Michael A. Foltz and Emergency Management Coordinator Chris Wilcox. Mr. Mickalonis stated that the professional level certification is the highest level of emergency management training you can achieve in the Commonwealth of Pennsylvania. Commissioner Foltz thanked Chief Foltz and Mr. Wilcox for their service to the Township.

Pottstown Regional Public Library

Susan E. Davis, M.L.S., Executive Director of the Pottstown Regional Public Library (PrPL) highlighted statistics and information from the Library's 2012 Annual Report. The Honorable William H. Yohn, Jr., President of the Library's Board of Trustees, was also present at the meeting.

Ms. Davis said this has been a busy year for the Library and major improvements have been made to the building. Two new online resources, JobNow (online help with job tutors) and Foundation Center database, will be added this Fall. Commissioner Foltz thanked Ms. Davis for her presentation and said the timing is good because the Township is about to start the 2014 budget process. Commissioner Foltz advised that he and Judge Yohn have had discussions about Lower Pottsgrove Township's contribution to the Library, compared to other municipalities in the area. Ms. Davis said Lower Pottsgrove is the Library's second busiest service area and felt what we are giving is probably appropriate.

COMMENTS FROM VISITORS:

Tony Doyle, 1745 Kepler Road, said he has never seen minutes posted for zoning hearings. He asked if that was standard. He also asked if there were any zoning hearings held in 2012. Ms. Elliott advised that there were zoning hearings in 2012 but there are no minutes for those hearings. Instead, a court reporter is present at the zoning hearings and she keeps a stenographic record of the proceedings. If the Township wants copies of the transcripts, they have to contact the court reporter and pay for the copies. Commissioner Foltz added that the zoning hearings proceed like court hearings, with a stenographer taking notes. Mr. Doyle would like to know how many zoning hearings there were, because the bill for legal services from Bob Brant was \$22,000.

Mr. Doyle asked if the Board was allowed to tell the public what the harassment investigation was about—was it about an employee, was it sexual harassment, etc. He said the residents of the Township were charged over \$20,000 in legal fees and he felt they have the right to know what it entailed. Commissioner Foltz said it was a personnel matter, which is confidential. Solicitor Holloway said it was an internal matter that was resolved and the details are not public.

Mr. Doyle stated that he has a summary of the invoices from the Township's attorneys and we paid \$248,000 in legal fees in 2012. He felt this was excessive and he hopes the Township keeps legal costs down in 2013.

APPROVAL OF MINUTES:

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

REPORTS:

Police

Chief Foltz reported that there were 1,196 calls for service during the month of July 2013. There were 91 criminal investigations. 32 adults were arrested and 5 juveniles were handled. He highlighted the following from his report:

1. Calls for Service/Departmental Activities:

- a. Background and polygraph examinations have been completed on the top five (5) police applicants. The Civil Service Commission will meet and certify the list.

2. Criminal Investigations/Arrest:

- a. Detective Kienle and Detective Campbell have identified and filed charges on three male subjects related to an armed robbery in Rolling Hills from June 6, 2013. Two of the subjects are in custody and the third is still at large. Warrant is in hand.
- b. Detectives have identified several individuals who are connected with the recent rash of pizza delivery driver robberies in the Walnut Ridge area. Charges were filed on several subjects. Two were arrested and two are still at large. The investigation is ongoing.
- c. On July 10, 2013, LPPD responded to a request to assist PA National Guard with a well-being check at 1325 Lynn Drive. While officers were on location trying to make contact with the resident, a shot was fired from inside the house. CMERT was deployed to assist with tactical operations and negotiations. It was later determined that the subject committed suicide by a self-inflicted gunshot wound as officers tried to make contact with him.
- d. On July 20, 2013 police investigated a fatal crash on westbound Route 422 at Pleasantview Road. This has been ruled an accident as the result of mechanical failure. It is still being investigated.
- e. On July 15, 2013 patrol officers responded to and investigated a suicide on Orlando Road.

3. Fleet:

- a. On July 15, 2013, Chief Foltz was involved in a motor vehicle accident with his unmarked police vehicle in Amity Township. He was struck by an oncoming vehicle that crossed into the Chief's lane of travel. The other vehicle was cited for driving on the wrong side of the road. Damages were approximately \$5,000. Claim was made with the insurance company, the car has been repaired and it is back in service.

Chief Foltz was pleased to announce that the third subject in an ongoing homicide investigation has been located and the detectives would be taking him into custody.

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.

SRO Agreement

Resolution No. 985—Chief Foltz requested approval of Resolution No. 985, which approves the Student Resource Officer (SRO) Agreement with Pottsgrove School District for the 2013-2014 school year. This Agreement is approved by the Board of Commissioners and the School District prior to each school year.

Commissioner Foltz and Commissioner Klotz asked if there were any changes made to the Agreement. Chief advised that only the dates have changed, everything else is the same.

Commissioner Klotz made a motion to approve Resolution No. 985, confirming the appointment of Police Officer William James as the School Resource Officer (SRO) for the school year of 2013-2014 and approving the school resource officer contract with Pottsgrove School District. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

Emergency Management

Chief Foltz delivered the Emergency Management Report, which was prepared by Chris Wilcox, Emergency Management Coordinator. Mr. Wilcox had to leave the meeting early.

1. There were no Township EOC activations during July.
2. The Township received a Pelican remote area light. This was part of a large group purchase through Montgomery County Emergency Management using ACT 147 grant monies. The light will be deployed with the Detective Unit of the LPPD but is available to anyone who may need it in the Township.

Fire Marshal

Mr. Babel reported the following statistics for July 2013:

Station	Total Calls	Total Hrs. of Service	Total Personnel Hrs.	Total Personnel Training Hrs.	Total Fundraising Hrs.
	July 2013	July 2013	July 2013	July 2013	July 2013
Sanatoga (Station 58)	20	10	117	255	Not provided
Ringling Hill (Station 59)	14	10	Not provided	56	286

(Hours are approximate)

Mr. Babel reported that there was a serious house fire on Pinehurst Drive in the early morning hours; luckily, no one was hurt.

Highway—Public Works Department: Commissioner Foltz read the Public Works Report for July 2013 and said it was a busy month for the road crew. Report will be posted on the bulletin board.

Commissioner Foltz commented that the vines and weeds are disappearing on the Municipal Building grounds due to the efforts of the Montgomery County Correctional Facility work detail.

C.O.G.—Commissioner Foltz reported the next C.O.G. meeting will be held on September 18, 2013 and Lower Pottsgrove Township will be hosting it. He asked Alyson to coordinate that.

Engineering—Scott Exley of Bursich Associates provided an Engineers' Report updating the Board on various projects and activities going on in the Township. He highlighted the following from his report:

- **Rite Aid Building/FMC Dialysis**—This project is one of the successes. Everyone worked together and the project was turned around in record time.
- **2276 E. High Street/Todd Maxey**—We got the ball rolling on this project and it is moving along well.
- **Industrial Highway and Armand Hammer Boulevard/Antonelli**—Owner is doing inside renovations and it is progressing.

Commissioner Foltz asked what exactly they are doing at Antonelli. Mr. Exley advised they are getting rid of the union hall and adding additional classrooms for a beauty academy. Mr. Exley expressed his concern about the gravel parking lot and said he wants to be sure the parking is safe and meets the ordinances.

Commissioner Foltz said some places have “Stop for Pedestrians” areas and signage. He asked what is the law and if we could do that. Mr. Exley said it is a PennDOT road and the State discourages the pedestrian walkways. It would be very difficult, if not impossible to get a pedestrian crossing there.

- **Scott Breidenbach Minor Land Development**—On tonight’s agenda for approval.

Commissioner Klotz asked hypothetically if he came into the Township today to submit a minor land development plan, and he was not changing anything major, how much would his fees be. Ms. Elliott said she was not able to give a formal number but advised there would be an application fee, escrow fees, legal and engineering fees, etc. The cost would depend on how complex the project is and how it fits with Township ordinances and state regulations. Ms. Elliott said we could give applicants a running tab and timeframe based on similar projects, but it is hard to give an estimate.

Commissioner Klotz’s concern is not as much about time as it is about cost. For example, if we were to go out and recruit businesses to come to Lower Pottsgrove Township –is it \$50,000 to get in, is it \$100,000 to get in? He said businesses say it is very expensive to get into Lower Pottsgrove Township.

Mr. Exley said it also depends on how experienced the applicant’s team is. Salon Twenty-Two went through the process before, they were familiar with it and the project was approved in eight months. If the Township is recruiting businesses, Mr. Exley suggested that he and Township staff have a preliminary meeting with the applicant(s) regarding their project. At that time, the applicant can see if there are any hurdles, get a feel for the process and make a decision.

Commissioner McGroarty asked Mr. Exley if we are the exception and would those costs be readily available elsewhere. Mr. Exley said we can inform applicants on what they can do, upfront, before they start spending money. Commissioner Foltz agreed with applicants getting information and seeing the big picture upfront.

Commissioner Klotz knows the owner of Salon Twenty-Two and agreed that project went well. He said we want to be business-friendly and help people along. Small businesses are told the

fees could be \$20,000 or \$30,000 and end up being \$40,000 or \$50,000. He asked if it makes more sense for us to have a set figure.

Ms. Elliott attended a webinar that talked about the questions posed by Commissioner Klotz. She said there are alternative ways to help small business, such as low interest loans, professional help and business plans. She would be happy to talk to the any of the Commissioners about being more business-friendly.

Mr. Exley said it is better for the applicant to meet with the Township and know early on if a project does or doesn't fit. Mr. Doyle thanked Scott and said three people—Scott, Rod and Alyson—are the ones who are going to make the applicant's experience successful. He said Scott's offer of service is commendable and it is the way to put a smile on their face.

Treasurer— Ms. Marsteller presented the Tax Collector's Monthly Report to Taxing Districts for the month of July 2013 to the Commissioners for review.

Solicitor—Solicitor Holloway reported on the status of the following projects:

Buchert Ridge

Solicitor Holloway received a letter from Hallman Retirement Community's (HRC) attorney requesting two (2) modifications to the original timeline proposed by HRC, as they did not meet the July 19, 2013 deadline for submission of the revised Land Development Plan for Phase II of Buchert Ridge Community (BRC).

HRC has encountered delays due to PennDOT and Conservation District requirements and is requesting that the plan submission deadline be extended to September 1, 2013. If the extension of the first deadline is granted by the Board, each succeeding item in the timeline will have to be pushed back as well. HRC feels they can meet the final goal, which is to put in the necessary improvements to obtain a final U&O by May 31, 2014.

Solicitor Holloway asked the Board to consider two actions:

- First, to act on HRC's request to extend the plan submission deadline to September 1, 2013 and
- Second, to act on HRC's request to extend the timeline on all future dates

Commissioner Klotz asked Solicitor Holloway if he had any problem with the timeline. Solicitor Holloway had no problem with it.

Commissioner McGroarty asked if the delays were something unforeseen with PennDOT and/or the DEP. Solicitor Holloway had no comment, but Mr. Exley said HRC delayed jumping on it with PennDOT and the Conservation District. There are new, tough requirements and HRC did not start addressing them until three weeks in. Commissioner McGroarty asked Mr. Exley if he had any issue (with adjusting the deadlines) and Mr. Exley does not think the Township has a choice.

Commissioner Foltz asked if September 1, 2013 is going to give HRC enough time to have the plan ready for submission. Solicitor Holloway and Mr. Exley advised that HRC made the timeline.

Commissioner McGroarty asked how many times the timeline will get changed, as the Board acted based on HRC's original timeline. Mr. Exley said we are trying to work with them and look at things realistically but it is in HRC's corner, and they need to stay on it.

Commissioner Klotz made a motion to extend the date for submission of the Buchert Ridge Community Phase II Land Development Plans to September 1, 2013 and to extend the dates of all future milestones on the BRC timeline.

Commissioner McGroarty added the following condition to the motion on the floor: Provided that this is the final timeline and the matter does not come before the Board of Commissioners again.

Solicitor Holloway advised if HRC has to modify the timeline again, it would have to come back to the Board of Commissioners. Commissioner Klotz asked if staff can make it clear that the Board is extending the timeline and expects it to be met. Commissioner McGroarty thought we did make it clear. He said when there are motivated applicants, things get done and get done quickly. He is quite tired of it.

Solicitor Holloway asked if Commissioner Klotz was revising the motion to include a statement advising that such timeline be met.

Commissioner Klotz made a motion to extend the date for submission of the Buchert Ridge Community (BRC) Phase II Land Development Plans to September 1, 2013 and to extend the dates of all future milestones, as stated on the new, proposed BRC timeline, with the following conditions: That this timeline is the final timeline, the final timeline is met so that the matter does not need to come before the Board of Commissioners again. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

1700 Industrial Highway (Antonelli)—Mr. Exley addressed this project during his report.

2217 E. High Street (New Dialysis Center)—The Developer's attorney originally stated if his client could obtain permits by the end of August, the construction could be completed and the center could open by December 31, 2013. The Township assisted the Developer in securing its permits one month ahead of the Developer's request since this is a priority project. This project is well on its way.

1400 N. Charlotte St. (Former Genuardi's)—The Bank's team is well-versed and motivated and intends to move forward with the steps necessary to seek additional tenants. They have filed an application to the Zoning Hearing Board to replace the existing sign.

Parks and Recreation and Pottstown Metropolitan Regional Planning

LED Sign—Ms. Elliott obtained an advance copy of Montgomery County Planning Commission draft sign ordinance. She and Solicitor Holloway will review it.

Regional Planning—Meetings have been cancelled due to low attendance. Ms. Elliott doesn't expect anything until September.

CORRESPONDENCE AND INFORMATION:

The following information was included in the Commissioners' packets:

1. Letter to Rodney P. Hawthorne from Kevin Cannon, Kennedy Wilson Properties, Ltd.
Re: North End Shopping Center (Concern about property maintenance of vacant CITGO gas station).
2. Article published in The Mercury on July 6, 2013 entitled "*Library has bounty of free summer programs.*"
3. Zoning hearing applications:
 - a. 2013-06 of 1400 N. Charlotte Rd., LLC
 - b. 2013-07 of John A. Ungerman & Barbara K. Ungerman

SUBDIVISION AND LAND DEVELOPMENT:

Scott F. Breidenbach Minor Land Development Plan—Ms. Elliott presented Resolution No. 983 for approval. Mr. Breidenbach's plan proposes to convert a residential single family dwelling to a professional office, with associated site improvements to the lot and driveway, back to the parking area.

Commissioner Foltz had questions for Mr. Breidenbach about his driveway. Mr. Breidenbach advised the first driveway on the left is not his, Ms. Elliott said that area is a remediation site.

Mr. Exley said Scott Breidenbach's minor land development process got delayed and Scott experienced frustration over the project. Commissioner Klotz asked Mr. Breidenbach what his minor land development cost him. Mr. Breidenbach said he had the greatest cooperation from the Township and estimated it cost him \$10,000. Mr. Breidenbach said rules are rules, and his advice to applicants is to know what those rules are. He said the Township doesn't have anything to fix with regard to attracting small businesses, it's all good.

Mr. Breidenbach questioned one condition of his minor land development approval. He is being required to obtain an easement from his neighbors, Mr. and Mrs. Hallman, because his water line encroaches on their property by approximately six inches to one foot. He did not think it was appropriate to ask the Hallmans to give up their fee simple ownership of the property. Mr. Exley said Mr. Breidenbach should have some sort of agreement stating if something breaks, he will fix it. Solicitor Holloway said this is a Borough of Pottstown issue and suggested that Mr. Breidenbach provide the Township with a letter requesting relief from the easement requirement and stating that he understands he is assuming responsibility for any problems that may occur with the water line.

Commissioner Klotz made a motion to approve Resolution No. 983, approving a minor land development plan of Scott F. Breidenbach for 2158 Sunnyside Avenue, with the stipulation that Mr. Breidenbach understands that he is assuming all responsibility if there are any problems with the water line that crosses his neighbor's property. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

OLD BUSINESS:

Route 422 Business Route—Tabled to a later date. Rep. Mark Painter's Chief of Staff would like to deliver a presentation on this matter when the full Board is present.

NEW BUSINESS:

None.

RESOLUTIONS AND ORDINANCES:

Resolution No. 985—See **REPORTS: Police—SRO Agreement.**

Resolution No. 983—See **SUBDIVISION AND LAND DEVELOPMENT: Scott F. Breidenbach Minor Land Development Plan.**

Warrant—Warrant No. 815 for July 2013 was distributed via email for the Commissioners' review.

Commissioner Foltz announced that the August 22, 2013 Board of Commissioners meeting will start at 6:00 p.m. to allow for a presentation by Traffic Planning and Design and Simone Collins.

COMMISSIONERS COMMENTS:

Commissioner Klotz had no comments.

Commissioner McGroarty congratulated Chief Foltz and EMC Wilcox on their professional certifications for Emergency Management. He also said it was nice to hear an applicant speaking positively about the Township.

Commissioner Foltz said the Pottsgrove Community Band put on a good show and it was very well attended.

Commissioner Foltz is anxious to move ahead with the sign ordinance. Ms. Elliott wants to see what the County comes up with.

Commissioner Klotz said at the last meeting, he asked how long our current sign ordinance has been in effect. Ms. Elliott said it was passed in 2007. Commissioner Klotz felt that it was time to take a look at our sign ordinance so it is up to date.

Commissioner Foltz announced that there would be an executive session immediately following tonight's public meeting on a personnel matter. Public meeting adjourned at 8:15 p.m.

The Board did not reconvene into public session and did not take any action after executive session.

Next regularly scheduled meeting will be held on Thursday, August 22, 2013 at 6:00 p.m.

Respectfully submitted,



Michele M. Cappelletti
Secretary