

**LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS**  
**August 22, 2013**

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled work session meeting on Thursday, August 22, 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 attended:

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

R. Kurtz Holloway, Solicitor; Rodney P. Hawthorne, Manager; Alyson Elliott, Assistant Manager, and Michele Cappelletti, Secretary.

**PRESENTATIONS:**

**Transportation (Traffic) Impact Fee**

Ms. Elliott introduced Peter Simone of Simone Collins Landscape Architecture and Greg Richardson of Traffic Planning and Design.

Mr. Simone delivered a PowerPoint presentation on the Sanatoga Interchange Study. He reviewed the history of the Study and advised that the draft Sanatoga Interchange Master Plan, which was prepared by Simone Collins in 2008, was never officially adopted by the Board of Commissioners.

Mr. Simone proposed the following "possible next steps" for the Board to consider:

1. Finalize road alignments and adopt as part of the Township's Official Map
2. Finalize zoning changes and adopt ordinances
3. Adopt streetscape design guidelines as part of the Township's Subdivision and Land Development Ordinance (SALDO)
4. Adopt traffic impact fee ordinance (Act 209)
5. Continue to collaborate with Limerick Township on planning
6. Continue to collaborate with Limerick Township and Montgomery County toward working with PennDOT for Interchange improvements.

Mr. Richardson delivered a PowerPoint presentation on Transportation Impact Fees. He summarized the impact fee process and discussed why Lower Pottsgrove Township may want to establish these fees for new development.

Mr. Richardson explained the following key steps to begin the process:

1. **Transportation Impact Fee Advisory Committee** – 40% of the members of this committee have to be from the local development industry (private side).
2. **Transportation Service Area** – The Board would determine where it wanted to assess fees. It could be in certain areas or, because the Township is only 8 square miles, it could be the entire Township.

3. **Land Use Assumption Report** – Mr. Richardson estimated this is 80% completed because of the work that was done during the Sanatoga Interchange Study.
4. **Roadway Sufficiency Analysis**
5. **Capital Improvements Plan**
6. **Transportation Impact Fee Ordinance** – This ordinance would establish the dollar value of the impact fee.

Mr. Simone felt that the impact fee process should begin after the zoning changes have been made. Ms. Elliott asked if the zoning needed to be in place when the process begins or can the Township have it ready (but not adopted). Mr. Richardson said you could tie it in after the fact but recommended that the Township have the zoning in order as best it can.

Commissioner Kaiser asked how long the process takes. Mr. Richardson said the data collection takes the longest, but it is usually less than six months. Commissioner Kaiser asked if the funds could be used for widening lanes and Mr. Richardson replied yes.

Mr. Richardson went on to explain the administration of the impact fees and said there was more information in PennDOT Publication 639: Transportation Impact Fees: A Handbook for Pennsylvania Municipalities. Mr. Richardson noted there are requirements and allowed uses for the funds, and there are also uses that the funds may not be used for.

Mr. Richardson said if the Board decides to move forward, the first step is to pass a resolution to start assessing the fees. When asked for an example of a typical impact fee, Mr. Richardson estimated a reasonable fee would be from \$800 to \$2800 (assessed per vehicular trip).

A question and answer session followed the presentations. Commissioner Kaiser asked for the typical makeup of a Transportation Impact Fee Advisory Committee. Mr. Richardson said the committee could be comprised of 7 people—3 developers, 1 Commissioner, and representatives from the Township's Recreation Board and Planning Commission.

Township Planning Commission member Bill Wolfgang asked if consideration was given to a proposed future passenger rail line, as this keeps coming up. Mr. Simone was aware of that but does not think we will see rail service in our lifetime.

Joe Zlomek of the Sanatoga Post asked how the establishment of transportation impact fees affects developers already in the subdivision/land development process, for example plans that have final approval or are in the planning process. Mr. Richardson said if a developer has made a valid application to the Township for land development, they are not obligated to contribute.

Commissioner Spadt asked the Commissioners if they wanted to proceed with formation of a committee. Mr. Richardson added that once a committee is formed, the Township

can start collecting fees. If the Board decides in the future not to assess traffic impact fees on new development, they could refund the money to any developers who have paid.

Commissioner Spadt said it is his sense that, if reasonable, transportation impact fees are the cost of doing business. As long as it is done properly, Commissioner Spadt is in favor of it. Commissioner Kaiser agreed. He said it is a "pay as you go" and he would rather have those doing the development pay for it. Commissioner McGroarty felt it was a disservice to the residents if we don't do it. He said the Township is concerned about being business friendly, but should think more about the residents.

Commissioner Klotz said it all sounds great, the question is does it scare away business. He said the Board does not have any information on what municipalities impose traffic impact fees or what those fees are. He said one of the biggest problems is the Sanatoga Interchange, someone dropped the ball. Limerick is 80% full and we have nothing, all the business is already on the Limerick side.

Commissioner Spadt said Limerick has impact fees and they are not driving away developers. Commissioner Klotz asked for a chart showing the impact fees assessed by Limerick, New Hanover, Exeter, etc. Commissioner Kaiser did not see any downfall to moving forward with a committee. Commissioner McGroarty assumes a committee would answer questions and then the Board would have knowledge. He said if we don't form a committee, we will never get answers.

Commissioner Klotz said the presentations were great, but he wants to have all the information. He is not ready to make a decision.

Tony Doyle, 1745 Kepler Road, said there must some information on typical impact fees. Mr. Richardson said at one time, Limerick's fees ranged from \$600 to \$900; they are now \$1,600. He said each Township has its own unique characteristics but felt Limerick could provide a list of fees charged by all Townships (that they know of) in Montgomery County. Commissioner Kaiser asked that this information be provided to Alyson Elliott.

Commissioner Spadt asked Mr. Richardson, to his knowledge, if there are any developers who consider impact fees a deterrent and Mr. Richardson said no. He did say he has heard complaints from "Mom and Pop" type businesses.

Scott Exley of Bursich Associates asked Mr. Richardson, to give the Board a range, for example, of how many trips are generated by an office the size of Traffic Planning and Design. Mr. Richardson used a convenience store use as an example. He estimated this type of business would generate 140 new trips in the evening and calculated the impact fee to be \$1,000 per vehicular trip. An office building, such as Traffic Planning and Design, depends on the number of employees, and there are 55 at that office. Mr. Richardson will get a list of the traffic impact fees charged by neighboring municipalities to Ms. Elliott.

Commissioner Spadt said there is an agreement among the majority of the Commissioners to form a committee and expect to move forward at the next meeting.

Commissioner Foltz asked if a development consists of one house, does the developer have to pay an impact fee. Mr. Richardson said yes, unless the Board waives it. He said you can waive fees, but if fees are waived, those costs would have to be recouped somewhere else. Commissioner Foltz felt it would not be fair to waive the fee for one. He doesn't have a problem with forming a committee, but he does have a problem with starting to charge immediately. Commissioner Spadt said we don't have to do that.

Mr. Richardson explained if a project has already started, it is grandfathered; however, if the plan approval expires, all bets are off. Commissioner Foltz would like to digest what was presented at the meeting and get more information.

Commissioner Spadt said the matter will be tabled with the understanding that the Board will be moving forward. Commissioner McGroarty asked if staff could start drafting the resolution to form a committee to save time. Mr. Richardson said there is a sample resolution available online. Solicitor Holloway asked if the people (on the committee) have to be identified and Mr. Richardson said they do not.

Commissioner McGroarty made a motion to authorize staff to draft a resolution approving the formation of a Transportation Impact Fee Advisory Committee. Commissioner Kaiser seconded the motion. Commissioners Spadt, McGroarty and Kaiser voted "Aye." Commissioners Foltz and Klotz voted "Nay." Motion carried by a vote of 3-2.

Commissioner Spadt asked Ms. Elliott if there were any questions or actions required regarding Peter Simone's presentation. Ms. Elliott said the presentation was for the Board's information. Commissioner Spadt recommended the following as the next courses of action: Ms. Elliott and the Board will be provided with a list of impact fees and the matter will be discussed again at the next Board meeting.

Peter Simone asked about the Township adopting the official map. Ms. Elliott can have the map to the Board for its review in a month. Commissioner McGroarty asked if now is the time to look at those parts of the zoning ordinance that need to be changed.

After discussion, Commissioner McGroarty made a motion to have staff present the Board with the top three to five sections of the Lower Pottsgrove Township Zoning Ordinance, for the Board to review and consider changing. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

#### **Cornerstone Realty, Inc. Proposed Commercial Land Development**

Charles D. Garner, Jr. attorney for Cornerstone Realty, Inc., Jeff McLellan, President of Cornerstone Realty, Inc. and Brian Conlon of Langan Engineering were present at the meeting to discuss a commercial land development project at the site of the former Occidental Chemical property. Cornerstone Realty, Inc. is the owner of this property.

Mr. McLellan presented a rendering of the project and said the new on and off ramps create a great opportunity to provide amenities to the existing tenants and to bring business into the Pottstown area. Mr. Garner said earlier this year, they met with Township staff and were hoping the Township would be interested in working on a convenience store/retail use, such as Wawa or Sheetz, and a fast food establishment for this site. As a result of the interchange reconfiguration at Armand Hammer Boulevard, Mr. Garner felt these types of businesses were a logical use and the parcels would be conducive to this type of retail development.

The present zoning does not permit retail development in this area but Mr. Garner's clients believe that the retail uses might be appropriate adjacent to the interchange through a zoning ordinance amendment which could include an interchange overlay district.

Commissioner Foltz is very familiar with this property and asked about the location of an underground storage area that was used for water supply. Mr. McLellan pointed out where the storage area was on the property and said the foundation of the building was positioned so it won't interfere with it.

Commissioner Spadt asked if the project has been before the Township's Planning Commission. Mr. Garner said they have done nothing with the plan except meet with Township staff. Mr. Garner and Cornerstone wanted the Board of Commissioners to hear about the project first to see if the Board supports the concept before moving ahead with it. Mr. Garner feels that redevelopment and reuse of existing property is the way to go.

Ms. Elliott said she did take the concept to the Planning Commission and there was some discussion on it. She said it is a big parcel with many different uses and Planning Commission is taking time to decide what the best use is for this area.

Commissioner Foltz said there is not a lot of use for that particular property and, in his opinion, it is a good place for the project. He would like to see anything to start development in that area and thinks it a great idea.

Mr. Garner asked if the Board is interested and likes the concept. Commissioner Spadt said they are interested.

Commissioner Klotz said he is very interested. He asked Mr. McLellan if a \$200,000 traffic impact fee would affect him and Mr. McLellan replied, yes, it would.

Commissioner Foltz made a motion for Cornerstone Realty, Inc. to move forward with the proposed convenience store/retail use project at the Armand Hammer Boulevard interchange property and to start working on it with Township staff. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

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

**Tony Doyle** noticed there is a lot of trash being dumped at Sanatoga Park. He said it is getting to the point where the area cannot hold anymore trash. He suggested having someone get rid of the trash and perhaps installing a camera. Commissioner Klotz asked if the trash was from activities at the Park. Mr. Doyle said no, it is from people dumping there and he would like to catch them. Commissioner Spadt said John Fogel will clean it up.

**Mr. Doyle** asked Mr. Hawthorne if anything has been done on an exotic pet ordinance. Mr. Hawthorne did not recall discussion on this matter. Commissioner Spadt said the Fire Marshal brought it up at a previous meeting and no action has been taken.

**Mr. Doyle** asked if the Township has made up its road paving list. Commissioner Foltz said we do have a list, the list is nearly done and we are almost out of money. Mr. Doyle asked if the Township puts extra money in to pave roads. Mr. Hawthorne said this year, the Township put in \$30,000 over and above the liquid fuels money to oil and chip Snell Road. The lowest proposal came in at \$9,400 but the job has not yet been started. Commissioner Kaiser said the issue is the money is not there, which goes with what Greg Richardson said during his presentation and liquid fuels funds cannot be used for oil and chip. Mr. Hawthorne said the oil and chip will give the road 5 or 6 more years. Mr. Doyle is not in favor of oil and chip over blacktop.

**Mr. Doyle** said the ball fields and soccer fields at Sanatoga Park look nice. He asked that John Fogel be made aware that the playground area is overgrown with weeds.

#### **APPROVAL OF MINUTES:**

Commissioner McGroarty made a motion to approve the meeting minutes of the August 5, 2013 Board of Commissioners meeting. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

#### **RESOLUTIONS AND ORDINANCES:**

**Resolution No. 986**—Commissioner Foltz made a motion to approve Resolution No.986 confirming the following special fire police officers of Sanatoga Fire Company:

Officer – Jeremy L. Reimert  
 Officer – Derek Dry  
 Officer – Keith Winnemore, Jr.  
 Officer – Charlene Eileen Oberholtzer  
 Officer – Eric K. Linsenbigler

Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**Resolution No. 987**—Solicitor Holloway explained the Lower Pottsgrove Township Civil Service Commission, by Resolution No. 2013-03, certified a list of the top three candidates from the certified list of candidates for the position of patrolmen for the Township Police Department. Solicitor Holloway advised all three candidates have

veteran status so the Board could choose any one of the three candidates. Royce Repka was the top scoring candidate on the list and he has been recommended for a conditional offer of appointment by Police Chief Michael Foltz. As required by the Civil Service Rules, Mr. Repka has to successfully pass both a physical and psychological examination as a condition to appointment as a police officer.

Solicitor Holloway asked the Commissioners if they were prepared to make a conditional offer of hire to Royce Repka. He noted that if Mr. Repka passes the physical and psychological examinations, the matter will come back to the Board to give him an unconditional offer.

Commissioner Klotz made a motion to approve Resolution No. 987 conditionally appointing Royce Repkas as a Township police officer. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

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

**Land Development Ordinance Revisions**—Solicitor Holloway said the Board has expressed interest in helping small development projects move quickly through the Township's land development process. The Montgomery County Planning Commission (MCPC) model Subdivision and Land Development Ordinance has a provision that deals with granting waivers to commercial property owners who want to build a small addition (less than 1,000 square feet). He said the Township could amend its SALDO to add a similar provision. Stormwater would still need to be addressed but the amendment would expedite the land development process for small commercial additions.

Solicitor Holloway asked for direction from the Board on whether or not they would be interested in seeing a draft ordinance to allow for that kind of change to the Township's SALDO.

Mr. Hawthorne said the Township is also working on simplifying grading permits. Ms. Elliott said we are working on a grading ordinance revision that is more developer friendly and makes things, such as fees, clear up front. She discussed having the Commissioners more involved in the process and asked about creating a subcommittee to guide or create visions for future ordinances.

Solicitor Holloway asked the Board if it would like to see a draft ordinance to allow for a small addition exemption in SALDO. Commissioner McGroarty would like to see it. Commissioner Foltz said we are talking about two different things. He is all for making things simpler and he supported Solicitor Holloway's proposed change. Commissioner Kaiser supported the SALDO amendment. Commissioner Klotz was also good with the small addition exemption but would like to see any ordinance staff is looking to change in front of him.

Regarding the small addition exemption, Solicitor Holloway explained that the size of the building you are starting with does not matter; the focus is on the size of the addition. He offered to provide a copy showing where this amendment would fit into the Township's

ordinance. Bill Wolfgang asked how this would affect an individual converting a private home into a doctor's office, lawyer's office, etc. Solicitor Holloway advised the ordinance only addresses additions less than 1,000 square feet that are built on existing commercial structures.

The Board supported having staff work on an amendment to the Lower Pottsgrove Township Subdivision and Land Development ordinance, based on MCPC's model ordinance, that would allow for granting waivers to commercial property owners who want to build a small addition (less than 1,000 square feet).

Commissioner Spadt said he is not clear on what Ms. Elliott is looking for from the Commissioners. She explained she would like to hear the Board's vision so staff can tweak the ordinances based on that vision. She also asked if the Board would like to be more involved in this process.

Commissioner McGroarty said the Board of Commissioners has five different opinions. He requested that Ms. Elliott present the Board with the major four or five ordinances that the Board may want to consider amending. Commissioner Spadt suggested that at some point in the coming months, the Board could start a meeting early to allow for a presentation.

Commissioner McGroarty said if Alyson is ready, the sooner the better, let's start doing things. Commissioner Foltz agreed 100% with Commissioner McGroarty. He said Solicitor Holloway did it exactly right—he asked if the Board was interested in pursuing the small addition ordinance amendment and all five Commissioners decided on it. Ms. Elliott said the Board approved the zoning ordinance rewrite and asked if the Commissioners wanted to be involved in that process. Commissioner Spadt agreed the sooner the better and recommended discussing the zoning rewrite at a meeting in September. Ms. Elliott said we can start with the overall vision.

#### **OLD BUSINESS:**

**Pruss Hill Road Bridge**—Mr. Hawthorne reported that Traffic Planning and Design (TPD) completed an inspection of the Pruss Hill Road Bridge. TPD reported there were no changes to the bridge's condition since the 2011 inspection; therefore, a new load rating is not needed and the posted weight limit should remain at 5 tons.

Bill Wolfgang lives on Pruss Hill Road and he asked who is responsible if a tractor trailer go over the bridge and damages it. Mr. Hawthorne said we have caught tractor trailers going over the bridge and they have been heavily fined; however, it is the Township's responsibility if we do not catch them.

#### **NEW BUSINESS:**

**Budget Meeting Dates**—Commissioner Kaiser made a motion to advertise the following budget committee meeting dates for 2013: September 26, October 3 and October 31, with all meetings starting at 4:00 p.m. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**Additional Leaf Collections**—Mr. Hawthorne reported that Arborganic Acres will no longer accept yard and leaf waste from Lower Pottsgrove Township residents free of charge. He called Arborganics and they did agree to allow our residents to continue to drop off yard waste free of charge until the end of 2013; however, starting in 2014, our residents will have to pay a fee to drop off at this facility.

Mr. Hawthorne said the Township will have to add an additional six months of curbside leaf collection through J. P. Mascaro and Sons. The cost to add six more curbside collections is \$3,002 per month, which amounts to an additional \$18,012 per year.

Commissioner Spadt asked about using Hetrick Landscaping as a drop off facility. Ms. Elliott said residents can drop off there now and pay a fee. She advised that New Hanover Township uses Hetrick Landscaping as its drop off facility. Solicitor Holloway asked if DEP would approve Lower Pottsgrove residents dropping off there and Commissioner Kaiser recommended checking into that. Mr. Hawthorne said there are other options listed in our contract with J. P. Mascaro. Staff will contact Hetrick and DEP for further information.

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

The following information was included in the Commissioners' packets:

1. Letter to Carrie B. Nase-Poust, Esquire from R. Kurtz Holloway. Re: Buchert Ridge Retirement Community.
2. 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).
3. Email to Rodney P. Hawthorne from Marianne Fasy, Delaware Valley Regional Planning Commission. Re: Traffic Counting in your Municipality, Lower Pottsgrove Township.
4. Bleim Road PRD (Planned Residential Development Plan) submitted by Homsher Hill, Worcester, PA
5. Note from Larry Harp on great job done on pipe at 1299 N. Adams.

**Warrant #815**— Commissioner Kaiser made a motion to approve Warrant #815 for the month of July 2013. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**Acceptance of Treasurer's Report**—Commissioner Klotz made a motion to accept the Treasurer's Report for the month of July 2013, as submitted by Jennifer Marsteller. Commissioner Foltz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

#### **EXECUTIVE SESSION:**

**Commissioner Spadt** announced that an executive session will be held following tonight's public meeting.

**COMMISSIONERS' COMMENTS:**

There were no comments from the Commissioners.

**MANAGERS' COMMENTS:**

**Generator**—Mr. Hawthorne reported that due to problems with Met Ed, BSI has requested a six-week extension of their contract for the generator project. After discussion, Commissioner Foltz made a motion to grant a six week extension to BSI for the generator project. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

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 meeting will be held on Thursday, September 5, 2013 at 7:00 p.m.

Respectfully submitted,



Michele M. Cappelletti  
Township Secretary