

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
September 5, 2013

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Thursday, September 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: Jonathan H. Spadt, President; Bruce L. Foltz, Vice President; James Kaiser and Stephen M. Klotz.

Commissioner Michael McGroarty was absent from the meeting.

R. Kurtz Holloway, Solicitor; Rodney P. Hawthorne, Manager; 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 and Chad Camburn, Township Engineers and Michele Cappelletti, Secretary.

COMMENTS FROM VISITORS:

None.

APPROVAL OF MINUTES:

Commissioner Klotz made a motion to approve the minutes of the August 22, 2013 Board of Commissioners meeting. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

REPORTS:

Police

Chief Foltz reported that there were 1,070 calls for service during the month of August 2013. There were 133 criminal investigations; 29 adults were arrested and 7 juveniles were handled. He highlighted the following from his report:

1. Calls for Service/Departmental Activities:

- a. Conditional offer of employment was made to Royce Repka to fill the vacancy for police officer in the Department. Mr. Repka is expected to be sworn in later this month, pending the results of physical and psychological evaluations.
- b. Chief Foltz and Sgt. Walters visited Colonial Regional Police Department to view a police scheduling software program they have implemented. There was also a tour of the facilities and discussion on the accreditation process. Lower Pottsgrove's Police Department intends to purchase the scheduling software.
- c. Chief Foltz presented requests for reimbursement for tuition and books submitted by Officer James McCue and Officer James Kenney.
Commissioner Klotz made a motion to approve Officer James McCue's Request for Reimbursement for Tuition and Books in the total amount of \$3,619.02 and Officer James Kenney's Request for Reimbursement for Tuition and Books, in the total amount of \$1,811.97. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

- d. Chief Foltz presented **Resolution No. 988**, confirming two fire police officers, for approval. Commissioner Klotz made a motion to approve Resolution No. 988 confirming Carrie Jane Grzywacz and Sarah Christine Picozzi as special fire police officers of Sanatoga Fire Company. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

2. Criminal Investigations/Arrest:

- a. Detective Kienle made an arrest in a burglary on Pebble Beach Lane. Six subjects (1 adult and 5 juveniles) are being charged. Detective Kienle developed the suspects based on information he received while interviewing a suspect on an unrelated case, who admitted knowledge of the crime. This led to the acquisition of a search warrant. The search warrant was served and the fruits of the crime were recovered during the search.

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.

Emergency Management

EMC Chris Wilcox delivered the Emergency Management Report for the month of August.

1. There were no Township EOC activations during August.
2. The Township received a letter reporting weight restrictions on Armand Hammer Boulevard Bridge over the Norfolk Southern line. Ringing Hill and Sanatoga Fire Companies are not affected as this time. Matter will be revisited if the weight is lowered in the future.

Fire Marshal

Mr. Babel reported the following statistics for August 2013:

Station	Total Calls	Total Hrs. of Service	Total Personnel Hrs.	Total Personnel Training Hrs.	Total Fundraising Hrs.
	August 2013	August 2013	August 2013	August 2013	August 2013
Sanatoga (Station 58)	28	38	225	300	Not provided
Ringing Hill (Station 59)	25	31	153	34	250

(Hours are approximate)

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

C.O.G.—Commissioner Foltz reported the next C.O.G. meeting will be held on September 18, 2013 at 7:00 p.m. Lower Pottsgrove Township will be hosting it. All Commissioners and the Manager are welcome to attend.

Engineering

Commissioner Foltz requested that someone take a look at the condition of a transformer of the Antonelli property. He said it was rusted out and appears to be a safety hazard. Mr. Hawthorne recommended that Chad Camburn and Keith Place discuss the matter and determine if it is a code issue.

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:

- **1400 North Charlotte Street (Planet Fitness)**—Township staff met with representatives of Park Bank to discuss project history, current status and necessary steps to improve and occupy the site. Park seems very interested in moving forward with the project. Staff offered to meet with the applicant and PennDOT to facilitate moving the project along. We are now waiting to hear back from the applicant.
- **Antonelli**—Township staff and the applicant's team met to discuss the steps necessary for the applicant to receive temporary and permanent U&O permits. Of particular concern to the Township is the adequacy of handicapped parking and accessibility and potential parking concerns associated with the new building use. The engineers worked with the applicant to reduce the number of parking spaces and Keith Place addressed ADA parking requirements. The improvements may require approvals from PennDOT, PECO and Occidental Chemical. Staff provided the applicant with contact information for those entities. We are now waiting to hear back from this applicant.

Mr. Exley also reported that the County Commissioners are reevaluating the cost/benefit analysis and reconsidering what going to happen with the Keim Street Bridge.

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

Solicitor—Solicitor Holloway reported on the following pending projects:

- **1400 N. Charlotte St. (Planet Fitness Shopping Center)**—The Township, including the engineer and Solicitor, met with Park Bank to discuss the best methods for the Bank to bring in new tenants and continue to upgrade the site. The Bank is committed in terms of turning the center into a productive, incoming-producing property. The first order of business is for the Bank to secure a renewal of the Highway Occupancy Permit (HOP) from PennDOT for its driveway entrances.
- **Zoning Ordinance and Subdivision Land Development Ordinance (SALDO) Review**—The Solicitor provided input to the Township for possible changes to the Zoning Ordinance and SALDO.

Parks and Recreation and Pottstown Metropolitan Regional Planning

LED Sign—The Parks and Recreation Board met in August and provided input on the LED sign grant.

Sanatoga Park—The Parks and Recreation Board heard a presentation by Mom's Group, who proposed to clean up the playground at Sanatoga Park.

Regional Planning—Did not meet in August. Ms. Elliott expects meetings to resume in September.

Authority

Joint Meeting—Chad Camburn and Rod Hawthorne met with representatives from the Borough of Pottstown, West Pottsgrove and Upper Pottsgrove at Lower Pottsgrove Township on September 5, 2013. The engineers are preparing RFQs and RFPs to get a third-party operator to look at the waste water collection systems and pump stations, as well as billing and other administrative areas.

Clarifier—Pottstown Borough's capital plan includes the purchase of a clarifier, which is a \$2.5 million item. This expense is to be portioned out to the participating municipalities for payment. Mr. Duc Shin of LTL Engineering has come up with a less expensive alternative, which will be reviewed by Chad Camburn and Rettew. The proposed alternative method will do the same thing as the clarifier for \$500,000.

I&I—I&I (inflow and infiltration) is a big problem in the Township. The Township is continuing its I&I efforts, which includes sealing, lining and televising the sewer lines.

CORRESPONDENCE AND INFORMATION:

The following information was included in the Commissioners' packets:

1. Letter to Robert [Rodney] Hawthorne from Gary Frisoli, regarding sink hole on Lynn Drive.
2. Letter to Township Supervisors from Pottstown VNA regarding 2014 budget allocation.
3. Email to Rod Hawthorne from Steven N. Bartkovich, PennDOT. Subject: Bridge Weight Notification & M-4902 Form; Armand Hammer Blvd.
4. Letter to Municipal Officials from Barry J. Schoch, P.E. Secretary of Transportation, Commonwealth of Pennsylvania regarding bridges.
5. Zoning hearing applications:
 - a. 2013-08 of Phillip R. & Penny L. Mest, 2388 Villa Lane

OLD BUSINESS:

Zoning and SALDO Discussion—Ms. Elliott followed up on the Board's request for staff to identify three to five revisions to the Zoning Ordinance that could improve the development process. She provided a memo and recommended the following revisions:

1. Change Special Exceptions in all Zoning Districts regarding Uses to Conditional Uses;
2. Add Impervious Coverage and Building Coverage requirements to Zoning Districts that do not have them in place;
3. Add provisions for Accessory Structures in non-residential zoning districts.

Ms. Elliott also recommended changes for specific zoning districts and process improvement revisions.

Following discussion on the proposed changes, Commissioner Spadt requested that Ms. Elliott provide details and descriptions of the changes, in writing, for the Board's review. This will also

allow Commissioner McGroarty to review the changes, as he was absent from the meeting. Mr. Exley suggested using examples to illustrate how the changes will affect the Township.

Solicitor Holloway asked if the Board needed further information relating to changing special exceptions to conditional uses. He asked if the Board wanted to have control over the uses cited by Ms. Elliott. Commissioner Spadt felt that particular recommendation was straightforward and did not need further explanation. The Board agreed. He asked Ms. Elliott for a summary of the other revisions she proposed during her presentation.

Ms. Elliott also provided a timeline/progress report for revisions to Zoning and SALDO ordinances. This memo outlined recommendations for revisions the Township could adopt fairly quickly and also long-term revision recommendations. Commissioner Spadt referred to the minutes of August 5 and said, from his prospective, the Board should prioritize the six items proposed by Simone Collins as "possible next steps." Commissioner Spadt stated that the Board would not be taking any action tonight because Commissioner McGroarty was not present.

Impact Fees—Commissioner Spadt stated that the Board voted at the August 5, 2013 meeting to move forward with the impact fee process. Ms. Elliott distributed a resolution she drafted for the Board's approval. The resolution establishes who will sit on the committee, how much of the Township should be involved and the estimated interim impact fee.

Ms. Elliott explained that the fee applies to any new development after the resolution has been approved; the maximum is \$1,000, which will be held in escrow. If the Board of Commissioners determines an impact fee is not appropriate, the money will be returned to the developer. If the Board approves the impact fee, the money goes into an impact fee fund. Commissioner Klotz clarified that the \$1,000 fee is assessed per trip.

Commissioner Spadt asked about Paragraph 2 of the resolution, which states that the impact fee committee members are not employees or officials of Lower Pottsgrove Township. Solicitor Holloway advised that members of the Planning Commission are permitted to be members of the committee.

Commissioner Klotz asked if a meeting could be set up with developers and/or people who are not "pro" impact fee. He said the Board hasn't heard any "cons" and he would like to hear from both sides. Mr. Hawthorne said there will be input from the developers who sit on the committee. Commissioner Spadt said the committee will discuss pros and cons and make recommendations to the Board of Commissioners.

Commissioner Foltz did not agree with accepting fees upfront. Commissioner Klotz expressed his concern because the impact fee did not go through the last time and what we collect, we may have to give back. Commissioner Spadt said a lot of money will be gained if we do approve it and Lower Pottsgrove Township is one of the few townships that does not collect traffic impact fees. Mr. Exley commented when a developer comes into the Township, the Township still has negotiating power to have improvements made at that time.

No action was taken was taken by the Board. Commissioner Spadt said the draft resolution will be further discussed when Commissioner McGroarty is present.

Snow Plowing Proposals—Commissioner Foltz made a motion to authorize Township staff to request snow plowing proposal for the 2013-2014 season. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 4-0 in favor.

Speed Limit on Kepler Road—PennDOT will send Mr. Hawthorne an official notice changing the speed limit from 40 mph to 35 mph on Kepler Road, from Sunnybrook Road to Bleim Road.

SUBDIVISION AND LAND DEVELOPMENT:

None.

NEW BUSINESS:

None.

RESOLUTIONS AND ORDINANCES:

Resolution No. 988—See **REPORTS: Police**

Warrant—Warrant No. 816 for August 2013 was distributed via email for the Commissioners' review.

COMMISSIONERS COMMENTS:

There were no Commissioners comments.

At 8:00 p.m., Commissioner Spadt announced there would be an executive session immediately following tonight's public meeting on a personnel matter. The Board reserved the right to reconvene into public session to take any official action.

Commissioner Spadt announced that the purpose of the executive session held on Thursday, August 22, 2013 was to discuss a personnel matter.

Next regularly scheduled meeting will be held on Thursday, September 26, 2013 at 7:00 p.m.

The board reconvened into public session from executive session at 9:20 P.M. After discussion a motion was made by Commissioner Kaiser to extend an offer of employment to Edward C. Wagner for the position of Township Manager with a start date of October 21, 2013, upon the following terms: annual salary - \$116,000; annual vacation days 20, sick leave days 10, personal days 5, bereavement days 3 and holidays per the township holiday schedule; use of a township vehicle and mobile telephone; \$50,000 term life insurance; health care, disability coverage and retirement benefits as available to other non-uniform township employees and subject to such other terms as may be mutually agreed and set forth in writing. Commissioner Foltz seconded the motion. Commissioner Spadt noted for the record that Commissioner McGroarty, who could not attend the meeting, had previously advised Commissioner Spadt of his approval of Ed Wagner as the next Township Manager. The vote was 4 in favor and 0 opposed. The meeting was adjourned at 9:25 P.M.

Respectfully submitted,


Michele M. Cappelletti
Secretary