

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
October 7, 2013

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Monday, October 7, 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; Michael McGroarty; James Kaiser and Stephen M. Klotz.

R. Kurtz Holloway, Solicitor; Rodney P. Hawthorne, Manager; Alyson E. Elliott, Assistant Manager; Michael A. Foltz, Chief of Police; Lew Babel, Fire Marshal; Jennifer V. Marsteller, Treasurer/Tax Collector; Scott Exley and Chad Camburn, Township Engineers and Michele Cappelletti, Secretary.

PRESENTATION:

Donation from the Pottsgrove Soccer Club—Rob Deckert of the Pottsgrove Soccer Club presented the Township with a check in the amount of \$3,000.00 to be used towards Township Parks and Building security.

Chief Foltz and the Soccer Club worked together on choosing a security system that would serve the needs of both the Township and the Club. There have been incidents of vandalism at the Gerald Richards Park snack bar and the security cameras will allow video monitoring of the snack bar from the Police Department. Cameras will also monitor activity in and around the Township Building. The Soccer Club's donation will help to offset the cost of this new system.

Members of the Soccer Club's Executive Board were present at the meeting. Ed Windrim, a Township employee and the Club's Field Manager, discussed the improvements, equipment and supplies the Club has provided to the Township.

The Board of Commissioners expressed its appreciation to the Pottsgrove Soccer Club for its generous donation.

COMMENTS FROM VISITORS:

None.

APPROVAL OF MINUTES:

Commissioner Klotz made a motion to approve the minutes of the September 26, 2013 Board of Commissioners meeting. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

REPORTS:

Police

Chief Foltz reported that at the last meeting, the Board appointed Royce Repka as a new patrol officer. Ofc. Repka started working on September 27 and he is out on the street.

There were 1,065 calls for service during the month of September 2013. There were 137 criminal investigations; 33 adults were arrested and 9 juveniles were handled. He highlighted the following from his report:

1. Calls for Service/Departmental Activities:

- a. Chief Foltz met with PennDOT representatives regarding traffic signal timing at Armand Hammer Blvd. and Yost Road. PennDOT is working on adjustments to alleviate traffic safety concerns and backlogs.

2. Traffic Enforcement;

- a. DUI checkpoint was held on September 28, 2013 along the 3000 block of East High Street.

3. Criminal Investigations/Arrest:

- a. On September 7, officers responded to a report of an armed subject who was in possession of a knife on Rosewood Court. The incident occurred subsequent to a domestic dispute. The subject was irrational, suicidal and threatening to others. When officers arrived, the subject was fleeing the scene. The officers cornered and confronted the subject and he was taken into custody without further incident.
- b. On September 9, police investigated a fatal pedestrian accident at the intersection of Mervine and N. Charlotte Streets. A school bus struck an elderly woman who was crossing the street. County detectives are assisting in the investigation, which is still active.
- c. During the early morning hours of September 30, officers responded to a security alarm at Tri-County Chrysler-Dodge on East High St. Ofc. Musselman arrived on scene within a minute and found an overhead bay door open with lights on inside. A suspect exited the building in a 2013 Jaguar and fled with the officers in pursuit. Suspect was found to have abandoned the car a short time later behind Enterprise Car Rental on W. High Street.
- d. Det. Campbell is working on two separate sexual assault cases that involve children.

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

No report.

Fire Marshal

Mr. Babel reported the following statistics for September 2013:

Station	Total Calls	Total Hrs. of Service	Total Personnel Hrs.	Total Personnel Training Hrs.	Total Fundraising Hrs.
	Sept. 2013	Sept. 2013	Sept. 2013	Sept. 2013	Sept. 2013
Sanatoga (Station 58)	23	19	201	163	Not provided
Ringling Hill (Station 59)	19	16	131	52	301

(Hours are approximate)

Commissioner Foltz commented that Mr. Babel and the two fire companies had an excellent display at the Home Depot Expo on Saturday. Home Depot said it was the largest attendance they've ever had.

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

Commissioner Foltz talks to John Fogel on a regular basis and John has told him how much the Soccer Club contributes to the Township and how their contributions save the Township a lot of money. He thanked the Club's representatives who were present at the meeting.

C.O.G.—Commissioner Foltz reported the last C.O.G. meeting was hosted by Lower Pottsgrove Township. The date of the meeting was changed on short notice, so the meeting was not as well attended as other meetings.

Commissioner Foltz received a letter from Mark Flanders, Manager of the Borough of Pottstown, saying he would like to dissolve C.O.G. Mr. Flanders feels C.O.G. and Regional Planning do the same thing.

The 8 member municipalities voted to keep C.O.G. active. Commissioner Foltz noted that C.O.G. started CMERT in 1995 and he supports keeping C.O.G. an active organization. The President of C.O.G. is from North Coventry Township and the funds have moved from Pottstown to North Coventry.

Engineering

Scott Exley of Bursich Associates provided an Engineers' Report updating the Board on various projects and activities going on in the Township.

1700 Industrial Highway Transformer: Mr. Exley reported that in response to Commissioner Foltz's concerns with the existing transformer adjacent to Armand Hammer Boulevard, Keith Place and Chad Camburn visited the property on September 6. Keith Place contacted the property owner on September 10 and notified PECO of Commissioner Foltz's concerns. The owner has been in contact with PECO about upgrading the service to the building and to make a change to a pole mounted transformer in the near future.

Planet Fitness: Commissioner Klotz asked if there were any plans for the Planet Fitness site. Chad Camburn replied the new owners want to improve the site and get it sold as fast as possible. The engineers have been in contact with the owners at least once a week and an on-site meeting is scheduled for Thursday. Mr. Exley said the owners want to reduce the escrow amount being held for improvements. The engineers will meet with representatives of Parke Bank to discuss their financial security requirement; however, the engineers are looking to protect the Township.

Commissioner Foltz asked about a legal notice in the Mercury saying the Township was being sued for back payment by Walnut Ridge Estates for a backlog on sewer bills. Mr. Camburn and Solicitor Holloway were unaware of it. Mr. Hawthorne was also unaware but thought it might be related to outstanding sewer bills that Portnoff is collecting. He will look into it.

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

Solicitor—In lieu of a report, Solicitor Holloway delivered a presentation on how LERTA (Local Economic Revitalization Tax Assistance Law) might benefit Lower Pottsgrove Township. He explained that LERTA authorizes local taxing authorities to exempt improvements to business properties in designated, deteriorated areas from real estate taxes for up to ten years. In 1995, LERTA was used successfully in the southern portion of the Township below the Conrail line from the Pottstown border to the Limerick Township border.

Solicitor Holloway explained how an area qualifies for LERTA, what properties in a LERTA area qualify, how a property receives the property tax exemption, the tax benefit and success stories. He suggested the North End of the Township (Charlotte Street from Mervine to the northern boundary of Kauffman Road) as a possible area to consider for a LERTA district.

Solicitor Holloway felt this was a tool worth considering if the Board wants to foster development in the Township. The next steps in the process were outlined in his memo. Solicitor Holloway said he did not bill the Township for his time on this project, as he was acting not only as solicitor, but as a lifelong resident.

Commissioner Foltz recalled when the Township established a LERTA District in 1995, we did get industry in that area. Commissioner Spadt thought it was worth looking into. Commissioner Kaiser asked if the LERTA District established in 1995 was still active. Solicitor Holloway advised LERTA lasts ten years and it expired in 2005. Commissioner Foltz asked if we can spot designate properties in different areas of the Township. He used the example if the car dealership on E. High Street would become vacant. Solicitor Holloway said the Township would designate an area and every property in that area would be included. Commissioner Spadt added there is no limit on the number of areas.

Commissioner Kaiser made a motion to authorize Township staff to collect data on possible areas to consider for LERTA and report their findings back to the Board of Commissioners. Commissioner McGroarty seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Parks and Recreation and Pottstown Metropolitan Regional Planning

LED Sign—Ms. Elliott reported the application for the LED sign grant was submitted. The Parks and Recreation Board talked about design options, which will be prepared for presentation to the Board of Commissioners. Rules and regulations for the sign were also discussed.

Regional Planning—Ms. Elliott reported the Regional Planning Commission is working on updating the Regional Comprehensive Plan. They are looking at the future land uses section and handing it back to the member municipalities to see if the land use descriptions are appropriate. We have encountered density issues and intend to take a serious look at the Planning Commission level here at Lower Pottsgrove. Recommendations from our Planning Commission will be brought before the Board of Commissioners for its consideration before going back to the Pottstown Metropolitan Regional Planning Commission.

Mr. Exley commented that Bursich Associates is involved with Pottstown Borough and West Pottsgrove Township on an extension of Keystone Boulevard in West Pottsgrove Township. Officials met to discuss extending the road to the Grosstown Road exit off Route 422. The area is similar to the former Occidental Chemical/BCW site, as there is interchange access and rail access. Mr. Exley passed along this information via email to Mr. Hawthorne and thought it could be of value to the Township when considering changes to the zoning ordinance.

Authority

Mr. Hawthorne reported on the following concerning the Lower Pottsgrove Township Authority:

RFQ's—Received 14 Requests for Quotations (RFQs) for sewer treatment plant operations review and financial and billing review. A meeting is scheduled for October 17, 2013 to review all RFQs and that process will determine who will receive Requests for Proposals (RFPs).

Capital Budget—Mr. Hawthorne reported we have to provide upgrades to the Sanatoga Pump Station which could cost as much as \$500,000.

Clarifier—Pottstown Borough is steadfast on the purchase of a \$2.5 million clarifier. We have had input from Upper Pottsgrove Township on a baffle system, which will cost \$500,000.

I&I—Another \$100,000 is in next year's budget for I&I (inflow and infiltration).

Mr. Camburn stated that there are a number of capital improvements proposed by the Borough of Pottstown. Lower Pottsgrove is responsible for 26.28% of the cost of those improvements. This amounts to approximately \$3/4 million this Authority would have to pay to the Borough. Four municipalities are trying to determine if all the improvements are needed. Three other municipalities are asking for alternatives. We have been meeting on a monthly basis and the meetings have been going well. The Borough has been receptive to our input. Mr. Camburn commended Rod Hawthorne and Mark Flanders for spearheading this effort.

Mr. Hawthorne said some of the requirements are coming from outside sources such as DEP and EPA. DEP wants Lower Pottsgrove to put in \$500,000 in improvements; however, some of these costs could be offset by developers. He said the Township has to start planning for these improvements.

CORRESPONDENCE AND INFORMATION:

The following information was included in the Commissioners' packets:

1. Thank you letter to Rodney P. Hawthorne from Bradley B. Fuller, Executive Director of Pottstown Area Seniors' Center.
2. Zoning hearing applications:
 - a. 2013-10 of Kristeen Hauk, 2875 Pruss Hill Road.

OLD BUSINESS:

Recycling, Leaf Pick Up and Yard Waste—Mr. Hawthorne called Arborganic Acres, Hopewell Nursery and Hetrick Gardens for quotes on bulk prices for leaf and yard waste drop off. He received 2 quotes and is waiting for a response from Hetrick Gardens. Mr. Hawthorne expects to have the figures by the October 24 Board of Commissioners meeting.

Commissioner McGroarty asked about a "pay as you go" arrangement with the residents paying at the time of drop-off. Commissioner Kaiser noted that the Township will still provide 6 curbside pickups per year and the "pay as you go" option would only be during the off-months.

Traffic Impact Fee Draft Resolution, Fee and Area—Commissioner Spadt presented Resolution No. 989 for the Board's consideration. He noted one change to the resolution: Anthony Cherico will be moved from an alternate member to a full committee member. He asked for comments from the Board on the Traffic Impact Fee draft resolution.

Commissioner Klotz said again, it is how this impacts us. The Township looked at traffic impact fees several years ago and determined the fees would have a negative impact. He does not think there is enough area in the Township where we would need traffic impact fees, as we already have negotiation power with the developers during the building process. Commissioner Klotz does not think establishing a traffic impact fee will benefit the Township.

Commissioner Kaiser sees it as a positive. He made 2 points: A. Establishing the fee does not preclude us from negotiating and B. Developers may be happy to know what the fee is and deal with it upfront, instead of getting involved in long, drawn-out negotiations. Limerick and West Pottsgrove Townships have traffic impact fees. He felt it was clear that we are going to need improvements and if we do not establish a traffic impact fee, it will come out of the residents' pockets.

Commissioner McGroarty was inclined to move forward with it. He agreed that if we do not, costs for improvements would come out of the residents' pockets.

Commissioner Foltz would go along with the study but he was very much against collecting money until the Board sees the results of the survey.

Commissioner Spadt said if a developer comes in now and gets his plan submitted before the Board approves the establishment of a traffic impact fee, the Township will have lost out on an opportunity. He stated the money will go into an escrow account and, 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. He felt it was the cost of doing business to get the right businesses to come into the Township.

Commissioner Spadt said there are literally over 100 townships and municipalities in the state of Pennsylvania, many of which are in Montgomery and Chester Counties that have these fees. Many are over \$1,000, so the fees are not deterring development. He felt it was a business decision and it protects our current residents. *Amended by Spadt 10/24/13 McCappella*

Commissioner Klotz said to say it's the taxpayer's burden is not the case. The Township has done a good job in the past getting improvements from developers and he does not think there is a developable area that would support traffic impact fees. He said a traffic impact fee is only good for the area it is coming into.

Commissioner Foltz said the burden would be on the taxpayer indirectly if a contractor passes the cost on to the homeowner. Commissioner Kaiser said it would affect new homeowners and if we need road improvements, let the new guy coming in pay for it.

After discussion, Commissioner Kaiser made a motion to approve Resolution No. 989 establishing an impact fee advisory committee and authorizing the preparation and public advertisement of the Lower Pottsgrove Township notice of intention to adopt an impact fee ordinance pursuant to Act 209 of 1990. Commissioner McGroarty seconded the motion. Commissioners Spadt, McGroarty and Kaiser voted aye; Commissioners Foltz and Klotz voted nay. Motion carried by a vote of 3 in favor, 2 opposed.

Stipulation to Settle (Hill School and Brookside Country Club)—Solicitor Holloway advised the Pottsgrove School District solicitor informed him this matter will be on the agenda for the School Board meeting on October 8. Solicitor Holloway will report back next month.

Zoning Hearing Board Replacement—Solicitor Holloway said at the last meeting, a question was posed on whether it is appropriate for the current Board of Commissioners to appoint a member to fill the vacancy on the Zoning Hearing Board.

Solicitor Holloway advised the Municipalities Planning Code (MPC) governs this. According to the MPC, the criteria is there must be a vacancy on the Zoning Hearing Board, the appointment can only be for the unexpired portion of the term and members of the board shall hold no other elected or appointed office in the municipality, nor shall any member be an employee of the municipality.

Through other resources, Solicitor Holloway found a similar case. An outgoing board on December 27, 1989 made appointments to various boards and commissions to be effective January 1, 1990. Since the vacancies would not occur until January 1, the Court threw out the appointments because the outgoing board was not filling current vacancies. Solicitor Holloway explained there are no restrictions on current vacancies and there is no legal restriction on this Board making an appointment to fill a current vacancy.

Commissioner Spadt said he did not know any of the potential candidates and asked Commissioner Klotz if he had a candidate in mind. Commissioner Klotz said he did and asked if we had to advertise the vacancy. Solicitor Holloway said there is no legal requirement to advertise.

Commissioner Spadt said we have gone through the interview process before. He felt that since we have coverage with Scott Fulmer as an alternate, the Board should start the process now and do a few interviews.

Commissioner McGroarty said the last time we had a vacancy, there were some negative comments from the public. Commissioner Foltz agreed there was criticism the last time. For the sake of transparency, Commissioner McGroarty asked if the Township can post a notice that there is a vacancy on the Zoning Hearing Board. Commissioner Spadt suggested posting the vacancy on the Township website, with the applications being due by October 23, 2013. The Board can then proceed with interviewing candidates to fill the vacancy.

Traffic Signal Maintenance Contract—Mr. Hawthorne advised the following proposals were received for the 2013-2014 Traffic Signal Maintenance contract:

Signal Service, Inc.	1020 Andrew Drive West Chester, PA 19380 Attention: Bill Conrad	\$3,400.00 lump sum \$100 maximum hourly rate
Telco Inc.	1224 Cross Keys Road Reading, PA 19605 Attention: John Hivner	\$4,294.00 lump sum \$82.50 maximum hourly rate Overtime hourly rate for field service

Mr. Hawthorne said the Township has had a history with Telco for many years. Signal Service altered the insurance requirements listed on the contract and Mr. Hawthorne does not want the Township to assume any responsibility. Commissioner Foltz has dealt with Telco and said they have been good to us. He asked if the Township had a comment from the state auditor regarding the contract with Telco. Mr. Hawthorne said the Township has had a rollover contract with Telco and the state wanted us to get quotes. Mr. Hawthorne recommended that the Board award the contract to Telco.

Commissioner Klotz pointed out that Telco's annual contract rate was higher than Signal Service. On the other hand, Telco's the hourly rate was lower. He asked if we know they are working extra hours, why aren't those hours included in the contract price.

Mr. Hawthorne said the annual contract price is for annual maintenance. If a light gets damaged, for example, that is when the higher hours come in. Commissioner Klotz stated that Telco's maximum hourly rate is \$82.50. He asked what Telco's overtime hourly rate for field service is, as there is no rate quoted for overtime in Telco's proposal. Mr. Hawthorne was not sure what the overtime hourly rate is and he will get clarification on that.

No action was taken.

SUBDIVISION AND LAND DEVELOPMENT:

Proposed Revisions to Simplify Subdivision and Land Development—On September 5, the Board asked to see language for proposed changes to the zoning and SALDO ordinances. Solicitor Holloway presented the following changes to help streamline and minimize costs for the approval process for two different types of business development:

1. "De minimis" (minimal) land development, which applies to someone adding an addition of up to 1,000 square feet to an existing commercial building.
2. "Excluded" development. With this language, two new types of construction are completely removed from land development:
 - a. A proposal to convert a single family house into 3 or fewer units or
 - b. A commercial building which intends to build an accessory building of up to 1,000 square feet.

An excluded development would only require building and grading permits. The only part of the SALDO which applies is stormwater.

Regarding the conversion of a single family home into 3 or fewer units, Commissioner Klotz asked for clarification on what we are allowing here.

Solicitor Holloway said this is allowed under the MPC. Assuming the property is zoned to allow multiple units, the property owner could convert a single family home into 3 residential units without filing a subdivision/land development plan with the Township. Commissioner Klotz asked which districts this would be allowed in. Solicitor Holloway said if the Board approves it, it will be Township wide; however, the provision does not exempt the property owner from zoning requirements.

Commissioner Klotz used the following example: The owner of an existing single family house on High Street decides to convert the single family residence into a 3 family residence. Consequently, the owner will need to have additional EDUs. How does this fit into the "excluded development" provision?

Solicitor Holloway advised sewer is handled at the permit level. Keith Place collects the EDU fees, whether it goes through land development or not. The provision only deals with plan review. Commissioner Spadt said the provision lowers the burden, it doesn't remove it. Ms. Elliott said there would be review on the staff level but it would not be as extensive, so there would still be control.

Commissioner Klotz also had questions about impervious coverage and parking requirements. He said a property converted from a single family home into a 3 family residence could go from 3 cars to 9 cars, and this could be a problem.

Ms. Elliott said they would have to meet the parking requirements through zoning and staff would be looking at grading. Mr. Camburn said there would still be a grading permit application and an engineering review. He said the application fee would be much less, it would save time with consultants and attorneys and the review process would be expedited.

Commissioner McGroarty asked if both provisions cited under "excluded" development are automatically excluded from the full subdivision/land development process. Solicitor Holloway said the MPC specifically says these two types are excluded from land development. In regard to converting a dwelling from single to multi-family, Solicitor Holloway recommended not permitting the conversion if it is denied by zoning. If the plan is denied by zoning, it never gets

to the subdivision/land development process. Solicitor Holloway felt the way to keep a handle on it is in the zoning ordinance.

Commissioner McGroarty asked what we have in the zoning ordinance now. Solicitor Holloway said certain districts allow multi-family and he would have to look at it. Ms. Elliott said the R-4 Residential Zoning District is the only district where it is permitted.

Commissioner Spadt said the concept is great but he shared the Board's concern about making it too easy to convert a single family home into 3 units. Commissioner McGroarty wants to know more about the zoning districts so he can make a more informed decision.

Mr. Exley asked if this provision precludes a developer from traffic impact fees, since the plan is not going through formal land development. Solicitor Holloway said no, it is his interpretation that the Commissioners will adopt a study that says a house generates "X" amount of traffic. A multiplier will be used to determine the fee. Whether or not the plan goes through land development makes no difference at all.

Commissioner Klotz asked for a map indicating the locations of the R-4 Zoning Districts in the Township.

No action was taken.

NEW BUSINESS:

None.

RESOLUTIONS AND ORDINANCES:

Resolution No. 990—Commissioner Klotz made a motion to approve Resolution 990, approving the 1338 Lynn Drive Planning Module, which will require two EDUs to permit the development of two single family residences. Commissioner Foltz seconded the motion and it was unanimously approved. Motion carried by a vote of 5-0 in favor.

Resolution No. 992—Commissioner McGroarty made a motion to approve Resolution No.992 authorizing the State Aid pension allocation to be distributed as follows:

Police Pension Plan	\$124,299.48
Non-Uniformed Pension Plan	<u>62,149.73</u>
Total Distributed	\$186,449.21

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

Warrant—Warrant No. 817 for September 2013 was distributed via email for the Commissioners' review.

COMMISSIONERS COMMENTS:

Commissioner Klotz said it was good to see the Soccer organization represented at the meeting. Commissioner Klotz himself started in this organization 20 years ago. He said it is refreshing to

see an organization getting along so well with the Township and he thanked them for their contribution.

Commissioner Klotz stopped by the DUI checkpoint and said the Police do a tremendous job. He expressed his appreciation to our officers for working late and keeping our community safe.

Commissioner Klotz submitted an information sheet from James Vlahos indicating an interest to serve on a Township Board or Commission, specifically the Zoning Hearing Board.

Commissioner Kaiser and **Commissioner McGroarty** had no comments.

Commissioner Foltz thanked Ofc. Wil James for personally volunteering at the fire expo.

Commissioner Foltz asked about a 3-rail fence that was recently installed along the sidewalk in front of an E. High Street residence. Mr. Hawthorne will check with Keith Place.

Commissioner Foltz reported the generator will be hooked up shortly, but we do not have a date yet. Mr. Hawthorne said BSI will give us at least two weeks' notice.

Commissioner Foltz said West Pottsgrove has converted their streetlights to LED lighting and he would like to look into it for Lower Pottsgrove Township. Commissioner Foltz's understanding is the cost to convert is almost a wash when considering the cost savings the Township will realize from the LED lighting. The Township currently has mercury vapor street lights. Mr. Hawthorne said there would be costs involved upfront to convert. Commissioner Klotz suggested seeing if PECO would partner with the Township on this project.

Commissioner Spadt echoed Commissioner Klotz' comments and expressed his appreciation to on Chief Foltz, the Township and the Soccer Club for working together in the common interest of getting the project done.

Next regularly scheduled meeting will be held on Thursday, October 24, 2013 at 7:00 p.m.

Respectfully submitted,


Michele M. Cappelletti
Secretary