

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
April 24, 2014

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled work session meeting on Thursday, April 24, 2014 at the Lower Pottsgrove Township Municipal Building, 2199 Buchert Road, Pottstown, Pennsylvania. Meeting was called to order at 7:00 p.m. and the Pledge of Allegiance was recited. The following attended:

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

Blake Dunbar, Solicitor; Edward C. Wagner, Manager; Michael A. Foltz, Chief of Police and Michele Cappelletti, Secretary.

Commissioner Jonathan H. Spadt and Commissioner James Kaiser were absent.

Commissioner Foltz announced the meeting was being recorded.

EXECUTIVE SESSION:

Solicitor Blake Dunbar announced that prior to the meeting, the Board went into executive session to discuss a personnel matter. No action was taken.

APPROVAL OF MINUTES:

Commissioner Klotz made a motion to approve the meeting minutes of the April 7, 2014 Board of Commissioners meeting. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

COMMENTS FROM VISITORS:

None.

CORRESPONDENCE AND INFORMATION:

Pleasant View Road Bridge—Mr. Wagner received a letter dated April 11, 2014 from PennDOT informing the Township that they have initiated preliminary engineering and environmental studies to replace the bridge on Pleasant View Road (near the Quarry).

Sanatoga Road Land Donation—Mr. Wagner received an email from Kelly Kuterbach asking if the Township is interested in accepting a land donation from her family. The parcel is approximately 2 acres and abuts Sanatoga Park.

Commissioner Klotz had questions about taxes, fees, etc. Mr. Wagner replied there would be no taxes on that parcel; it would be a tax-exempt property. If the Board accepts the donation, Mr. Wagner suggested having the current owner pay all the fees associated with the property transfer. Commissioner Klotz asked if the Township would be able to use this property. Mr. Wagner said it is not usable because of the high steep slope.

After discussion, the Board authorized Mr. Wagner to contact Ms. Kuterbach to further discuss the offer and conditions.

Armand Hammer Boulevard Traffic Light—Mr. Wagner updated the Board on the traffic safety issues at the access and egress bridge onto the property at 1000 Armand Hammer Boulevard.

Mr. Wagner discussed the situation with Chief Foltz and Mr. Patel of PennDOT. Mr. Patel advised PennDOT will remove the plastic from the left turn arrow sometime in June. Mr. Wagner will have PennDOT confirm this in a letter. He also reported that conditions at the intersection have improved during rush hour since PennDOT designated a right-turn lane. Mr. Wagner followed up with Jeff McLellan and Mr. McLellan appreciates the Township's assistance with this matter.

Commissioner Foltz understood that the permanent traffic light would be in service in June. Mr. Wagner said yes, the designated turn arrow is permanent.

OLD BUSINESS:

Motion to Advertise Public Hearing—Special Counsel Michael Furey explained the process for the passage of proposed zoning ordinances to establish a GMU District for certain properties (GMU would replace the LI District), a GRO Overlay over a portion of what is being zoned for GMU, and two map amendment ordinances. Mr. Furey advised this process does require the appropriate publication, posting of notices, etc. and Mr. Wagner and Mrs. Cappelletti will handle these requirements.

Mr. Furey said if the Board wished to proceed, it could consider setting July 7, 2014 as the date for a public hearing to receive public comment on the ordinances. A public meeting would be held immediately thereafter to consider adoption of the ordinances.

After discussion regarding the time of the hearing, Commissioner Watson made a motion to advertise proposed Ordinances 309, 310, 311 and 312 and to advertise July 7, 2014 at 6:30 p.m. as the date and time of a public hearing, which will be held at the Lower Pottsgrove Township Municipal Building, to receive public comment on the proposed ordinances. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

SUBDIVISION AND LAND DEVELOPMENT:

Resolution No. 1021-14 Pottsgrove High School Renovation Project—Terry DeGroot of Terraform Engineering, David Nester, Pottsgrove School District Business Manager and James A. Clough of KCPA Architects were in attendance.

Mr. DeGroot started by saying they have been working with Township Staff and the Planning Commission on the Pottsgrove High School Renovation Project. He enjoys working in Lower Pottsgrove and said everyone has been very helpful. Mr. DeGroot then presented the site plan for the Pottsgrove High School Renovation Project to the Board of Commissioners for its consideration and approval. He advised in addition to the site

work improvements, they are doing a full renovation of the building inside (mechanical and electrical systems) which is really the bulk of the project. He advised construction of the cafeteria and the gym will require realignment of the driveway on Kauffman Road and realignment of the parking spaces at the rear of the site. The existing basketball courts will be reconstructed and used for parking, making up for the parking that was lost at the cafeteria.

Mr. DeGroot said they are also looking for approval tonight of an alternate that has not been chosen yet by the District: A synthetic turf field, with another separate alternate for field lighting, for which the District was granted a zoning variance. Also in conjunction with that alternate is a new JV softball field on the westerly side of the site. Mr. DeGroot asked for approval for the entire project, including the alternates; however, he was not sure if everything is going to get built. That decision will be made by the Pottsgrove School Board on Monday, April 28, 2014.

Mr. DeGroot said there is an issue regarding permits and deferred to Mr. Clough. Mr. Clough also expressed appreciation to the Township for being helpful. He said they are trying to phase the project so we get work in the first summer. In order to do that, they have to get contractor permission to get started about May 15.

Mr. Clough said he was unclear on some of the conditions in Resolution No. 1021-14 and Mr. DeGroot read aloud Item K. Mr. Clough was concerned about how long it would take to get all the necessary signatures on the linens. He would like to know if there is a way to get a grading permit while the linens are being signed.

Mr. Wagner felt if Mr. Clough would start the project with no land development approval the Township would assume risk. Mr. Clough disagreed and thought the District actually assumes the risk. Mr. Dunbar said no financial security or construction agreements have been prepared and signed at this point. Mr. Clough asked when the Board will next convene as a group. Mr. Dunbar said if the agreements are reviewed and approved by the Solicitor and the Engineer, the applicant would not have to wait for the matter to come before the Board for approval.

Commissioner Foltz did not want to set a precedent and allow the School District to get the grading permit. He noted that a builder in our Township wanted to do the same thing and the Board did not allow it.

Commissioner Klotz felt there was some confusion with the plan. He said the School District is asking the Board for preliminary/final approval on a plan he has not even seen or reviewed and to consider whether it will allow a grading permit to be issued. He stated that now it's being said that the agreements do not have to come before the Board for approval. Commissioner Klotz did not understand where Mr. Clough was going with this.

Mr. Clough said the Board will approve tonight the finals and Commissioner Klotz said he is not approving any plan he has just seen for the first time. Personally, he said

without seeing and reading through the documents, he is not approving anything. Commissioner Klotz also stated he does not support the new location of the turf field and felt it should be in the location originally proposed near the softball fields. He was concerned about drainage issues.

Mr. Clough said there will be drainage at the bottom by the road and this is going to remedy the problems at the lower fields. The School District wants to get the maximum use out of that field during the day, for athletic classes and the like, as well as for people on weekends. Mr. Clough said the proposed location is near the parking lot and closer to the building; this was done to benefit both the Township and the School District.

Mr. Clough offered to have Mr. DeGroot explain the plan in great detail so the Board does not think there is a "bait and switch" going on. He again said the turf field is an alternate and the School Board will consider it as a separate item. They may or may not include it.

Commissioner Klotz expressed concern about the Board approving a plan without being sure what will actually be on it. Mr. Clough guaranteed the turf field will be on the plan and if the School Board does not approve it on Monday night, they may do it in the next five years. Mr. Clough said the high school will not tolerate any more additions, it's full. This is a master plan of what would be there throughout the rest of the life of the site.

Commissioner Foltz agreed with Commissioner Klotz. He did not want to approve a plan that may or may not be approved by the Pottsgrove School Board. He felt we are putting the cart before the horse. Commissioner Foltz asked since it is a five year plan, could the School District come back and change the plan after the Board has already approved it. Mr. Clough said if they alter the plan, they have to come back to the Board for approval.

Mr. DeGroot said the synthetic turf field was designed as a completely separate project. If it is taken out of the project, everything else stands on its own. He said as much as everyone would like the field, the School Board has to deal with financial realities. Mr. Nester said they planned for and defined the location of the turf field very early on in the process. He advised this location was chosen because the space can handle a larger athletic field than the area Commissioner Klotz was talking about. He also said this location allows the field to be more visible for security purposes.

Mr. Nester said the Athletic Department sees the turf field as a very strong asset; however, it comes with a significant cost and the School Board has to weigh in on that cost. He explained in lieu of putting it out to bid, getting a price and then having to come back and ask for an exception or a change to the plan, the District charged its design team to design everything that could possibly go into the project.

Mr. Dunbar said this is part of a 5 year plan and Mr. Nester advised the construction is scheduled for 27 months. If the School Board approves the project at its meeting on April 28, it will be constructed during that time frame. Mr. Dunbar then stated that anything not constructed that is on the plan would be part of this 5-year plan. Mr. Nester

said there is no guarantee that it (turf field) will ever be built but it is his understanding that a land development plan has a life expectancy. Mr. Wagner said it expires in 5 years. Mr. Dunbar made the point that at the end of 5 years, if something is on the plan, but was not built, the approval would expire. It would then be necessary for the School District to come back to the Board for approval or an extension.

Commissioners Foltz and Klotz were not comfortable with approving the plan. Since the full Board was not present, and to allow time for the Commissioners to review the proposed plans, Commissioner Klotz made a motion to defer approval of Resolution No. 1021-14 to the next Board of Commissioners meeting. Mr. Watson seconded the motion and it was unanimously approved. Vote was 3-0. For the record, Mr. Dunbar asked for the date of the next Board of Commissioners meeting and was advised it is May 5, 2014.

In the interim, Mr. DeGroot would like to continue with working out the agreements and getting things in order. Commissioner Klotz asked what the agreements were and Mr. Wagner advised there are the Financial Security, Improvement and Maintenance and public improvements agreements that need to be prepared. Mr. Dunbar said they could move ahead with the agreements, which will be reviewed.

Mr. Dunbar stated that the Board would like the School District representatives to return to the next meeting. Mr. Clough asked if the Commissioners wanted a longer presentation tonight. Commissioner Klotz said the Board will review the plan and, if a longer presentation is necessary, Mr. Wagner will be in contact with them.

NEW BUSINESS:

Building Permit Fees for Pottsgrove High School Renovation Project—In a letter dated April 2, 2014, Mr. Nester requested that the Commissioners consider waiving the building permit fees on the Pottsgrove High School Renovation Project. Commissioner Watson asked what the total fees would be. Mr. Wagner said it depends on the cost of the project, as the permit fees are approximately two percent of the cost of the project. For example, Mr. Wagner estimated two percent of a \$33 million project would be roughly \$660,000 plan review fees.

Mr. Nester said historically, the last three projects the School District did in Lower Pottsgrove, two at Lower Pottsgrove Elementary and one at Ringing Rocks, the Board of Commissioners graciously opted to waive the building permit fees. He said the District is not looking to have this negatively impact the Township in any way, this is just past practice, but obviously a \$600,000 increase on the scope of the project will cost the taxpayers.

Commissioner Watson asked for the totals of the last three projects. Mr. Nester advised the Ringing Rocks Project was about \$15 million and the two at Lower Pottsgrove were approximately \$17 or \$18 million combined. Commissioner Watson said roughly, the Township has saved the School District about \$660,000 over the last three projects. Mr. Nester said that is correct. Commissioner Watson then said, so now the School District is coming back to the Board of Commissioners and requesting we waive another \$660,000?

Mr. Nester said he is asking for the Board to consider providing the same experience that it has in the past.

Commissioner Watson said personally, he does not think it is fair to our taxpayers that the Board keeps giving and giving. He said the Board understands what's been done in the past but the Township has expenses of its own and he is against waiving the permit fees.

Commissioner Klotz agreed with Commissioner Watson. He said a different Board of Commissioners waived the fees on the last three projects. Commissioner Klotz always considers the budget when making decisions. He investigated the surrounding municipalities and found they do not waive fees at this time. With that being said, and since we did waive the fees for the last three projects, Commissioner Klotz agreed with Shawn and he would not waive the fees. Mr. Clough asked if we could perhaps get a restructuring, as it was his contention that our fees are designed for smaller buildings. He asked if there is some middle ground.

Commissioner Foltz said a restructuring has occurred at Lower Pottsgrove Township. The Board has significantly reduced costs and has cut staff in the process. He was not in favor of giving that kind of money back to the School District, when we cut our own staff here. Commissioner Foltz said contractors have also requested that the Board waive fees and we cannot do that.

Mr. Nester asked for clarification but it was his understanding that the building permit fees are designed to recover costs that the township incurs in relation to a project. He questioned whether or not \$600,000 worth of service is going to be provided as part of the review process. Mr. Nester said the School District is not asking for a waiver for any of the certification fees, review fees, or engineering fees. He asked if there was any flexibility in the amount of the fees because it is such a large item. Mr. Wagner said the fee is an estimate until such time the actual building permits are submitted.

Mr. Wagner then asked who prepared the bid specs. Mr. Nester said they did. Mr. Wagner advised the Township was put in a very awkward position because contractors called and questioned what the fee would be. Mr. Nester said the bid specifications indicated the School District would provide the building permit. Mr. Clough said the contractors misunderstood or did not read the specs, as it has always been the intent that the District would provide the building permits. Mr. Wagner would have appreciated being provided with the specifications and he would have referenced that section when the contractors called.

Commissioner Foltz said the Board feels we cannot jeopardize the taxpayers anymore. He asked for a vote on the matter. Commissioner Klotz then made a motion not to waive the building permit fees for the Pottsgrove High School Renovation Project for construction costs. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

Letter of Support for Grant Application—Mr. Wagner received a letter from Mike Stokes of the Montgomery County Planning Commission dated March 18, 2014. The County is applying for a Department of Conservation and Natural Resources (DCNR) Grant to purchase property in and around the Oxy Chem site to extend the Schuylkill River Trail from Pottstown to Chester County. The County is looking for a letter of support from the Board of Commissioners to submit with their application.

After discussion, Commissioner Klotz made a motion to send a letter of support to Mike Stokes of the Montgomery County Planning Commission supporting the County's application for the DCNR CP2 Program Grant. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

Conditional Offer of Employment—Chief Foltz reported the Civil Service Commission met on April 23, 2014 to certify a list of eligible candidates to fill the vacancy occasioned by the resignation of Ofc. Royce Repka. Chief Foltz recommended a conditional offer of employment be offered to Kevin Black, the #1 officer on the newly certified list.

Commissioner Klotz made a motion to extend a conditional offer of employment to Kevin Black as a police officer. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

Promotional Process for Sergeants—Chief Foltz reported there is a mid-year promotional process for sergeants included in this year's budget. The plan was for the sergeants to be promoted by July 1, 2014. This is not going to happen by July 1 but Chief Foltz requested the Board's approval to begin the process using Safe Cities Solutions LLC. The budgeted cost is not to exceed \$4,700.00

Commissioner Klotz said this was discussed during Police Committee and the Police Committee supports it and recommends approval. Commissioner Klotz made a motion to approve the commencement of the promotional exam process for the sergeants using Safe Cities Solutions, LLC at a cost not to exceed \$4,700.00. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

RESOLUTIONS AND ORDINANCES:

Ordinance No. 105-A FOG Program—Commissioner Watson made a motion to adopt Ordinance No. 105-A enacting and approving the FOG Program.

Commissioner Klotz asked Mr. Wagner if everything was in order. Mr. Wagner advised everything is in order, the ordinance was advertised and we are now in compliance with the Borough of Pottstown's FOG Program. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

Resolution No. 1014-14 PennDOT Traffic Signal on Kauffman Road—Mr. Wagner advised this resolution is authorize the Township to submit an application to PennDOT to relocate the flashing light on Kauffman Road. At the previous meeting, Commissioner

Klotz requested that the School District secure a letter from the affected homeowner. He did not see a letter in his packet.

Mr. Nester said he did speak to the homeowner and she indicated she is in her 90s and she doesn't need to write a letter. He advised she had no problem with the relocation of the traffic signal. Commissioner Klotz was not comfortable with moving a traffic signal on someone's property without having a letter on file from that homeowner. Commissioner Klotz suggested that Mr. Nester write the letter and have her sign it and Mr. Nester will do that.

Warrant #823— Commissioner Watson made a motion to approve Warrant #823 for the month of March 2014. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

Acceptance of Treasurer's Report—Commissioner Klotz made a motion to accept the Treasurer's Report for the month of March 2014, as submitted by Jennifer Marsteller. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 3-0 in favor.

COMMISSIONERS' COMMENTS:

Commissioner Watson had no comments.

Commissioner Klotz asked about the basketball courts on the Pottsgrove High School Renovation plan. He said this area is going to be a parking lot and asked if there are any plans to relocate the courts. Mr. Nester advised there are no plans to relocate the basketball courts. Commissioner Klotz said it was mentioned that the turf field would benefit the Township. He asked if the Township would have use of the turf field. Mr. Nester advised that has not been determined and the School District would have to review its policies.

Commissioner Foltz stated he is not against education and he would like to work with School Board but we all have to consider our taxpayers and protect them. He said we have done this in our Township and he thinks the School District should start also. Mr. Nester said they were trying with the permits. Commissioner Foltz said the taxpayers are ultimately paying for the permits because the money is not coming into the Township.

There were no comments from the Manager or the Solicitor.

There being no further business, the public meeting adjourned 7:42 p.m. Next meeting will be held on Monday, May 5, 2014.

Respectfully submitted,



Michele M. Cappelletti
Township Secretary