

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
May 5, 2014

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Monday, May 5, 2014. The meeting was called to order at 7:00 p.m. The following were in attendance:

Board of Commissioners: Bruce L. Foltz, President; Stephen M. Klotz, Vice President; Shawn Watson; James Kaiser; Jonathan H. Spadt.

Robert L. Brant, Solicitor; Edward C. Wagner, Township Manager; Michael A. Foltz, Chief of Police, Lew Babel, Fire Marshal; Scott Exley, Township Engineer; Jennifer Marsteller, Tax Collector; Jennifer Griffith, Recording Secretary.

Commissioner Foltz announced the meeting was being recorded.

EXECUTIVE SESSION:

Solicitor Brant announced that prior to the meeting the Board went into executive session regarding a Police personnel issue and a potential litigation issue. No action was taken.

SUBDIVISION AND LAND DEVELOPMENT:

Pottsgrove School District Assistant Superintendent William R. Shirk, Jr. and KCBA Architects Terry DeGroot and James Kiefer presented the Pottsgrove High School renovation plan for Land Development Preliminary/Final approval by the Board of Commissioners.

Dr. Shirk presented an overview of the project and the future benefits of the upgrades to the students and faculty of Pottsgrove High School. Dr. Shirk introduced James Keifer and Terry DeGroot of KCBA Architects.

Mr. Keifer provided detailed information on the existing structure and infrastructure and the changes that will be made as well as the benefits of those changes. He commented that there was much care taken to weigh the differences between renovations or new construction. He commented that the last renovation was in 1993; mechanical, electrical, data technology and at this point the infrastructure updates are necessary in order to provide the best education possible for the students. Big factor to solve education needs. This includes the addition of a STEM program (science and technology). The new gymnasium will allow for increased lab spaces in conjunction with the addition of two science labs. Mr. Keifer also reported that the new structures such as the gymnasium and the cafeteria will be constructed prior to interior renovations beginning so the spaces can be occupied and the disruption will be kept to a minimum.

Mr. Keifer gave more detail on the physical characteristics of the upgrades. The new gymnasium will be able to seat 1200 attendees and will allow more room for tournaments, graduation ceremony, etc. The new cafeteria will replace two existing

cafeterias. This will provide both a safer environment for students and easier environment for staff to supervise and a more streamlined process for the cafeteria employees. There is also the possibility that it can be used as a community room after hours. Mr. Keifer then detailed the upgrades to the Administration offices such as the addition of a Guidance Department prominently displayed at the entrance of the building. There will be security upgrades to the entrance of the building as well. The space that was the cafeteria will become two large group instruction rooms.

Commissioner Klotz inquired as to what construction material the red band around the top of the new cafeteria structure is. Mr. Keifer responded that it is a metal that carries a 20 year warranty. Commissioner Klotz asked why that band could not be constructed out of a different color brick in lieu of a material that will fade over time. Mr. Keifer answered that the area is actually a 3ft awning that will provide necessary shade to the cafeteria.

Mr. DeGroot gave an overview of the plans and explained the site itself. He explained that there would be a loss of some existing parking spaces in order to complete the cafeteria construction. The existing basketball courts will be removed and car parking will be added in that place. He also detailed the plan the School Board accepted all the option in the bid proposal including the turf field with lighting that was approved by the Zoning Hearing Board and the relocation of the existing softball field. Modifications will be made to the drainage system on the ball fields to remedy existing drainage problems. Mr. DeGroot explained that all permits for the site are in place NPDES and E&S. They are waiting on the approval from the Pottstown Borough Authority for the water. Plans have been submitted to both Township office and Engineer for the review. Cost estimates are submitted to Bursich Associates, Inc. as well. Mr. DeGroot explained that they are making sure everything is in place for the project to begin over the summer for the safety of the students.

Commissioner Foltz inquired if the brick wall in front of the building will be repaired as it has been discolored for years. Mr. Keifer explained that the capping on the wall is currently cast stone which has caused the discoloration. It will be replaced with limestone which will not cause the same problem over time. The wall will be restored properly. Commissioner Foltz then asked how long the project was slated to take. Mr. Keifer indicated it would span three (3) summers and two (2) school years with a proposed end date of August 2016. The gymnasium addition and the cafeteria addition are anticipated to begin summer of 2014 and slated for completion summer 2015.

Commissioner Klotz questioned how parking would be affected with the loss of spaces due to the cafeteria addition. He also commented that the existing lot provides safety and the proposed renovation does not appear to be as safe for drop offs. Mr. DeGroot added that the installation of the island in the parking lot should provide the necessary barriers to discourage immediate turns and create a safe flow of traffic. Parent drop offs are going to be restricted to the front loop of the building and the buses will be traveling to the side of the building.

Commissioner Watson asked about the security plan at the main entrance. Mr. Keifer responded that any visitors would only be able to enter the building through the main entrance vestibule; all other doors will remain locked. They would then be filtered through the administration suite which can be locked down if there is a security issue. Only after clearance from the administration suite will visitors then be issued a visitors badge and allowed to pass into the main school structure itself.

Commissioner Spadt summarized the Board meeting concerning the permit fees that will be charged to the Pottsgrove School District. Manager Ed Wagner calculated an estimate permit of total fees of approximately \$440,000. In the spirit of cooperation, the Board agreed to reduce the fees by fifty percent and charge \$220,000 in permit fees noting that both the Township administration and the School Board Administration are serving the same constituents and the goal is to serve them best. Commissioner Spadt noted that the surrounding municipalities that fees are generally not waived. He further noted that with full School Board approval of the fees, the Board of Commissioners will agree to grant the Preliminary/Final approval of the Land Development plan for the renovations of Pottsgrove High School.

Commissioner Kaiser noted that the school has been generous with the use of sports facilities for the youth sports organizations and the Board would like to see that continue if not become more the reality. He commented that the Board is impressed with the LEEDS certified construction and the grant received for that and the implementation of a turf field. He would like to see the cooperation with youth organizations increase and include the use of the turf field be included in the partnership.

Commissioner Klotz also added that another reason the Board of Commissioners decided to reduce the fees would be an agreement that the other sports organizations would be invited to use the turf field.

Solicitor Brant added that the Board of Commissioners would like to have someone from the Pottsgrove School Board agree to the reduction of fees to \$220,000. School Board member Justin Valentine was in the audience and he agreed to address the entire School Board with the offer of \$220,000. Solicitor Brant would require that the School Board approve that figure and added that the Board of Commissioners would like to see this project move forward and will expedite permits quickly. The resolution will only require one or two additions to it; the actual figure for the permit fees and the signature page due to the absence of the Township Secretary. His mandate from the board is that staff expedites the paperwork process; land developers agreements are being prepared and the Engineer has the information for Escrow agreements. They will not hold up the Building Permit process for paperwork.

Commissioner Klotz noted that the plan for the turf field does not include any restroom facilities. The nearest facility is on the other side of the football field. He inquired as to whether they could add a facility on the turf side under the bleachers. The facility can be

on an automatic locking system for when the school building is not open and the field is being used.

Commissioner Klotz made a motion to approve Resolution 1021-14 for Preliminary/Final approval of the Renovation plan for Pottsgrove High School with modifications as discussed; pending the agreement of the Pottsgrove School Board on the \$220,000 in permit fees. Commissioner Watson seconded the motion and it carried with a 5-0 vote.

Jonathan Spadt's resignation letter was read aloud by Commissioner Foltz. Commissioner Klotz made a motion to accept Commissioner Spadt's resignation. Commissioner Kaiser seconded the motion. The vote was 4-0 as Commissioner Spadt recused himself from the vote. Commissioner Spadt was presented with a plaque commemorating his service at Lower Pottsgrove Township.

Commissioner Spadt recognized Mr. Troutman, former commissioner as well as the late Woody Righter and Mr. Tony Brasacchio.

APPROVAL OF MINUTES:

Commissioner Klotz made a motion to approve the meeting minutes of the April 24, 2014 Board of Commissioners meeting. Commissioner Watson seconded the motion and it carried with a vote of 5-0.

COMMENTS BY VISITORS:

There were no comments from visitors.

REPORTS OF OFFICIALS AND COMMISSIONS:

POLICE:

Chief Foltz reported that the Police had 21 adult arrests for the month, 29 traffic violations including 5 DUI arrests. The total calls for service were 1,030.

Chief Foltz introduced Ordinance #308 which calls for the speed limit to be lowered on a section of high street between Pleasantview Rd. and Rupert Rd. to be lowered to 35mph from 40mph. A motion was made by Commissioner Kaiser and seconded by Commissioner Watson. The motion was carried by a vote of 5-0.

Commissioner Klotz made a motion to authorize Chief Foltz to compose a letter to PennDOT requesting additional signage as well as speed limit signs along Armand Hammer Blvd. to be reduced to 35mph. The motion was seconded by Commissioner Kaiser and carried with a 5-0 vote.

Chief Foltz then reported that a conditional offer of employment has been extended to Kevin Black. He is currently employed as a part-time Police Officer in Spring City and Royersford Boroughs. The conditions are expected to be met by the end of next week with a swearing in date of May 22, 2014.

Chief Foltz also reported on collaboration by the Codes Department and the Police Department to address issues at 1208 Randy Drive. Officers responded to a call regarding unauthorized persons at the residence. The response resulted in drug arrests. The Code Department was then called in regarding an exposed pool and damaged fences. Mr. Wagner authorized Public Works to secure the fence and the Health Department was called regarding the abandoned pool.

EMERGENCY MANAGEMENT:

Mr. Wilcox reported that there were no EOC actions. Lower Pottsgrove applied for assistance from the Severe Winter Weather from February 3, 2014 through February 26, 2014. Montgomery County did not qualify for reimbursement, therefore no assistance was available.

FIRE MARSHAL:

Mr. Babel highlighted the following statistics from his written report:

Station	Total Calls	Total Hrs. of Service	Total Personnel Hrs.	Total Personnel Training Hrs.	Total Fundraising Hrs.
Sanatoga (Station 58)	May 2014	May 2014	May 2014	May 2014	May 2014
	32	278		60	Not provided
Ringling Hill (Station 59)	25	131		62	800

(Hours are approximate)

HIGHWAY:

Commissioner Foltz read aloud the report submitted by the Public Works Department.

COUNCIL OF GOVERNMENT (COG):

Commissioner Foltz commented that there was to be a COG meeting held on Wednesday, May 7, 2014.

ENGINEER:

Bursich Associates provided an Engineers' Report updating the board on various projects and activities going on in the Township. Mr. Exley highlighted that he attended a meeting regarding the progress of the Keim St. Bridge and that the project was moving forward but completion remains more than five years out.

TREASURER:

Treasurer Jennifer Marsteller submitted her monthly report. She noted that at this time in 2013 88.2% of the taxes had been collected. For the year 2014, 87.3% of the total has been collected.

PLANNING:

Mr. Wagner had nothing new to report.

AUTHORITY:

Mr. Wagner reported that during the heavy rains all three pumping stations overflowed. Our capacity allowed to flow to Pottstown Borough is 11,800 gpm at the Poter Road pump station. During the heaviest flow we were sending 12,000 gpm.

PARKS AND RECREATION:

Ms. Griffith reported that Parks and Recreation was working on establishing grant funds through the Community Development Block Grant. She detailed that the County representatives from the program have reached out to Mr. Wagner for more detail on the plans and what we would like to accomplish. The grant can be submitted two ways, through HUD for a Low & Moderate Income Benefit or to remove Architectural Barriers-to assist communities with updating facilities for accessibility for elderly or disabled persons. If the grant is submitted to benefit the Low & Moderate Income communities, the township and the service area for the project must comply with HUD issued census data for the income level. If this is non-compliant, then the grant will be submitted under the removal of Architectural Barriers program and a portion of the proposed plan will not comply. The Township is currently awaiting the census data from the County to know how the application will be submitted.

SOLICITOR:

Solicitor Brant submitted his report highlighting projects he has updates on for the Board of Commissioners. Commissioner Foltz asked about an ongoing problem with the abandoned gas station in the Township at the corner of Mervine and Charlotte Streets. He inquired as to whether or not the Township can take the property over under Eminent Domain. Solicitor Brant said he would have to review the Township file on the property. Commissioner Foltz added that North Coventry Township has the same problem with the same property owners. He is just concerned because the plastic from the sign is hanging down and could injure pedestrians. Mr. Wagner commented that he has been in contact with the Realtor that has the property listed and that he has several potential contracts. Commissioner Foltz added that he would like to authorize Solicitor Brant to look into it.

CORRESPONDENCE AND INFORMATION:

Mr. Wagner reported that a resident of Romig Road put in a Zoning Hearing application to extend a previous Zoning Hearing Board decision. The hearing will be May 20, 2014.

Mr. Wagner then reported that he was approached by a company called P3Towers. They would like to put several cell towers in the Township – specifically one at Sanatoga Park and one on Pleasantview Rd. at the Public Works pole barn. He feels this has a potential for an approximate revenue stream of \$40,000 per year. He questioned whether the Board would like him to pursue it further. The Board members all agreed they would like more information.

OLD BUSINESS:

Buchert Ridge: Buchert Ridge Community would like to extend their Temporary Use and Occupancy Permit for 1865 Buchert Road. Kim Freeman from Fox Rothschild LP represented Wil Hallman Retirement Development to address a letter for the Temporary U&O for the Prizer House. One condition to the current U&O is the parking area being paved and the approval of the amended Land Development. Due to situations with outside agencies they have been unable to obtain approvals to move forward with Land Development approvals. Mr. John McMenamain addressed the Board directly with a recap of the process. He commented that the original layout had to be changed. He indicated there were conditions that had to be addressed which were completed; temporary parking and updated lighting were among them. Towards the end of the year the Montgomery County Conservation District (MCCD) experienced some staffing changes and new regulations that affected the review process. Mr. McMenamain presented the letter to Township Engineer, Scott Exley. Mr. McMenamain then gave a brief review of the correspondence. Mr. McMenamain has met with the new parties responsible for the review and has adjusted the plans to address the new Best Management Practices (BMPs). Buchert Ridge has now found out they need to incorporate “porous paving”. Solicitor Brant noted that Buchert Ridge was asking for a one year extension to the Temporary Use & Occupancy to expire May 31, 2015. Commissioner Foltz noted the Board would like to give a six month extension to push the project along. The Board felt that the developer would use their time more efficiently and not need the entire year they are requesting. Commissioner Kaiser also inquired as to where the items on the original punch list stand. How complete is the list? Are the only things holding up the project the new developments or are there existing punch list items that remain outstanding. Mr. McMenamain responded that the only thing left is the land development approval and the changes with the MCCD. Mr. Wagner added that the PennDOT approval is still outstanding as well as the MCCD approval and then final land development approval. He noted these are the three major things still outstanding. Mr. Exley added then the construction. Ms. Freeman added that they have not submitted the land development plan because they did not have the MCCD approvals and they did not want to hold the review process up. She then asked Mr. McMenamain if he was anticipating MCCD approvals shortly. He responded that he has met with the appropriate people to get everything squared away. Mr. Brant asked if they could work with a six month extension. He suggested having Buchert Ridge agree to the six month extension and if more problems arise they can readdress the Board with a request for another extension. Mr. Hallman

commented that WHRD was not trying to hold the project up. He requested any assistance from Board members to move the MCCD and PennDOT forward so the project can then move forward. He said they are moving as quickly as the outside agencies will allow. Mr. Wagner reiterated his recommendation of a six month extension to the Board. He agreed that it may need to be extended again. He'd rather see the project move forward. Commissioner Klotz asked WHRD how confident they were they would be done in a year. He does not want to see them coming back in a year asking for the same extension again. Mr. Kaiser pointed out that if they know the extension is going to be necessary that they come to the Board before the expiration so there is less urgency in the request and both parties can avoid another contentious meeting. He is requesting the communication between both parties be open. Commissioner Klotz asked again how confident they were there would be no request for extension in one year's time. Mr. McMenamain said he was not sure due to construction and porous paving. Financing will not be provided until final approval is issued. Commissioner Foltz asked Mr. McMenamain who was requiring the porous paving. Mr. McMenamain noted that there is more water on the site than he was planning on having to hold on the site and to remedy the problem, he can install this porous paving. Mr. Wagner noted that the School District received MCCD approval in four months time and he was uncertain as to why they couldn't get approval. Commissioner Foltz suggested they work with staff and he and the Commissioners would ring the request for extension of either six months or one year. He asked for comments from the Commissioners. Commissioner Klotz noted that Mr. Hallman has done wonderful projects in the area and that he would like to make a motion to extend the Temporary Use and Occupancy for one year contingent upon update reports being submitted every 90 days. Commissioner Watson seconded the motion and it carried with a 4-1 vote. Commissioner Kaiser was the nay vote.

NEW BUSINESS:

Commissioner Foltz introduced a motion to extend a conditional offer of employment to Joseph Groff as the Township Code Enforcement Officer with a tentative start date of June 2, 2014. Commissioner Kaiser asked if a cost analysis has been done on the subcontractor versus a permanent employee due to the workload changing. Commissioner Klotz pointed out there is several long term projects on the books and a staff person would help move projects along. Mr. Wagner noted the new employee will have a nine month probationary period.

Commissioner Klotz made a motion to extend a conditional offer of employment to Joseph Groff as the Township Code Enforcement Officer. Commissioner Watson seconded the motion and it carried with a 5-0 vote.

RESOLUTIONS AND ORDINANCES:

Ordinance 33-K-3.A – Amending the Contractor Registration – Commissioner Foltz introduced the amendment. Solicitor Brant noted that the PA Home Improvement Contractors Act preempted several items in the existing ordinance and that this was to eliminate those instances. Commissioner Klotz made a motion to approve Ordinance 33-

K-3.A of 2014. Commissioner Kaiser seconded the motion and it carried with a vote of 5-0.

Resolution 1016-14- Amending the Right to Know policy- . Mr. Wagner noted this is consistent with the Accreditation for the Police Department by appointing Chief Mike Foltz as the Police Right To Know Officer and Mr. Wagner as the Non-Uniformed Right to Know Officer. The policy revision also notes that appeals to the Right To Know requests that are denied for the Police must go through the Deputy District Attorney's office. Commissioner Spadt made a motion to approve the resolution. The motion was seconded by Commissioner Klotz and carried with a vote of 5-0.

Resolution 1014-14- PennDOT Traffic Signal Application on Kauffman Road- Commissioner Foltz noted that the School District must relocate the School Zone light on Kauffman Road to allow for the new driveway location. Commissioner Klotz made a motion to approve the Resolution 1014-14. The motion was seconded by Commissioner Watson and carried with a vote of 5-0.

REVIEW OF WARRANT #824

COMMISSIONERS COMMENTS:

Commissioner Spadt had no further comments except to say that he enjoyed his time of the Board and he wishes everyone the best in the future.

Commissioner Kaiser thanked Commissioner Spadt both as a resident for his time on the Board and as a fellow commissioner for the guidance and wisdom he brought. He will be missed.

Commissioner Watson noted that he had not served with Commissioner Spadt for long, but he thanked him for his time and for paving the way for the younger generation coming forward.

Commissioner Klotz commented that he attended a DUI Checkpoint the previous weekend and that he would like to commend the professionalism of the Lower Pottsgrove Township Police Officers and the Pottstown Police Department who jointly manned the checkpoint. He also noted that the annual Easter Egg Hunt sponsored by the Parks and Recreation Department this month and was well attended. Commissioner Klotz then noted that he was able to attend the Police Fish Rodeo and that the officers did a great job with that as well as overcame some challenges because the night before there was torrential rain and they had to keep the creek blocked off and try to contain the fish. Lastly, he thanked Commissioner Spadt for his time on the Police Committee and what he did to develop this Police force as well as his time on the Occidental Chemical site cleanup. He noted that Commissioner Spadt will be missed and thanked him for his time served.

Commissioner Foltz thanked Commissioner Spadt for his time and wished him well.

Mr. Wagner thanked Commissioner Spadt for the opportunity to come back to Lower Pottsgrove Township.

Solicitor Brant noted that Commissioner Spadt is respected as a colleague and attorney and wished him the best.

Commissioner Foltz then thanked the Manager and Solicitor Brant for their work with the school district project as he knew it took most of the weekend for them to wrap it up.

The meeting adjourned at 8:43p.m.

Respectfully submitted,


Jennifer J. Griffith