

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
June 5, 2014

The Board of Commissioners of Lower Pottsgrove Township held its duly advertised rescheduled meeting on Thursday, June 5, 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 were in attendance:

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

Robert L. Brant, Solicitor; Edward C. Wagner, Manager; Michael A. Foltz, Chief of Police; Lew Babel, Fire Marshal; Chris Wilcox, Emergency Management Coordinator; Jennifer V. Marsteller, Treasurer/Tax Collector; Scott Exley, Township Engineer; Chad Camburn, Township Engineer and Michele Cappelletti, Secretary.

Commissioner Foltz announced the meeting was being recorded.

APPOINTMENT AND SWEARING IN OF COMMISSIONER JAMES W. VLAHOS:

Commissioner Klotz made a motion to appoint James W. Vlahos to the Lower Pottsgrove Township Board of Commissioners. Commissioner Watson seconded the motion.

Commissioner Klotz stated that the Township is lucky to have a person like Jim Vlahos, a resident and business owner in Lower Pottsgrove Township, who wants to serve as Commissioner in our municipality. His experience is very expansive in the areas of development, open space and regional planning. Commissioner Vlahos has served as a Chairman Supervisor in New Hanover Township, a Council member in Pottstown Borough, Chairman of the Pottstown Metropolitan Regional Planning Commission and a Board member of Montgomery County Community College. He most recently served as the Chair of the Lower Pottsgrove Township Zoning Hearing Board. Commissioner Klotz thanked Jim for accepting and volunteering his time and services. Commissioner Vlahos appreciated having the opportunity to serve in Lower Pottsgrove Township.

With a motion on the floor and second, the Board of Commissioners unanimously voted to appoint James W. Vlahos to the Lower Pottsgrove Township Board of Commissioners. Motion carried by a vote of 4-0.

Commissioner Vlahos was sworn into office by District Justice Edward C. Kropp, Sr., Magisterial District 38-1-12.

APPROVAL OF MINUTES:

Commissioner Klotz made a motion to approve the minutes of the May 22, 2014 regularly scheduled Board of Commissioners meeting and the May 30, 2014 special meeting of the Board of Commissioners. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

COMMENTS FROM VISITORS:

Tom Troutman, E. High Street, thanked the Board and staff for their kind expressions of sympathy on the passing of his wife, Camille.

Tony Doyle, 1745 Kepler Road, noticed that the latest Parks and Recreation Board minutes posted on the website are from the September 23, 2013 meeting. Mr. Wagner advised the Board has been meeting regularly and the minutes will be posted.

Mr. Doyle said several months ago, there was discussion about putting an LED light in front of the Township building. He asked for the status of the sign. Commissioner Foltz said there have been some stumbling blocks but we are still working on it. Commissioner Klotz said it involves more than just the sign. He explained that the expected grant funds did not come through so the Board is looking into other ways to finance it.

Mr. Doyle would like Comments by Visitors moved to the end of the meeting. He would like to have the opportunity to make comments after the Commissioners have discussed agenda items. Commissioner Foltz said the Board discussed that and decided to keep Comments by Visitors the way it is; however, Commissioner Foltz said it is his policy as President to allow public comments after Board discussion.

REPORTS:

Police

Chief Foltz reported there were 952 calls for service in May 2014; 118 were traffic violations and 90 were criminal violations (41 adults arrested and 7 juveniles handled). He highlighted the following from his report:

1. **Calls for Service/Departmental Activities:**
 - a. Ofc. David Slothower has been assigned to the position of Traffic Safety Officer, replacing Ofc. Diesinger.
2. **Training:**
 - a. All officers have received and undergone training on Trauma Kits which have been issued through the Montgomery County Pennsylvania Chiefs of Police Association.
3. **Traffic Enforcement:**
 - a. On May 20 and 21, 2014, the Department kicked off the Buckle-Up PA traffic Enforcement Program. The Program will be on-going for the next month.
 - b. A resident complained about speeding on Pebble Beach Lane and Julie Road. A traffic survey was conducted and results indicated there is not a serious speeding problem there. The Department will do some selective enforcement to monitor the situation.
4. **Criminal Investigations/Arrests:**
 - a. On May 24, 2014 there was an accidental death of a male subject following a vehicle accident on Route 422. The subject attempted to allude police after a hit and run accident. He attempted to traverse the I-beams of the bridge under construction, resulting in a fall to his death.

b. SRO James assisted Pottstown Police SRO with an investigation of threats made via social media. The juvenile responsible was identified and handled appropriately by the school and police officials. Case is closed.

5. **Fleet:**

a. Both new cars have arrived and are currently being upfitted.

6. **Overtime:**

a. There has been an increase in overtime over the past month due to a number of privately contracted police services.

7. **Misc.:**

a. The Department received a \$3,000 grant from Delaware Valley Health Insurance Trust. Funds will be used to purchase 3 new AEDs.

8. **Civil Service Commission:**

a. The Civil Service Commission met on June 4, 2014 and voted to open the application process for police officer. Application fee will be raised to \$40.00 to cover administrative costs. The Police Department will accept applications from June 13 to July 14, 2014.

All statistics and information is included in Chief Foltz's written report.

Emergency Management

No report.

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)	38	Not provided	219	167	Not provided
Ringling Hill (Station 59)	38	Not provided	121	94	552

(Hours are approximate)

Highway—Public Works Department: Commissioner Foltz read the Public Works Report for May 2014. Report will be posted on the bulletin board.

C.O.G.—Commissioner Foltz had nothing new to report.

Engineering—Bursich Associates provided an Engineers' Report updating the Board on various projects and activities going on in the Township. Scott Exley highlighted the following:

1. **Sanatoga Marketplace**—The Engineers, Manager and the Solicitor met with the applicant to review the remaining issues that need to be resolved prior to getting preliminary/final approval.
2. **Pottsgrove High School Expansion**—Pre-construction meeting was held on June 4, 2014. Everything is good to go from the engineering standpoint.
3. **Rupert Road Bridge**—Met with Montgomery County Commissioners Richards and Shapiro. The County Commissioners are waiting for a cost proposal; however, the Township has not yet received a draft agreement from them.
4. **Stormwater**—As requested by the Township Manager and Parks and Recreation Board, Bursich provided an outline of costs to look at drainage issues at Gerald Richards Park. Since they were not provided with a defined scope of work, the engineers provided a ballpark figure, as if they would have to start from scratch. Mr. Exley's recommendation was for the engineers to work with the person in charge of the project and discuss what specifically needs to be done and in how much detail.
5. **Status Update**—The written Engineer's Report updated the Board on the status several projects that have been on-going for a number of years. Commissioner Foltz asked for the status of 1338 Lynn Drive. Mr. Camburn advised they are waiting on revised plans from the developer.

Treasurer—Ms. Marsteller presented the Tax Collector's Monthly Report to Taxing Districts for the month of May 2014 to the Commissioners for review.

Solicitor

Solicitor Brant advised much of what was worked on last month is indicative of improving the business and development environment in Lower Pottsgrove Township. When the Board reorganized in January, the Commissioners felt it was important to meet with developers, be efficient, thorough and make sure all projects are reviewed correctly. To that extent, the Solicitor and staff have found it is worth the time to have staff meetings with developers whose projects are not quite ready to be on the agenda.

Solicitor Brant said he and Mr. Wagner both think it is a good idea for a developer, after a staff meeting on a project that appears to have some significant ramifications for the Township, to appear before the Board of Commissioners. This allows the Board to ask questions before the project moves ahead.

The Solicitor highlighted the following from his written report:

1. **Non-Uniformed Employees Pension Plan Ordinance**—A proposed ordinance revising and restating the Non-Uniform Pension Plan has been drafted and transmitted to the Township Manager.
2. **Off Street Parking Ordinance**—A proposed ordinance has been prepared to restrict parking of tractor trailers, as well as major recreation equipment, within the Township.

Solicitor Brant will meet with Ed Wagner on a number of items including the issue of LED signs, which was brought up in the context of the Township sign. Solicitor Brant recommended looking at an ordinance that regulates LED signs rather than handling it in a piece-meal fashion.

Parks and Recreation

Rich Wood, Chair of the Township's Parks and Recreation Board, delivered a report to the Board of Commissioners. Park Board members Bill Keohane and Tom Troutman were also present at the meeting.

Mr. Wood provided a written summary of what the Parks and Recreation Board is looking to tackle beginning in 2014. The focus is to try to address some of the challenges with the resources we do have, not with what we don't have. Focus will be on Sanatoga Park (accessibility) and Gerald Richards Park (stormwater management).

Mr. Wood stated before we move forward with any other plans, including the Master Plan that was prepared by Simone Collins, we have to manage stormwater runoff at Gerald Richards Park. The Parks and Recreation Board is digesting Bursich's proposal and deciding what is actually needed. There is baseline data available that was prepared by Simone Collins.

Mr. Wood said goal of the Parks and Recreation Board is to develop an approved, sustainable storm water management plan for Gerald Richards Park, using a professional engineering firm funded through collaboration with local youth sports groups and to implement that plan using grants and private donations. There will be no additional burden on the taxpayers.

Commissioner Klotz was involved with the Soccer Association and has worked with Rich Wood over the years. He is aware of the condition of the fields and said the Board of Commissioners will do anything it can to help the Parks and Recreation Board achieve its goals. Commissioner Foltz has heard from John Fogel about the good things Parks and Recreation and the Soccer Association does for the Township. Mr. Wood believes the youth sports group partnership with the Township is critical.

Pottstown Metropolitan Regional Planning

Commissioner Watson attended the Regional Planning Commission meeting. Mr. Wagner reported he just received information on a mini-grant for \$25,000 that had an application deadline of Monday, June 2. We will not make this round but will make the next round.

Mr. Wagner reported Regional Planning is still moving forward with hiring a Regional Parks and Recreation coordinator. Interviews are scheduled and Mr. Wagner is on the interview committee.

Commissioner Klotz asked if there were time constraints and why we could not make this round for the mini-grant. Mr. Wagner advised the application deadline was June 2 and he just received the grant application information on Thursday, May 29. Commissioner Foltz asked what we could do with the grant funds. Mr. Wagner said the grant is Health and Wellness related, so we were hoping to use it for play equipment or to grade fields.

Lower Pottsgrove Township Authority

Mr. Wagner delivered the following report:

1. **EDU Chart**—Working with Chad Camburn and Stephen Kalis to update the EDU resolution. Resolution No. 58 has not been updated since 1995.
2. **Third-Party Review**—Draft of the third-party review report prepared by JMT should be completed and provided to us by the end of this month. There will be a meeting with the Pottsgroves and Pottstown on July 31, 2014.
3. **I&I**—Contract has expired. We've reached our \$100,000 budget and will budget again for this contract next year.

CORRESPONDENCE AND INFORMATION:

Director of Code Enforcement—Commissioner Foltz reported Joseph Groff was recently hired as the Township's Director of Code Enforcement/Zoning Officer at a rate of \$26.44 per hour. Mr. Groff was present at the meeting and Commissioner Foltz welcomed him to the Township.

OLD BUSINESS:

Spring Valley Farms Development—Brennan Marion delivered a presentation on a proposed plan for the Spring Valley Farms Development. Mr. Marion received final approval for this project in 2006. When the market crashed, he “moth-balled” the project and has been looking for ways to make the plan financially feasible from a development standpoint that would work with the basic design of the Township.

A number of months ago, Mr. Brennan presented a proposed plan with almost 290 units with towns and singles. He has taken the townhomes off the plan. The new, proposed plan is basically the same as the original plan: still 178 units but now built on 50 acres, with 95 acres of open space deeded to Township for its ownership and use.

Mr. Marion asked for support to move forward on this plan with the Township's Zoning Hearing Board and Planning Commission and ultimately come back to the Board for final approval. He distributed a packet of information which included a sample ordinance. This ordinance would create a Preservation Subdivision District because of this plan's extremely high open space portion, which is almost 75%. Mr. Marion was looking for feedback from the Board tonight.

Commissioner Foltz said the Board appreciated the changes made to the plan for the betterment of the Township. He likes the design of the homes and asked if the homes are to be stick built as opposed to modular homes. Mr. Marion confirmed they are stick built homes that will be built on site. Mr. Marion said all maintenance is part of the Homeowners' Association (HOA).

Commissioner Kaiser asked if the trail system from the previous plan is part of the new proposed plan. Mr. Marion said there are sidewalks but the trail system is not part of the plan for economic reasons. Commissioner Kaiser asked if there was market research indicating that now is a good time to build. He also asked if there were phases to this plan, where will it start and assuming that the market goes the way Mr. Marion anticipates, how long the total development would take to complete. Assuming that the market performs as expected, Mr. Marion estimated this will be a 5-year job, starting from the first sale, selling approximately 35 homes per year. He pointed out on the plan how he feels the phasing would be and discussed demographics.

Commissioner Watson asked for the starting price of the homes. Mr. Marion said about \$280,000 to \$290,000 and, moving with inflation, he estimated by the last year the homes will be \$330,000. He also advised that buyers usually add \$20,000 to \$25,000 to every home.

Commissioner Vlahos was concerned about the HOA because the Township cannot do anything to address resident complaints. He knows from the condo association he is involved with that when people stop paying, it can be a domino effect. He did not know how the HOA came about and asked if it was going to be the true end or not.

Commissioner Klotz asked what happens if the HOA disbands. Commissioner Vlahos added if you are going to add 178 customers to the Township, who are governed by the HOA, does that become a true economic scale for the Township in regards to trash, plowing and services of that nature. Mr. Wagner advised he has a history with HOAs and there are ways to address police enforcement, parking regulations, etc. Commissioner Vlahos said the HOA could pay the Township a service fee to do plowing, etc. Mr. Exley asked if this should be in the HOA Agreement and Mr. Marion said there is a mechanism for that.

Bill Wolfgang, Pruss Hill Road, had difficulty with Bleim Road not being realigned with Pruss Hill Road. He was concerned because recently traffic from an accident on Rt. 422 caused a back up on Pruss Hill Road and he anticipated traffic will get worse with the addition of the development. Mr. Wagner said the developer has to apply to PennDOT and the state will dictate what has to be done. Mr. Wolfgang asked if the Township could write a letter to the state with its recommendations. Solicitor Brant said a traffic engineer will review this project and provide comments to the Board. He felt we should rely on the experts.

Solicitor Brant advised this project involves adoption of an ordinance, which was included in the packet of information provided by Mr. Marion. The ordinance, which was drafted by the developer, creates a new zoning district that will only apply to this site. The new district would be called the Preservation Subdivision District.

Solicitor Brant suggested that the Board consider engaging a planner to review the ordinance that the developer prepared to ensure, if the Board does adopt the ordinance, it is in accordance with good planning. Solicitor Brant advised the developer has made a representation that he will dedicate 95 acres to the Township and that obligation will be secured through a covenant. If the Board decides to move ahead, the ordinance adoption process would run parallel with the planning review process.

Commissioner Kaiser asked for a timeline. Solicitor Brant estimated the fast-track timeline would be 90 to 120 days for the ordinance to meet all requirements. Commissioner Kaiser asked for the timeline for breaking ground. The Solicitor advised if the plan approval process runs simultaneously with the ordinance process, you can mirror that process and, theoretically, it could be 120-180 days for everything. The Township Engineers estimated the entire process could take a year, keeping in mind the outside agencies that we have to deal with.

Commissioner Klotz noted there is a farm on the plan that is not part of the 95 acres of open space. Bob Koch confirmed it is his farm. He is enthusiastic about the project and supports it. Commissioner Klotz said it appears the farm is in the middle of the proposed open space. He

asked if the Township is going to use 95 acres of open space for trails, hiking, etc. what happens to Mr. Koch's farm? Mr. Marion said the farm is well delineated and it is its own lot.

Mr. Wagner asked if the barn across the street, which is included in the open space, is in good condition. Mr. Marion said it is in great condition. Commissioner Klotz asked what happened to the flat land at Bleim and Pleasantview that would have been donated as part of the other plan. Mr. Marion said it is not feasible with building 178 singles. He felt the 95 acres have a significantly greater value, with an appraisal value of about \$2 million.

Commissioner Foltz asked what action was required of the Board tonight. The Solicitor advised the Board may want to take formal action to authorize staff to move ahead with the creation of the ordinance for consideration by the Board.

Commissioner Foltz asked for the consensus of the Board. Commissioner Klotz asked if the Board approves the ordinance, will it snowball into every developer wanting a new ordinance. In Solicitor Brant's opinion, this is a unique situation that does not apply to many areas in the Township. Secondly, he pointed out if the Board does appoint a planner, the planner will provide an opinion as to that ordinance. Commissioner Kaiser said we have to be careful about spot zoning. Solicitor Brant agreed and said that's why you have the review process. Commissioner Kaiser asked about the ponds shown on the plan as part of the water management system (WMS) and Commissioner Klotz was concerned about the location of those ponds. Mr. Exley said the plan is a "planners plan" and it will be reviewed by the engineers and other agencies. It was the consensus of the Board to authorize staff to move ahead with the preparation of an ordinance for the Board's consideration.

SUBDIVISION AND LAND DEVELOPMENT:

None.

NEW BUSINESS:

KMS Design Group—Mr. Wagner recommended that the Board hire KMS Design Group to assist the Township with the Preservation Subdivision District ordinance. Commissioner Klotz understood that Brennan Marion's group would be paying for the planning consultant and Solicitor Brant confirmed KMS Design Group will be paid out of the developer's escrow.

Commissioner Klotz made a motion to hire KMS Design Group at \$70.00 per hour as the special planning consultant for the proposed Preservation Subdivision District. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Technicon Enterprises, Inc.—The Township received quotes from Keystone Municipal Services, Technicon Enterprises and Pennoni Associates for commercial code enforcement services. Commissioner Foltz recommended hiring Technicon Enterprises, Inc. He advised that Technicon proposed to provide a team of two code enforcement officers, allowing for continuous support and no lapse in coverage due to sickness, vacations, etc. Also, no mileage expenses will be charged to Lower Pottsgrove Township.

Commissioner Klotz made a motion to hire Technicon Enterprises, Inc. to perform commercial plumbing, mechanical, energy and accessibility inspections at the rate of \$65 per hour.

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

Resignation from Zoning Hearing Board—Commissioner Foltz read James Vlahos' resignation letter from the Zoning Hearing Board. Commissioner Watson made a motion to accept the resignation of James W. Vlahos from the Zoning Hearing Board, effective immediately. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

RESOLUTIONS AND ORDINANCES:

Resolution No. 1025-14—Commissioner Klotz made a motion to appoint Thomas C. Troutman as an alternate member of the Pottstown Metropolitan Regional Planning Commission, to fill the vacancy occasioned by the resignation of Jonathan H. Spadt. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Commissioner Klotz said he and Mr. Troutman served together on Regional Planning many years ago and he thanked Tom for stepping up to serve again. Mr. Troutman advised he was an original member of the Pottstown Metropolitan Regional Committee.

Ordinance No. 313—Solicitor Brant advised Ordinance No. 313 is a clean-up ordinance. He explained the Non-Uniformed Pension Ordinance is valid but it was amended by resolution, not ordinance, and this needs to be corrected.

Commissioner Kaiser referred to Section 6.01. This section states if an employee resigns before being fully vested, he or she shall receive his or her contributions plus interest. Commissioner Kaiser assumed this is plus investment growth and the Township is not guaranteeing anyone interest. Mr. Wagner said this language is consistent with the Uniformed Pension Plan. Commissioner Klotz noted there is no rate of interest specified in the ordinance.

Solicitor Brant recommended having the Township's actuary, Joe Duda, review this provision and provide an explanation.

Commissioner Klotz made a motion to move forward and authorize the advertisement of Ordinance No. 313, Amending and Restating the Township's Non-Uniformed Employees' Pension Plan, pending an explanation of the revisions. Commissioner Vlahos seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Warrant—Warrant No. 825 for May 2014 will be distributed via email for the Commissioners' review.

COMMISSIONERS COMMENTS:

Commissioner Vlahos had no comments.

Commissioner Kaiser welcomed and congratulated Commissioner Vlahos. He also welcomed Joe Groff and thanked Tom Troutman for picking up another committee.

Commissioner Watson also welcomed Commissioner Vlahos. He said it is now six months into the Board's reorganization and a lot has been accomplished. Exciting things are happening with development and growth and he is pleased with that.

Commissioner Klotz has known Jim Vlahos, and what he has done for this community, a long time. He said it's good to see Jim on this Board and offered his congratulations.

Commissioner Klotz said the Police Department Bike Rodeo was well-attended. During this event, Commissioner Klotz had the chance to ride along with Mid-Atlantic Medivac, which is based out of the Limerick Airport. Commissioner Klotz was very impressed with the personnel, their expertise and knowledge. He thanked Chief Foltz for setting this up and also thanked Mid-Atlantic for providing this valuable service to the community.

Commissioner Klotz offered his condolences to Tom Troutman on the passing of his wife. He appreciates Tom's input and everything he does for this Township.

Commissioner Foltz also welcomed Commissioner Vlahos to the table, Joe Groff to the staff and Tom Troutman for taking on another position.

Commissioner Foltz suggested having someone take a look inside the Township-owned barn on Pruss Hill Road. He asked for ideas on what the barn could be used for. Commissioner Klotz said it would be a great project for the Boy Scouts. Chief Foltz offered to check out the barn with John Fogel and make sure it is secured. Bill Wolfgang asked if it would be worth it to pay someone to disassemble and reassemble the barn. Mr. Wagner advised it is cinder block. **Tony Doyle**, 1745 Kepler Road, said the barn had a basketball court and a stage and it should have been locked up.

It was Mr. Doyle's opinion that during the presentation on the proposed Spring Valley Farms development, the plan should have been positioned so the public could see it. He said we all have a right to see what's going on.

Commissioner Foltz asked Solicitor Brant for the status of the gas station at Charlotte and Mervine Streets. The Solicitor advised an update was included in his written report. He interviewed a real estate agent and the Solicitor of North Coventry Township and reviewed the Township file. He is now waiting for more information.

There being no further business, the public meeting was adjourned at 8:15 p.m. Next regularly scheduled meeting will be held on Monday, July 7, 2014 with a public hearing beginning at 6:30 p.m.

Respectfully submitted,



Michele M. Cappelletti
Secretary