

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
July 24, 2014

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled work session meeting on Thursday, July 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, James Kaiser, Shawn Watson and James W. Vlahos.

Robert L. Brant, Solicitor; Edward C. Wagner, Manager; Michael A. Foltz, Chief of Police.

Michele Cappelletti, Township Secretary, was absent.

Commissioner Foltz announced the meeting was being recorded.

APPROVAL OF MINUTES:

Commissioner Watson made a motion to approve the meeting minutes of the July 7, 2014 Board of Commissioners meeting. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

COMMENTS FROM VISITORS:

Tony Doyle, 1745 Kepler Road, asked if there were better locations for a cell tower, other than the Pole Barn. He asked if the company proposed this location. Mr. Wagner replied yes, and explained this location was chosen because there is bad cell service in this area. He said the ideal location is the Pole Barn because it can service all around the Township from this area, as well as the Police Department.

Mr. Doyle felt the tower would be an eyesore and suggested Pleasantview Park as an alternate location. Mr. Wagner advised the Park at Pleasantview and Bleim was purchased with Montgomery County open space money and the County will not allow a cell tower on this property. He explained if the Township is successful, and a cell tower is erected on the Pole Barn property, that parcel will then become a separate, taxable parcel.

Mr. Doyle asked how the Township purchased the Pole Barn property. Mr. Wagner advised the property was purchased with Land Water Conservation Fund (LWCF) grant money in 1991. Commissioner Foltz has worked with cell tower companies and he advised they use equipment to determine areas of poor service. He felt if we don't allow them to put the cell tower at the Pole Barn, they may go somewhere else besides Lower Pottsgrove. Mr. Wagner said other locations in the Township have been discussed and are not out of the question.

Mr. Doyle commented that a \$25 fine for parking in a handicapped space is too low to be a deterrent.

Mr. Doyle asked if the Township has finalized the location of the LED sign. He is not in favor of replacing the current sign with an LED sign because he feels the current sign fits in with the building aesthetically. He likened reading the sign to texting and was concerned that it would be distracting. He said you need time to read a sign and recommended another location in the same vicinity.

Mr. Doyle said before a resolution or ordinance is voted on he, the public, would like to be offered the opportunity to make a comment. Commissioner Foltz said as long as he has been president, if someone puts their hand up, he does allow it.

CORRESPONDENCE AND INFORMATION:

None.

OLD BUSINESS:

None.

SUBDIVISION AND LAND DEVELOPMENT:

None.

NEW BUSINESS:

Pottstown Regional Public Library—Executive Director Susan Davis provided a half-year update and advised a new long range plan is available on website. She summarized the improvements that have been made to the building and the Library's fundraising efforts and events.

Ms. Davis said the Library will be applying for a Keystone Grant, which is due in October. If awarded, they would use the funds for three major projects: 1. Replacement of the front entrance for better ADA accessibility; 2. Addition of public space by dividing an office into 2 floors. The elevator would then stop on the mezzanine. 3. Construction of stairs inside to go to the third floor. She requested a letter of support from the Board of Commissioners for the Keystone Grant and she would need it by the end of September.

After last year's budget, Commissioner Foltz spoke with Judge Yohn and both would like to have the Library Board meet with Township staff to discuss their respective 2015 budgets. Ms. Davis and Mr. Wagner will schedule a meeting.

After discussion, Commissioner Kaiser made a motion to send a letter of support on behalf of the Lower Pottsgrove Township Board of Commissioners for the Pottstown Regional Library Grant. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Ms. Davis agreed to forward the grant information to Mr. Wagner in order to address the letter of support.

Family Dollar—Attorney Chuck Garner and his clients, Tim White and Andrew Lorah of Boos Development, were present at the meeting to deliver a presentation on a proposed Family Dollar Store.

Mr. Garner advised Boos Development is the equitable owner of property located on E. High Street, at the corner of Sanatoga Road. The property is an undeveloped lot and his client is proposing to develop a Family Dollar store in that location. Mr. Garner does not believe the use as a Family Dollar is permitted under the Township's zoning.

Mr. Garner said the concept was recently presented at a meeting with Township staff, the Solicitor, the Manager and Commissioners Foltz and Watson. At that meeting, it was suggested that Boos Development make a presentation to the full Board. Mr. Garner's purpose tonight was to educate the Board about Family Dollar, saying it is not truly a dollar store; it is more like a CVS, without the pharmacy. He explained Family Dollar sells brand name products and many cost more than \$1.00.

Aaron Lorah distributed information on the conceptual plan renderings to the Board and the public. He discussed the basic concept plan for the 8,400 square foot retail use, which he described as a new age general store philosophy. The developer would like to work across the table with local municipalities on the type of image Family Dollar wants to present as well as what the Board would like to envelop as a community.

The plan as presented encompasses two parcels, one on S. Pleasantview Road and the other fronted by E. High Street. Boos Development would propose two entrances for the building, one on E. High Street and one on Pleasantview Road. Mr. Lorah explained parking, green space and stormwater management associated with the project. The developer would also propose an extensive landscape buffer to ensure that adequate screening is maintained so there is no negative impact on residents from the commercial development.

Commissioner Foltz stated that at the previous meeting with the developer, the Township questioned if it was possible to have the building face E. High Street. He asked if that is resolved now. Mr. Lorah said from this prototype, the Architecture Department developed an adaptation that would have a front-facing store. He felt this is something they could accommodate.

Mr. Wagner asked where the closest construction was so we could see one of the buildings. Mr. Lorah said with this current footprint, the closest stores are in Wilmington, Delaware and Strafford, New Jersey. Mr. Lorah advised the site at Hunting Park and Fox Street is the 2012 prototype because a prototype like this would run grossly 1 year behind the point from which it was derived. For example, today you would see current construction on 2013 prototypes.

Commissioner Klotz discussed the front and side entrances of the proposed building and had questions about the façade. He also brought up front parking, which is not permitted in the Village District.

Commissioner Foltz asked if the side door would be a garage door. Mr. Lorah said it will be a standard door to allow for non-palletized delivery.

Mr. Garner did not believe the use is permitted at the proposed location. He said they are certainly interested in working with the Township on engineering issues but it would not make sense to go through those engineering details if the Township is not supportive of the use. Mr. Garner was looking for general feedback from the Board, such as if the Commissioners like the proposed use and would they be willing to support zoning relief. Mr. Garner's clients have not invested totally in the site and were waiting until they have an idea whether or not they can make the project work.

Commissioner Klotz thanked Commissioners Foltz and Watson for looking at the project. He was concerned at first about the concept of a "dollar" store but is more favorable towards the project since he received feedback from Bruce and Shawn. Commissioner Klotz's main concern is always to bring viable business into the Township that's going to stay.

Tim White, Director of Real Estate for the Mid-Atlantic Region, said the big word in the room is "dollar." He explained that only 30% of the products are a dollar or less. Most of the products are sold under the Family Dollar private label brand and are made by national manufacturers. He delivered statistics, employment projections and general information on the Family Dollar shopper and experience.

Mr. Garner advised that at the staff meeting, Commissioners Foltz and Watson expressed the Township's desire for a restaurant or something other than a store for that location. He asked Mr. White if he could explore that possibility with the restaurant groups he works with. Mr. White advised he works with two restaurant chains and they are not expanding. If they were expanding, it would be more likely at the outlets because of traffic and location. On the other hand, Family Dollar wants to be in a neighborhood in a community and that's how they came to think this would be a good location.

Commissioner Kaiser's concerns were about traffic flow and turning lanes on High Street. Commissioner Klotz had questions about entering and exiting the property. Mr. White advised a traffic study would need to be completed. Mr. Wagner added that both High Street and Pleasantview Road are state roads and PennDOT would dictate the type of improvements needed. Commissioner Kaiser also discussed crosswalks and asked for the percentage of walk-ups expected. Mr. White did not have statistics on large town suburban formats but urban stores have almost 60% walkup traffic.

Commissioner Foltz pointed out that one of the things that came up at the staff level meeting was the authenticity of the name brand products. Mr. White explained Family Dollar does sell manufacturer name brand products as well as private label products that

are made by some of the same manufacturers. He also advised that Family Dollar and Dollar Tree have been reclassified from dollar stores to variety stores.

Joe Zlomek of the Sanatoga Post asked if Mr. White can identify peak hour time of traffic in this situation or something similar. Mr. White advised 2:00 p.m. to 7:00 p.m. and stores this size averages about 22 shoppers per hour.

Commissioner Vlahos is not for the project. He feels it does not fit the LCO District Village Overlay and questioned what the plus is to the Township when there is a store 25 yards away selling the same products. He did not see the positive side to the Township except getting a larger ratable on a piece of property that is vacant right now. Mr. White said you will also get quality employment and unfortunately, with Kmart closing, people need jobs. Mr. White also said the other store mentioned is a grocery store and Family Dollar is a variety store. He advised Family Dollar typically does not do grocery store direct competition.

Solicitor Brant's said his questions were presented and answered at the staff meeting. He explained if the project moves forward, the applicant will need a use variance, which was brought up by Mr. Vlahos, and a number of dimensional variances for it to work. This would be before they get involved with the engineering for the subdivision/land development plan. The applicant will need to make some decisions, based upon what they heard from the Board, as to whether this project will be able to get through the next hurdles.

Speaking on behalf of the Board, Commissioner Foltz said the Commissioners needed to digest the information and they were not prepared to give a yes or no answer tonight. Mr. Garner said either he or Mr. Wagner will follow up, whatever is appropriate.

Mr. Garner spoke candidly and said based on Mr. Brant's comments, the project will need the Board's support if the applicant goes before the Zoning Hearing Board for use and dimensional variances. Mr. Garner appreciated the Board's time and said they do think this is a good project for the Township.

Commissioner Klotz commented that the former Rite Aid project on High Street also needed zoning relief. He is in favor of the project because bringing business into this Township is what we are looking to do. He also supports bringing ratables and employment opportunities into the Township. Commissioner Klotz said if the applicant can get through the hurdles, he is for the project.

Commissioner Foltz is not against the project because he also wants to bring business into the Township but he is also open-minded to the Commissioners' comments. Mr. Garner understood and said individual opinions are certainly appreciated.

Tony Doyle said as a Township resident, he is against this project. Mr. Doyle's opinion is the building does not fit aesthetically into the Village District, it is too modern. He also

did not like that a business that has been a “good neighbor” would have to compete with Family Dollar. For the record, Mr. Doyle stated he does not want this project.

Pottstown Area Closed Loop Signal System Project—Wayne Droesser of Traffic Planning and Design delivered a presentation on the Pottstown Area Closed Loop Signal System Project.

Mr. Droesser explained the details of the project. It involves the upgrade of traffic signal equipment at 66 intersections to provide a fiber Ethernet communications-based traffic signal system that connects to PennDOT’s traffic control center located in King of Prussia and to municipal buildings within the project area. The project is 100% federally funded so there is no expense to the municipalities involved. The project intersections are located mostly in Pottstown Borough and North Coventry Township, but there are intersections in Lower Pottsgrove Township near the Sanatoga Interchange and also in West and Upper Pottsgrove Townships.

The affected intersections in Lower Pottsgrove Township are: High Street and Sunnybrook Road, High Street and Heritage Drive, High Street and Pleasantview Road, Armand Hammer Boulevard and Medical Drive, Armand Hammer Boulevard and Home Depot, Armand Hammer Boulevard and Industrial Highway and both Route 422 Interchange intersections that are under construction and High Street and Rupert Road.

The schedule for the project is as follows:

- The final design and right-away acquisition: December 2014
- Construction letting: May 2015
- Construction completion: 2017

The construction budget for the entire project is approximately \$11 million.

Commissioner Foltz asked if it a completely wireless system or if the roads would be dug up. Mr. Droesser advised it is all via fiber optic cable and most of it is already in. PennDOT contracted with PECO to have the fiber optic hung from their utility poles.

Mr. Wagner asked if there is a schedule for the project sequence, for example, would it start in Pottstown first. Mr. Droesser said that has not yet been determined and typically those requests are made at the preconstruction meeting.

Commissioner Foltz asked for an explanation of “installation of luminere lighting where feasible.” Mr. Droesser advised they are the 250 watt hps lights you see typically attached to PECO poles; instead those lights will be attached to the top of the mast arm. He advised PennDOT usually likes to get 2 of those installed per intersection if there are no primary and/or secondary power lines in the way

Commissioner Watson asked if the street signs would be illuminated. Mr. Droesser advised they will not, they are flat sheet. The street signs will be in accordance with the recent PennDOT standard of 12” lettering if it can fit a certain size sign.

Commissioner Klotz asked if eventually the Board will need a resolution to approve it. Mr. Droesser said there is a resolution needed to authorize signing PennDOT's forms. The forms are due August 31 and the matter will be on the August 4 meeting agenda for consideration.

Commissioner Foltz asked if the fire companies will have the ability to change the lights to red. Mr. Droesser said yes, there will be emergency vehicle preemption. Chief of Police Michael Foltz advised there are two parts to the system: there will be sensors on the lights but it is up to the Police and emergency services to purchase the emitters. It would cost \$500 to \$600 per vehicle for the emitters and Lower Pottsgrove Police vehicles currently do not have this capability.

RESOLUTIONS AND ORDINANCES:

Resolution No. 1027-14—Commissioner Klotz made a motion to approve Resolution No. 1027-14 supporting the use of radar by local police departments. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Mr. Doyle asked if this means the Township police would be doing more patrolling on the 422 bypass. Chief Foltz said we are not going to increase enforcement in certain areas. What it will do is allow the Police more enforcement ability in troublesome areas, such as side streets where it is hard to get timing devices in, and it will benefit smaller side roads.

Resolution No. 1028-14—Mr. Wagner was approached by an employee who wanted to borrow from his 457 Deferred Compensation Plan, which is equivalent to a 401K. Mr. Wagner contacted ICMA and was told the Board needed to pass a resolution to permit a participant to obtain a loan under the plan. The loan would be arranged between ICMA and the individual employee.

Commissioner Kaiser asked if there were restrictions on the loan. Mr. Wagner said there are restrictions and he could get that information for Commissioner Kaiser. Solicitor Brant said what prompted this was a request for a loan from an employee who had a hardship. It was Mr. Wagner's suggestion to make the process available to everyone and there are constraints attached to the loans.

Commissioner Kaiser asked about the penalties and pay-off periods associated with the loans. He did not want to make it easy for participants to borrow because it is bad for them financially. He understood there are exceptions but said a financial planner would see it as a last resort. Commissioner Kaiser would like to see what the restrictions are in our plan.

Commissioner Klotz said it is the employee's money and we don't know the hardship. He thought employees should be able to borrow and most plans that he is aware of allow it. Commissioner Kaiser said the restrictions are in place to protect people from

themselves. He would also like to understand what the restrictions are to make sure our plan is in line with other plans.

After discussion, Commissioner Klotz made a motion to approve Resolution No. 1028-14 to allow participants to obtain loans from their 457 Deferred Compensation Plan. Commissioner Kaiser seconded the motion. Motion carried by a vote of 4-1. Commissioner Kaiser was the nay vote.

Motion to Advertise Ordinance No. 314—Commissioner Vlahos made a motion to advertise Ordinance No. 314, reducing the speed limit to 35 mph for the entire length of Armand Hammer Boulevard in Lower Pottsgrove Township. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor. Consideration to adopt Ordinance No. 314 will be on the August 21, 2014 agenda.

Warrant #826—Commissioner Kaiser made a motion to approve Warrant #826 for the month of June 2014. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Acceptance of Treasurer's Report—Commissioner Klotz made a motion to accept the Treasurer's Report for the month of June 2014, as submitted by Jennifer Marsteller. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

COMMISSIONERS' COMMENTS:

Commissioners Foltz, Kaiser, Watson and Vlahos had no comments.

Commissioner Klotz asked if the process was open to receive applications for the vacancy on the Lower Pottsgrove Planning Commission. Mr. Wagner said yes, we received an application from Scott Fulmer, which was included in the Commissioners' packets. Commissioner Klotz said everyone is familiar with Scott and he's done a great job in our community. Commissioner Klotz then made a motion to appoint Scott Fulmer as a member of the Lower Pottsgrove Township Planning Commission. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Township resident Linda Lisenbigler expressed her concerns about Family Dollar. She did not want Family Dollar to take business away from Thriftway. She was afraid it would be too much competition for Thriftway and she would hate to see Thriftway close and be another empty store.

Commissioner Klotz respected Ms. Lisenbigler's opinion but felt K-Mart was more competition to Thriftway because they sold groceries. He did not think Family Dollar was competition because people shop there for different reasons.

Commissioner Klotz wants to bring viable business to Lower Pottsgrove Township. He wants to take the first step, which may or may not be Family Dollar, and feels we have to move aggressively forward.

Commissioner Foltz said during the staff meeting the Township tried to get another type of business at that location. Mr. Wagner said we asked them to look at K-Mart site as well

Mr. Doyle commented he did not like the looks of the Family Dollar building.

There being no further business, the public meeting adjourned 8:10 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Michele M. Cappelletti".

Michele M. Cappelletti
Township Secretary