

**LOWER POTTS GROVE TOWNSHIP    BOARD OF COMMISSIONERS**  
**September 4, 2014**

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Thursday, September 4, 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; James D. Kaiser; Shawn Watson and James Vlahos.

Robert L. Brant, Solicitor; Edward C. Wagner, Manager; Michael A. Foltz, Chief of Police; Chris Wilcox, Assistant Fire Marshal;; Scott Exley, Township Engineer and Michele Cappelletti, Secretary.

Jennifer V. Marsteller, Treasurer/Tax Collector and Lew Babel, Fire Marshal, were absent from the meeting.

Commissioner Foltz announced Fire Marshal Lew Babel's daughter, Sandy, passed away and our thoughts and prayers are with Lew and his family. He also announced former Township Manager Ray Umstead passed away. A moment of silence was observed in memory of both individuals.

Commissioner Foltz announced the meeting was being recorded.

**PRESENTATION BY JOSEPH W. DUDA:**

**2015 Minimum Municipal Obligations (MMO)**—Mr. Joseph Duda of Duda Actuarial Consulting presented the calculations of the 2015 Minimum Municipal Obligations (MMO) for the Lower Pottsgrove Township Uniformed and Non-Uniformed Pension Plans.

Mr. Duda advised the calculations were based on the 1/1/2013 actuarial evaluation reports. They reflect a 5% employee contribution from uniformed employees and a 2% employee contribution from non-uniformed employees.

Mr. Duda reviewed the Financial Requirement and Minimum Municipal Obligation for the Police and Non-Uniformed Pension Plans. He advised the MMO for the Police Pension Plan for 2015 is \$211,454, which is approximately \$10,000 more than the MMO for 2014. Commissioner Kaiser asked what drove that higher. Mr. Duda replied payroll went from \$1,336,000 to \$1,485,449, and this is the reason for the \$10,000 increase.

Mr. Duda advised the MMO for the Non-Uniformed Pension Plan for 2015 is \$154,002, which is approximately \$9,000 lower than the 2014 MMO. He explained the 2015 MMO is lower because there were some terminations and terminations are not counted in that number.

Mr. Duda said 2013 was a very good year for Connors Investment Services, who does the investment management of this plan, and the fund was up 22%.

Commissioner Kaiser asked where each plan stands in terms of total funding because two years ago, the non-uniformed plan was under 70 percent. He advised the Board took action and transferred funds from Reserves to correct this. Mr. Duda advised we have improved and are now Level Distress Score 1. We were formerly Level Distress Score 2. Commissioner Kaiser asked for the percentage for both plans. Mr. Duda did not have the percentages calculated but said they are in the 70 percent category.

After discussion, Commissioner Vlahos made a motion to approve the calculations, as presented by Joseph W. Duda of Duda Actuarial Consulting, for the 2015 Financial Requirement and Minimum Municipal Obligations (MMO) for the Lower Pottsgrove Township Uniformed (Police) Pension Plan in the amount of \$\$211,454 and for the Lower Pottsgrove Township Non-Uniformed Pension Plan in the amount of \$\$154,002. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Tony Doyle, 1745 Kepler Road, asked why the plans are not 100% funded and if 100% is the goal. Mr. Duda replied we are still recovering from the big hit in 2008 and 9/11. Commissioner Kaiser asked how many pensions are 100% funded and Mr. Duda said very few. For more information, Mr. Duda recommended visiting the Pennsylvania Employee Retirement Commission website ([www.perc.state.pa.us](http://www.perc.state.pa.us)) for the percentages for any municipality in the state.

Speaking as a taxpayer, Mr. Doyle said he was not comfortable at 70% because if “the wheels fall off” the plan could drop to 60%, which is Level Distress Score 2. He does not want the Township to use money from Reserves to keep the pension plan afloat and suggested having the employees contribute more or taking some other action. Commissioner Kaiser said the Board would take Mr. Doyle’s comments into consideration but there should be improvement in 2015.

Tom Troutman, E. High Street, stated the Township’s MMO used to be a lot less and asked if the state changed its funding. Mr. Duda replied the state did not change its funding, 2008 was the big hit for this plan, and a lot of other plans, and we have to make it up and then some.

#### **COMMENTS FROM VISITORS:**

**Tony Doyle**, 1745 Kepler Road, asked if there was an ordinance requiring property owners in the Village District to maintain their properties. Solicitor Brant advised the Township has an existing maintenance code that applies to the entire Township, not just the Village District, and the ordinance is sufficient. It becomes more of an enforcement issue when property maintenance complaints are brought to the attention of the Manager and/or Code Enforcement Officer. Solicitor Brant advised the commissioners have been very active in addressing property maintenance issues and recently authorized him to look into the abandoned gas station at Mervine Street and Route 663.

#### **APPROVAL OF MINUTES:**

Commissioner Klotz made a motion to approve the minutes of the August 21, 2014 Board of Commissioners meeting. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**REPORTS:****Police**

Chief Foltz reported there were 1,153 calls for service in August 2014. There were 111 traffic violations and 62 criminal arrests (28 adults arrested and 7 juveniles handled). He highlighted the following from his report:

**1. Calls for Service/Departmental Activities:**

- a. Jennifer Griffith accepted a conditional offer of employment to fill the vacancy occasioned by the retirement of Police Administrative Assistant Sandy Stepaniak. Sandy's retirement will commence on September 30 and Jen will officially take that position effective September 8, 2014.
- b. Chief Foltz requested approval of Ofc. Jim Kenney's Request for Reimbursement for Tuition and Books, which is in accordance with the Police Contract. Ofc. Kenney has enrolled for the Fall Semester at Saint Joseph's University in pursuance of a Master's Degree in Criminal Justice.

Commissioner Klotz made a motion to approve Ofc. James Kenney's Request for Reimbursement for Tuition and Books in the amount of \$1,903.68. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**2. Traffic Enforcement:**

- a. Eastbound 422 exit ramps were closed as of September 3. The Police have not seen a major influx of traffic on High Street but are experiencing problems with traffic trying to use the emergency access ramps. As a result, the Police will strictly enforce the emergency access ramps.
- b. On August 6, 2014 two officers conducted traffic enforcement on Evergreen Road between 3:00 p.m. and 6:00 p.m. There were 12 speeding violations, 1 unlicensed driver, 1 drug arrest and 2 warnings issued.
- c. 31 citations were issued as part of the PA Aggressive Driver Campaign, mainly focused on Bleim Road.
- d. 24 citations were issued in the 422 construction zone.

**3. Criminal Investigations/Arrests:**

- a. There has been a spike in thefts from unlocked vehicles throughout the Township. Last week the detectives made an arrest in 6 thefts but there are still other groups out there doing this. Chief Foltz encouraged residents to keep their cars locked and remove valuables.
- b. Detectives wrapped up a several month long investigation involving prostitution and drug activity at a Sunnyslope Drive residence.

#### 4. Fleet:

- a. Chief received notification that the new car that will replace Car 9, which was damaged in an accident, will be here in two weeks. They have started adding scene lighting to the cars on the front push bumpers to increase officer safety on crime scenes at night.

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

#### Emergency Management

EMC Chris Wilcox reported there was no activity for emergency management during the month of August.

#### Fire Marshal

Assistant Fire Marshal Chris Wilcox highlighted the following statistics from the Fire Marshal's written report:

Station	Total Calls	Total Hrs. of Service	Total Personnel Hrs.	Total Personnel Training Hrs.	Total Fundraising Hrs.
Sanatoga (Station 58)	20	19	254	14	Not provided
Ringing Hill (Station 59)	21	17	123	34	245

(Hours are approximate)

Mr. Wilcox reported both fire companies participated in the annual drill at Sanatoga Center/Sanatoga Court with other mutual aid fire companies.

Mr. Wilcox announced that Sanatoga Fire Company will be housing their equipment on Saturday, September 13, 2014 at 10:00 a.m.

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

**C.O.G.**—Commissioner Foltz had nothing new to report. Next C.O.G. meeting will be held on September 9, 2014.

**Engineering**—Bursich Associates provided an Engineers' Report updating the Board on various projects and activities going on in the Township. Scott Exley advised that with the exception of Sanatoga Marketplace, everything is back in the hands of the developers and/or agencies having jurisdiction over the permits.

1. **Rupert Road Bridge**—Montgomery County reviewed and provided comments on the proposal. The Township is still waiting for a draft agreement from the County.

**Treasurer**—Mr. Wagner presented the Tax Collector’s Monthly Report to Taxing Districts for the month of August 2014 to the Commissioners for review.

**Solicitor**

Solicitor Brant highlighted the following from his written report:

1. **Preservation Subdivision District; Spring Valley Farms Subdivision**—Township Planner Adam Supplee is working on a proposed Preservation Subdivision District Ordinance.
2. **Developers Meetings**—The Solicitor and staff met with Wil Hallman regarding 1338 Lynn Drive and Buchert Ridge Development Phase II. We’ve outlined what we need from the Township standpoint and both projects are back in the hands of the developer.
3. **Pottstown Land Corporation; 1258 N. Charlotte Street; Citgo Gas Station**—Ed Wagner and Joe Groff visited the site and we are reviewing a proposed Notice of Violation to be sent to the landowner in connection with this matter.
4. **Sanatoga Marketplace Land Development; Valley Forge Properties, LP**—Solicitor Brant and Township staff attended several meetings with the Tornetta family in connection with this project. Jay Tornetta provided some revisions to the Preliminary Plan Resolution which were acceptable to Solicitor Brant and incorporated into the Resolution. Township engineers Scott Exley and Chad Camburn reviewed the Resolution as well. Preliminary Plan Resolution is on tonight’s agenda for consideration.

**Parks and Recreation**

**Regional Recreation**—Mr. Wagner reported a Regional Recreation Meeting was held to review the Governing Regulations for the Regional Park and Recreation Grant. Justin Keller started as the Regional Recreation Coordinator on August 25, 2014. The only change to the Governing Regulations was incorporation of an Early Withdrawal Clause, which allows municipalities to withdraw within two years. The original draft proposal was for a five year commitment.

**Pottstown Metropolitan Regional Planning**

Tom Troutman attended the meeting on behalf of the Township. The Sanatoga Marketplace shopping center was discussed and the response from Regional Planning members was positive.

**Lower Pottsgrove Township Authority**

Mr. Wagner reported the following:

1. **3<sup>rd</sup> Party Review**—The Authority will be discussing the draft review from JMT, the 3<sup>rd</sup> party agency, at its September 8, 2014 public meeting.
2. **1366 Randy Drive**—Repair has been completed and there are no more leaks.

**CORRESPONDENCE AND INFORMATION:**

**Zoning Hearing Applications**—The Board discussed Application No. 2014-10 of Diane Hahn, 2233 Welsh Drive. Mr. Wagner advised Ms. Hahn’s original application was for zoning relief to erect a 2,400 square foot pole barn on her 33,000 square foot lot. Mr. Wagner and Joe Groff,

Director of Codes, expressed the Commissioners' concerns about the proposed size of the building to Ms. Hahn. She amended her application and reduced the size of the pole barn from 2,400 square feet to 1,500 square feet. The applicant's argument is that zoning relief was granted to allow a 2,400 square foot pole barn on a 60,000 square foot lot on 511 N. Pleasantview Road.

Commissioner Klotz asked if a 1,500 square foot pole barn was allowed. Mr. Wagner replied no, the ordinance is 600 square feet, and the applicant would still need a variance. Commissioner Klotz asked how the relief was granted to allow the pole barn at 511 N. Pleasantview Road. Mr. Wagner advised the zoning relief was granted in 2007 by the Zoning Hearing Board. Solicitor Brant explained the Zoning Hearing Board permits sizes over 600 square feet for pole barns subject to the criteria outlined in the zoning ordinance.

Commissioner Klotz asked for the building percentage specified in the ordinance and Mr. Wagner advised 20% building coverage. Mr. Wagner estimated there would be roughly 6,600 square feet of building coverage. From his experience with the Zoning Board, Solicitor Brant said the concern is that those structures do not turn into commercial uses in a residential zone. He said if the Commissioners have concerns and need more information, they could have the Manager attend the zoning hearing, hear the evidence and articulate the Board's point of view.

The Board discussed the aesthetics, size and potential uses of the proposed building. Commissioner Klotz would like to see the pole barn size reduced and the ceiling height limited to 8 feet. After discussion, Commissioner Watson made a motion to authorize Ed Wagner to attend the zoning hearing and express the Board's concerns. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**Board of Assessment Appeal**—Mr. Wagner reported Danny Garcia of 550 Highland Road filed a Petition for Appeal from the Board of Assessment Appeals with the Montgomery County Prothonotary. He said the Township usually follows the lead of the School District in these matters. Solicitor Brant explained the matter will come back to the Township before it settles for the Board to approve the stipulation, so the Board will have a hand in it. Solicitor Brant will not be representing the Township on this appeal.

#### **OLD BUSINESS:**

None.

#### **SUBDIVISION AND LAND DEVELOPMENT:**

**Sanatoga Marketplace**—Jay Tornetta and Charlie Tornetta represented the applicant, Valley Forge Properties, LP, at the meeting. The applicant made application to Lower Pottsgrove Township for a preliminary land development plan called Sanatoga Marketplace. The Solicitor explained the details of the plan and advised the project is in a posture for preliminary plan approval by the Board of Commissioners.

Solicitor Brant said there are a number of technical waivers for the project, which are supported by the engineer. The waivers are outlined in the resolution and they deal with such issues as parking aisle width, sidewalk, existing features waiver, profiles, parking rows etc. He explained this is preliminary plan approval only. The Tornetta family would like to market the project and

they can market it with a preliminary plan resolution. Solicitor Brant advised this project will come before the Board again for final approval and asked if the Board had any questions.

Commissioner Foltz asked for an explanation of Waiver #5 which reads: *To allow parking rows to exceed 10 spaces without a planting island, conditioned upon the landscaping being planted elsewhere on the site or in the Township or a fee-in-lieu of the outstanding landscaping being provided to the Township.*

Solicitor Brant explained the Township's subdivision/land development ordinance requires that 10 parking spaces in a row be interrupted by a planting island. Some developers, like the applicant, find planting islands interfere with traffic flow through a property, so they are asking for a waiver from this requirement, which is supported by the Township engineer. The Solicitor noted this does not mean they are not going to do the planting, they are doing the planting elsewhere on the property.

Tom Troutman asked if this property is in the Village District or the High Street Corridor. Mr. Wagner advised it is not part of the Village District, it is Gateway Interchange. Mr. Troutman asked if the architecture has to adhere to an acceptable character. Mr. Tornetta said there is language in the ordinance and they have to comply.

Commissioner Klotz asked if there were any concept plans for the project. Jay Tornetta said no, they are trying to get a concrete analysis to potential clients and be able to market it. He advised they have already put in the retention basin and have secured an HOP; consequently, the applicant will be able to turn it over to a client in a relatively quick manner. Mr. Exley said it is very acceptable to the Township that the applicant started to put in infrastructure and grading prior to final approval

Commissioner Klotz commented that planning islands can be a traffic nightmare and he supports the waiver requested by the applicant.

After discussion, Commissioner Klotz made a motion to approve Resolution No. 1023-14, approving a preliminary land development plan called Sanatoga Marketplace. Commissioner Watson seconded the motion and it was unanimously approved.

Jay Tornetta acknowledged that Township staff has been very cooperative and worked diligently with them over the last 8 to 12 months to get them to the finish line. Commissioner Foltz appreciated Mr. Tornetta's comments and said that's what the Township is trying to accomplish.

#### **NEW BUSINESS:**

See **PRESENTATION BY JOSEPH W. DUDA: 2015 Minimum Municipal Obligations (MMO).**

See **REPORTS: Police--Calls for Service/Departmental Activities**—Officer James Kenney request for reimbursement.

#### **RESOLUTIONS AND ORDINANCES:**

See **SUBDIVISION AND LAND DEVELOPMENT: Sanatoga Marketplace.**

**Resolution No. 1031-14**—Commissioner Vlahos made a motion to approve Resolution No. 1031-14, appointing Raymond Lopez as an alternate on the Lower Pottsgrove Township Civil Service Commission. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**Treasurer's Report**—Commissioner Klotz made a motion to accept the Treasurer's Report for August 2014. Commissioner Kaiser seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**Warrant**—Warrant No. 828 for August 2014 will be distributed via email for the Commissioners' review.

**COMMISSIONERS COMMENTS:**

**Commissioner Vlahos** had no comments.

**Commissioner Kaiser** expressed appreciation to Ray Lopez.

**Commissioner Watson** also thanked Ray Lopez and expressed his sympathy to Lew Babel and his family.

**Commissioner Klotz** has known Ray Lopez for a long time and he is impressed with Ray's credentials and what he has accomplished. He said it is an honor to have Ray serve on the Township's Civil Service Commission. Ray said it will be an honor to serve. Commissioner Klotz also extended his sympathy to Lew Babel's family.

**Commissioner Foltz** had no comments.

**Mr. Wagner** and **Solicitor Brant** had no comments.

Tony Doyle commented that years ago, before he was a commissioner, he had a conversation with a commissioner about the size of the Township's pole barn. At the time, Mr. Doyle asked if everything met zoning and was told the Township doesn't need to get zoning relief. He said the pole barn the resident is proposing is 1/5 the size of the Township's pole barn and asked the commissioners to take a look at what you (the Township) put up. Commissioner Klotz said there is a difference—the Township needs to conduct business and make sure the residents are safe and the equipment is stored inside of it.

There being no further business, the public meeting was adjourned at 7:48 p.m. Next regularly scheduled meeting will be held on Thursday, September 25, 2014.

Respectfully submitted,



Michele M. Cappelletti  
Secretary