

**LOWER POTTS GROVE TOWNSHIP    BOARD OF COMMISSIONERS**  
**June 1, 2015**

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Monday, June 1, 2015 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 Watson; James W. Vlahos and Earl E. Swavely, Jr.

Robert L. Brant, Solicitor; Edward C. Wagner, Manager; Michael A. Foltz, Chief of Police; Raymond W. Lopez, Emergency Management Coordinator; Jennifer V. Marsteller, Treasurer/Tax Collector; Scott Exley and Chad Camburn, Township Engineers and Michele Cappelletti, Secretary.

Lew Babel, Fire Marshal, was absent.

Commissioner Foltz announced the meeting was being recorded.

**EXECUTIVE SESSION:**

Solicitor Brant announced an executive session was held prior to the public meeting to discuss a real estate matter. No decisions were rendered. He further announced the Board will again meet in executive session at the end of the public meeting regarding personnel and other related matters. The Board may reconvene into public session following the executive session.

**PUBLIC HEARING:**

At 7:02 p.m., Solicitor Brant opened a public hearing pursuant to Article III, Section 302 of the Pennsylvania Municipalities Planning Code, to consider adoption of the Pottstown Metropolitan Regional Comprehensive Plan – 2015 Update. This matter was properly advertised and the proof of publication is in the file. In March of 2015, the Lower Pottsgrove Township Planning Commission met and made a recommendation that the resolution to adopt the Pottstown Metropolitan Regional Comprehensive Plan be enacted by the Board of Commissioners.

Solicitor Brant stated the original Pottstown Metropolitan Regional Comprehensive Plan was adopted in 2005 and has been implemented by that entity. Every ten years, the comprehensive plan has to be revised and readopted.

Mr. Wagner summarized the updates to the Pottstown Metropolitan Regional Comprehensive Plan. He advised Tom Troutman, Lower Pottsgrove Township's representative on the Pottstown Metropolitan Regional Planning Committee, attended the meetings and provided input on behalf of the Township. Mr. Troutman noted that the Pottstown Metropolitan Regional Comprehensive Plan is also the Comprehensive Plan for Lower Pottsgrove Township.

Solicitor Brant asked if there was any input from the public regarding the Comprehensive Plan. There were no questions or comments from the public.

Solicitor Brant asked if the Commissioners had any comments on the updated Comprehensive Plan. There being no comments or questions from the Board of Commissioners, Solicitor Brant adjourned the public hearing at 7:06 p.m.

**Resolution No. 1070-15**—Commissioner Watson made a motion to approve Resolution No. 1070-15, adopting the Pottstown Metropolitan Regional Comprehensive Plan – 2015 Update. Commissioner Vlahos seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**APPROVAL OF MINUTES:**

Commissioner Klotz made a motion to approve the minutes of the May 21, 2015 Board of Commissioners meeting. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

**PRESENTATION:**

**Feasibility Study for Municipal Building Expansion Project**—Don Wirt of Noelker & Hull Associates delivered a presentation on the feasibility of expanding the Lower Pottsgrove Township Municipal Building. He identified some of the goals to be achieved through an expansion project:

- Improved public circulation from parking a car, addressing accessibility for physically challenged and interacting with staff
- Security of the facility and staff could be improved
- Unauthorized vehicular circulation on the site could be improved
- Consolidation of services provided to the public could be accomplished
- Deferred maintenance of the existing site and building condition could be addressed
- Storage space conditions would be improved

Mr. Wirt further identified space needs including assembly/conference space, a tax collection office, expanded municipal offices, security improvements and Police Department needs. The feasibility study indicates the site is adequate to double the size of the building's upper and lower levels, expanding the parking and changing traffic circulation. Mr. Wirt felt this could be done in a phased operation that would allow the Township and the Police Department to continue to operate during the expansion project.

Mr. Wirt estimated the construction cost in today's market, based on similar projects, would be in the realm of \$240/\$250 per square foot and an addition to the existing structure would be in the range of \$2 million. Project costs including site construction, scope of renovation to the existing building, furnishings, deferred maintenance and soft costs such as professional fees, legal fees, financing costs, etc. could double the cost of the addition construction.

Mr. Wirt recommended that the Board of Commissioners and advisory staff meet to define the scope of work and consider if expansion on the exiting site is the best location to expand municipal services, realizing there is little to no building growth possible on this site in the future.

As the results of the feasibility study indicate, Mr. Wirt concluded it is feasible to expand the Lower Pottsgrove Township Municipal Building to serve as the administrative and police department facilities.

Commissioner Foltz thanked Mr. Wirt for his presentation. He said the Building Committee, Township staff and Mr. Wirt met several times to discuss the building expansion. At this point, no decisions have been made.

Commissioner Klotz likes the new proposed plan and thinks it is better than the plan that was presented 8 years ago. His main concern is the expense associated with paying a contractor the prevailing wage rate to do the expansion project.

After discussing the project, Commissioner Foltz expressed his strong feeling that the current building does not adequately meet the needs of the Township.

Joe Zlomek of the Sanatoga Post asked for a ballpark figure of taking the plan presented by Don Wirt tonight and constructing a new building on another piece of ground. Commissioner Klotz estimated the construction cost, if it was not prevailing wage, to be \$2.6 million (\$150/\$190 per square foot). Commissioner Foltz added the cost of land, water, sewer and site costs would also have to be considered.

No action was taken by the Board of Commissioners.

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

**Tom Troutman**, E. High Street, expressed his concern about speeding on E. High Street and Route 422. He suggested putting GPS systems in school buses to monitor speed and felt the State should require this for commercial vehicles.

**Wil Hallman** of the Sunnybrook Foundation invited the Commissioners to the groundbreaking at Sunnybrook. He thanked the Township for getting the revitalization project through expeditiously and expressed appreciation to Ed Wagner and Joe Groff for their cooperation. He also thanked Senator Rafferty and Rep. Quigley for their help in securing grant funds.

**Wil Hallman** also addressed the Board regarding installation of sidewalk across the street from his development, Buchert Ridge Community. Because of the difficulties he has encountered in dealing with Rolling Hills, the Trimbur's and Walnut Ridge Estates, Mr. Hallman proposed that the Township take the funds set aside in escrow for the sidewalks and use it for the sidewalks or another purpose.

Solicitor Brant said the project predates him, but in 2007, there was a resolution that required Buchert Ridge Community to install the sidewalk and every subsequent piece of correspondence is consistent with that. Throughout the process, the Township was told that Buchert Ridge Community was attempting to get the easements from Walnut Ridge Estates, Rolling Hills and the Trimbur's. An agreement with the Trimbur's has expired. Solicitor Brant said the Township has consistently offered to assist in attempting to get those easements, on Mr. Hallman's behalf, if needed.

Solicitor Brant advised in February 2014, the attorney for the entity controlling Walnut Ridge Estates issued a letter stating Walnut Ridge Estates was ready to grant the requisite easement under certain conditions. Solicitor Brant understood those conditions may not have been

acceptable to Mr. Hallman, but in his opinion, it would not be prudent for him to recommend that the Board of Commissioners approve a final plan resolution with the sidewalks unresolved.

Mr. Hallman said they never agreed, anywhere, to do all the attorney work or all the work with regard to getting approvals from the 3 entities. He asked if that was somewhere is writing and why he was responsible for sitting down with the property owners to get approval for the sidewalk. He felt that was the Township's responsibility.

Solicitor Brant said that is not correct. He has represented developers throughout Western Montgomery County and has had the same situation on the reverse side – the developer would not get an approved final plan resolution until there was satisfaction of the requisite easement for the sidewalks. If Mr. Hallman was asking the Board to say they are not going to require sidewalks, then that decision would be entirely up to the Board.

Mr. Hallman said had he known any of this, why would anyone agree to go across the street and pay 2 to 3 times as much when they could just say to the Township they would rather install the sidewalk in front of their own property.

Solicitor Brant read the following excerpt from December 2011 meeting minutes:

*John McMenamin and Rod Hawthorne discussed and agreed that [Mr. Hallman's entity] would construct sidewalk on the Southside of Buchert road eastward to connect with the existing sidewalk at Gerald Richards Park. All agreed that it would be more appropriate to extend the existing sidewalk network than to construct sidewalk along the frontage of Buchert Ridge that has no connecting systems. **Agreements with the property owners, Walnut Ridge and Rolling Hills, must be secured prior to land development plan approval.***

Mr. Hallman said for the record, they can't afford it, and there is no way they can continue without approval.

Commissioner Foltz asked Mr. Hallman if the Board would waive the sidewalk requirement, would he construct sidewalks on his side of Buchert Road. Mr. Hallman said if the Township requires it, they would have to do it, no question about it.

Solicitor Brant recommended that Mr. Hallman put his request to waive the sidewalk requirement in writing, citing the reasons he articulated tonight. The Township Engineers and the Commissioners could then review and discuss the request and decide if they want to waive the sidewalk requirement.

Solicitor Brant explained the Board cannot adopt the final plan resolution because the sidewalk requirement, which has consistently appeared in every letter from 2007 to current and has been verified in meeting minutes, conversations, etc., has not been resolved.

Commissioner Vlahos said the 2011 minutes seemed to be explicit about exactly where everyone stood on the matter. Personally, Commissioner Vlahos wanted to know the amount of money in escrow and what the Township could do with those funds. Mr. Hallman said if the money they have in escrow needs to be adjusted, so be it, he wants to get out of the business of negotiating

with neighbors Commissioner Vlahos clarified he would like Mr. Hallman to specify in his letter how much money the Township is going to get and what it is going to cost, per linear foot, for the sidewalks Mr. Hallman agreed to construct in 2011.

Mr. Camburn said we are talking about two different things – escrow vs. fee in lieu. He explained an escrow would be held by the Township to construct the sidewalk and fee in lieu would be simply cash instead. He suggested that Mr. Hallman specify which one in his letter and Mr. Hallman said it could be either. The Solicitor advised Mr. Hallman to put his proposal in writing as Commissioner Vlahos suggested.

Commissioner Vlahos asked Mr. Hallman if the sidewalk dilemma is going to be the end or would he (Mr. Hallman) be coming back to the Board again and ask for something different. Mr. Hallman thought he was at the end when he was granted plan approval from the Lower Pottsgrove Planning Commission.

Solicitor Brant said there was a staff meeting on this matter and Wendy McKenna advised in her memo that the sidewalk is the big issue. Mr. Camburn said it is primarily the sidewalk but there are also a few other minor items on the plans. Solicitor Brant mentioned paving needs to be done and some monies are owed to the Township for reimbursement. From an engineering standpoint, the Highway Occupancy Permit is a big issue but that is in PennDOT's hands and would not stop Mr. Hallman from getting his plan approved by the Township.

## **REPORTS:**

### **Police**

Chief Foltz reported there was an exceptionally high call volume in May 2015. There were 2,740 calls for service and approximately half of those calls were related to follow up investigations. There were 93 traffic violations and many occurred during the Click-It or Ticket Campaign and in the Route 422 construction zone. There were 155 criminal violations, 35 involved arrested adults and 6 juveniles were handled.

In response to Mr. Troutman's inquiry about speeding, Chief Foltz said unfortunately, the Department does not have the ability to do 24/7 traffic enforcement.

Chief Foltz highlighted the following from his written report:

#### **1. Fleet**

- a. Watch-Guard In-Car Mobile Video Recording devices have been ordered for 4 of the newest cars. Waiting for order confirmation. Expected installation is sometime in July.

#### **2. Overtime**

- a. Overall, overtime expense was down due to reimbursement through the DUI enforcement details, drug task force and Click-It or Ticket campaigns.

**Resolution No. 1071-15**—Chief Foltz requested approval of Resolution No. 1071-15 adopting amendments to Sections 3.4, 3.6, 4.1, 4.2, 4.4, 4.5 and 5.1 of the current Lower Pottsgrove Township Civil Service Rules and Regulations. He summarized and explained the proposed changes for the Board's consideration.

Commissioner Klotz made a motion to approve Resolution No. 1071-15 amending the Lower Pottsgrove Township Civil Service Rules and Regulations. Commissioner Watson seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Commissioner Swavely commented on the discussion regarding speeding in the Township. He feels Chief Foltz is making a great effort in addressing this issue. He recalled that the Department now has a new timing device that tracks the speeds, time of day, count of cars, etc. and he applauded Chief Foltz for making that effort. Regarding Mr. Troutman’s earlier comments about speeding, Chief Foltz can station the speed timing device on E. High Street to address speeding in that area.

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

**Emergency Management**

EMC Raymond W. Lopez delivered highlights of the Emergency Management Report for the month of May 2015:

1. There were no EOC activations.
2. Met with Chief Foltz and other emergency planners to continue discussing a response plan for a potential emergency involving the shipping of Bakken Crude Oil through the Township.
3. The Critical Incident Management trailer will be stocked with items to prepare it for emergency response.
4. Dedicated time to transition to Ready Montco, a new emergency alerting system.
5. Continued with strategic emergency planning for the Township.

**Fire Marshal**

Mr. Wagner highlighted the following statistics in Mr. Babel’s absence:

Station	Total Calls	Total Hrs. of Service	Total Personnel Hrs.	Total Personnel Training Hrs.	Total Fundraising Hrs.
<b>Sanatoga (Station 58)</b>	26	39	311	172	Not provided
<b>Ringling Hill (Station 59)</b>	No report due to computer problems.				

(Hours are approximate)

Mr. Wagner reported Ringling Hill’s new engine is now in service.

**Highway—Public Works Department:** Commissioner Foltz read the Public Works Report for the month of May 2015. Report will be posted on the bulletin board.

**C.O.G.**—No report.

**Engineering**—Bursich Associates provided a written Engineers’ Report updating the Board on various projects and activities going on in the Township. There were no questions or comments from the Board regarding the Engineering Report.

**Treasurer**— Ms. Marsteller presented the Tax Collector's Monthly Report to Taxing Districts for the month of May 2015 to the Commissioners for review.

**Solicitor**

Solicitor Brant's written report to the Board of Commissioners provided a synopsis of the projects his office worked on in the past month.

**Parks and Recreation**

**Summer Concert Series**—Mr. Wagner reported the Summer Concert Series begins on June 28, 2015 at the Sanatoga Park Bandshell.

**Pottstown Metropolitan Regional Planning Committee**

See **PUBLIC HEARING**.

**Lower Pottsgrove Township Authority**

Mr. Wagner reported the Authority meeting scheduled for tonight was cancelled. Next meeting of the Lower Pottsgrove Township Authority will be held on July 13, 2015 at 7:00 p.m.

**OLD BUSINESS:**

**Rupert Road Bridge Ownership Agreement**—Mr. Exley summarized the history of the Rupert Road Bridge project. Mr. Exley advised the final steps in the process are approval of the Bridge Ownership Agreement by the Lower Pottsgrove Board of Commissioners and the Montgomery County Commissioners.

Commissioner Foltz asked if the figures provided in the Agreement for the design and construction of the Bridge are firm and what would happen if there are cost overruns. Mr. Exley said the County is responsible for the design and construction of the Bridge.

It was the consensus of the Board to take the matter under advisement. No action was taken.

**SUBDIVISION AND LAND DEVELOPMENT:**

**None.**

**NEW BUSINESS:**

See **PRESENTATION: Feasibility Study for Municipal Building Expansion Project**

**RESOLUTIONS AND ORDINANCES:**

**Resolution No. 1070-15**—See **PUBLIC HEARING**.

**Resolution No. 1071-15**—See **REPORTS: Police**.

**Warrant #837**—**Warrant #837** for the month of May 2015 will be distributed via email for the Commissioners' review.

**COMMISSIONERS COMMENTS:**

**Commissioner Vlahos** had no comments.

**Commissioner Swavely** had no comments.

**Commissioner Watson** advised a meeting is scheduled at the end of the month with Dave Niehls of Montgomery County to discuss marketing E. High Street.

**Commissioner Klotz** had no comments.

**Commissioner Foltz** advised another business in the Township, the Sunoco Station on E. High Street, has closed.

Keith Diener, Randy Drive, commented that Verizon did not complete his development. Mr. Wagner will look into the matter. Commissioner Klotz thought the subcontractor for Verizon may be doing the work in phases.

Mr. Wagner advised a letter from PennDOT regarding the school flasher on Pleasantview Road was included in the Commissioners' packets.

**EXECUTIVE SESSION:**

At 7:35 p.m., Commissioner Foltz announced the Board would meet in Executive Session and they reserved the right to reconvene into public session.

There being no further business, the public meeting was adjourned at 7:36 p.m. Next meeting will be held on July 6, 2015 at 7:00 p.m.

At 9:12 p.m., the Board of Commissioners reconvened into public session. No action was taken and Commissioner Foltz made the motion to adjourn at 9:12 p.m.

Respectfully submitted,



Michele M. Cappelletti  
Secretary