

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
February 18, 2016

PUBLIC HEARING

The Lower Pottsgrove Township Board of Commissioners held a public hearing at the Township Municipal Building, 2199 Buchert Road, Pottstown, PA to receive public comment on proposed Floodplain Management Ordinance No. 326.

Solicitor Charles D. Garner, Jr. opened the hearing at 6:45 p.m. and stated the following for the record:

1. The legal notice for the hearing was advertised in the Mercury on two occasions as required by public notice. Publication dates were February 4 and February 11, 2016.
2. Proposed ordinance was provided to Montgomery County Law Library by Solicitor Garner's office on February 3, 2016.
3. Proposed ordinance was provided to both the Montgomery County Planning Commission and the Lower Pottsgrove Planning Commission for review and comments.
 - a. Lower Pottsgrove Township received a letter dated January 22, 2016 from John Leshner of the Montgomery County Planning Commission. Montgomery County Planning Commission supports Ordinance No. 326 and found it to be compliant from the County perspective.
 - b. The Lower Pottsgrove Planning Commission met on February 18, 2016 and recommended approval of Ordinance No. 326.

Solicitor Garner stated the ordinance and the public hearing were advertised in a fashion that the Board could adopt the ordinance at the regular meeting this evening. He explained the ordinance is a requirement by FEMA and all municipalities in Montgomery County have been required to update their floodplain regulations and floodplain management. FEMA has indicated to all Townships if they fail to adopt an updated ordinance, residents risk the possibility of losing flood insurance or the ability to obtain flood insurance.

The ordinance basically provides for and incorporates the newest maps issued by FEMA and the maps are available for review at Lower Pottsgrove Township.

After summarizing the provisions of the ordinance, Solicitor Garner opened the floor for public comment. There being no comments from the public or the Board, Solicitor Garner closed the public hearing at 6:49 p.m.

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled work session meeting on Thursday, February 18, 2016 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 W. Vlahos, Earl E. Swavely, Jr. and Raymond W. Lopez.

Edward C. Wagner, Manager, Michael A. Foltz, Chief of Police, Chad Camburn, Township Engineer and Michele Cappelletti, Secretary.

Commissioner Foltz announced the meeting was being recorded and asked speakers to please state their name, address and nature of business for the record.

APPROVAL OF MINUTES:

Commissioner Klotz made a motion to approve the meeting minutes of the regularly scheduled February 1, 2016 Board of Commissioners meeting. Commissioner Lopez seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

COMMENTS FROM VISITORS:

None.

CORRESPONDENCE AND INFORMATION:

Sanatoga Fire Company 2016 Budget—Commissioner Foltz reported Sanatoga Fire Company provided its 2016 Profit and Loss Budget Overview for income received from the Township fire tax. Commissioner Foltz was pleased to say that Sanatoga Fire Company did a fine job bringing the Board up-to-date. He said the Overview shows what it costs to run a fire company and there is not a lot leftover at the end of the year.

Johnson Controls Preliminary Audit Report—Commissioner Foltz reported he and Mr. Wagner have attended numerous meetings and presentations on the Streetlight Procurement Program. Johnson Controls will deliver a presentation on its Preliminary Audit Report for Lower Pottsgrove Township (included in the Commissioners' packets) at the March 7, 2016 Board of Commissioners meeting. The Board can then consider if it wants to move forward with the program or not. Commissioner Foltz said it looks like a very good program and if the Township participates, it would own its own street lighting.

OLD BUSINESS:

Stuart's Inc. Settlement Stipulation—At the last Board meeting, Solicitor Garner presented a proposed Stipulation to Settle the Tax Assessment Appeal for Stuart's Inc., 2148 E. High Street. The Board requested additional information on how the Pottsgrove School District arrived at the settlement figures.

Solicitor Garner spoke to Dave Comer, Solicitor for the Pottsgrove School District. According to Mr. Comer, the District's expert based the value on the square footage of the dealership, based upon comparable sales of dealerships. Mr. Comer indicated it was somewhat difficult to find a comparable, as most are not in this area and are part of auto malls. He also mentioned the dealership was partially vacant in 2010 and the assessed value was reduced for that year.

Solicitor Garner was assured by Mr. Comer that the District, based upon the proposed Stipulation, was extremely satisfied with the end result. Mr. Wagner provided the Board with the actual figures for taxes paid by the property owner.

Commissioner Lopez made a motion to approve the Stipulation to Settle the Tax Assessment Appeal for Stuart's Inc., 2148 E. High Street. Commissioner Swavely seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Sanatoga Green—Solicitor Garner explained he was not the Township's Solicitor when Frank Bartle, Esq. made a presentation concerning proposed changes to the zoning ordinance but he did review the information provided to the Commissioners. He asked the Board to keep in mind when the Township changes its zoning ordinance, the change will be applicable to all properties in that zoning district and, while this zoning change may be good for this parcel, it may not be good for others.

Solicitor Garner provided his thoughts on two of the requested text changes:

1. Reduction in parking requirement for garden apartments from 2 spaces per unit to 1.7 spaces per unit. Solicitor Garner believed information was provided to the Board in which the applicant felt they justified that reduction. He noted parking can be at a premium at these types of developments.
2. Requirement that if the parcel abuts to Township park or open space, the developer is not required to provide recreational facilities. Solicitor Garner was not sure why a developer would not have to do something for the Township if they are looking to not provide the recreational requirements stated in the ordinance.

Solicitor Garner explained if the Board supports any of the developer's proposed changes, it can certainly modify the ordinance to that degree. The applicant can always file an appeal to the Lower Pottsgrove Township Zoning Hearing Board to seek variances from the other requirements of the ordinance.

Solicitor Garner said it is a Board decision on how to move forward and he believed the applicant is anxiously awaiting some decision. Mr. Bartle has not contacted the Solicitor but he has spoken to Mr. Wagner.

Commissioner Foltz said concerns about the requested ordinance changes came up during the presentation. Commissioner Klotz summarized that the applicant is requesting changes to the recently enacted zoning ordinance and is basically requesting zoning relief from that ordinance. He said if the Board does nothing, the applicant could apply to the Zoning Hearing Board for relief. Solicitor Garner confirmed that was correct and said the applicant could also change the layout of the plan so they would not need zoning relief. The Solicitor advised the request to amend the ordinance is purely legislative and there is no requirement that the Board take action.

Mr. Wagner said the applicant is also proposing a map amendment to extend the GRO/GMU zoning to include the 7-acre Haines & Kibblehouse parcel. This proposed change would require a public hearing.

Commissioner Vlahos supported moving forward with the map change. He felt when the applicant's plan goes through the Township's subdivision/land development process, other zoning relief may be needed and he did not want the applicant to go through zoning more than once. Commissioner Klotz agreed and he supported holding a public hearing on the map change as well. He recommended having the other requested changes follow due process through the Zoning Hearing Board.

Commissioner Vlahos discussed a "fee in lieu of" to meet the recreational requirement of the ordinance. Solicitor Garner said the Township could take a fee in lieu of to improve the park in the area that the residents of the new development may use.

Commissioner Foltz asked if the Board should send a representative to the Zoning Hearing if the applicant decides to go through Zoning. Solicitor Garner said if they choose to file for zoning relief, the Township would receive notice and the Board could then decide on how they want to approach it. The applicant might also approach the Board during the subdivision/land development process and enter into a dialogue on things like the fee in lieu of or the parking requirement. Solicitor Garner said to some degree, if the Board decides not to make the text changes, the ball is back in the applicant's court to decide how they are going to move ahead.

After discussion, Commissioner Vlahos made a motion that the Board proceed and set the public hearing date for the proposed map amendment to extend the GRO/GMU zoning district to include the 7-acre Haines & Kibblehouse parcel. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Mr. Wagner noted that PennDOT will not release any permits until the ramp is built. He will convey to the applicant that the Board has concerns about the text changes.

POLICE COMMENDATIONS:

On December 22, 2015, the Lower Pottsgrove Township Police Department responded to a burglary in progress on Ivy Lane. Chief Foltz, Commissioner Klotz and Commissioner Swavely awarded commendations to 5 Lower Pottsgrove Police officers and 17

Pottstown Police officers for their combined efforts to bring this crime to a successful resolution.

Chief Foltz felt interagency cooperation, an adequately staffed Police Department and technology contributed to the successful resolution of this crime. He said at a different time, when the Police Department had less resources available, the outcome may not have been the same. Chief Foltz thanked Lower Pottsgrove Township police officers and detectives, in cooperation with Pottstown Police Department, for their diligent work.

Commissioner Foltz reported the Board received a letter from the Lowa Group thanking the Commissioners and the Police Department for doing a fine job. Chief Foltz said the Lowas were very appreciative but unfortunately could not attend tonight's meeting.

Commissioner Klotz said this showed community policing at its finest and we had the resources to get that crime under control quickly. He said Lower Pottsgrove makes sure there are enough officers to keep this community safe and Chief Foltz does a great job with that. He offered his appreciation and congratulations to all officers involved.

Scott Exley, a neighbor of the Lowas, said all neighbors are very appreciative.

SUBDIVISION AND LAND DEVELOPMENT:

None.

NEW BUSINESS:

Full-Time Police Officer Status—Chief Foltz reported Ofc. Scott Bond has just completed his one (1) year of probationary status. Chief stated Ofc. Bond has been an exemplary officer and recommended his employment status be changed from probationary officer to full-time sworn officer.

Commissioner Klotz made a motion to change the employment status of Ofc. Scott Bond from probationary officer to full-time, sworn officer of the Lower Pottsgrove Township Police Department. Commissioner Swavely seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Conditional Offer of Employment—Chief Foltz reported the hiring of a 20th police officer is included in the 2016 budget. He explained having 20 officers will balance the number of squads.

Testing and interviews were conducted and Chief Foltz recommended a conditional offer of employment be extended to one of the top three candidates, David McKechnie. Chief would like to do this early in the year so we don't lose Mr. McKechnie to another agency, as other agencies are drawing from the same list of applicants. Proposed date of hire has been moved up from July 1 to June 1, 2016.

Commissioner Klotz, Commissioner Swavely and Chief Foltz interviewed the three top candidates. Commissioner Klotz advised all candidates were very good but Mr. McKechnie appears to be the best fit for Lower Pottsgrove.

Commissioner Klotz agreed it was very important to move forward and made a motion to extend a conditional offer of employment to David McKechnie, with a starting date of June 1, 2016. Chief Foltz read Mr. McKechnie's biography and advised he is currently enrolled in the Montgomery County Police Academy. He will graduate at the end of March and the conditional offer is contingent upon Mr. McKechnie's successful completion of the Police Academy. Commissioner Swavely seconded Commissioner Klotz's motion. Commissioner Foltz expressed concern that Lower Pottsgrove could lose this candidate if we wait until June 1 to hire him. Commissioner Klotz advised all candidates were made aware of the June 1 hiring date. Mr. McKechnie said he wanted to be in this Department and he gave his word he would come on board June 1, 2016.

With a motion on the floor made by Commissioner Klotz and seconded by Commissioner Swavely, motioned carried by a unanimous vote of 5-0 in favor.

Motion to Advertise—Mr. Wagner explained the last report recommended for approval by the Transportation Impact Fee Advisory Committee (TIFAC) is the Capital Improvements Plan (CIP). Once the Board approves the CIP by Resolution No. 1096-16, the Township can begin the process to adopt the Transportation Impact Fee Ordinance. Adoption of the Transportation Impact Fee Ordinance would be on March 24, 2016, which is 34 days prior to the deadline.

Commissioner Klotz made a motion to advertise Ordinance No. 327, Transportation Impact Fee. Commissioner Swavely seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Scott Exley commented that the Township had a great committee of volunteers. Commissioner Foltz expressed his appreciation the Committee and members Bill Wolfgang and Wil Hallman, who were present at the meeting.

RESOLUTIONS AND ORDINANCES:

Ordinance No. 326—Commissioner Swavely made a motion to adopt Ordinance No. 326, Creating And Enacting A New Chapter 138, Floodplain Management, Of The Code Of The Township Of Lower Pottsgrove, As Amended, To Establish New Flood Plain Management Regulations And Supersede Any Parts Of The Code Of The Township Of Lower Pottsgrove Inconsistent Herewith. Commissioner Lopez seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Resolution No. 1096-16—Chad Camburn explained the Capital Improvements Plan (CIP) includes the cost estimates for all improvements discussed in the Roadway Sufficiency Analysis (RSA). He noted that the largest expense, by far, would be the Eastbound Ramp on Evergreen Road, at a cost of \$5 million. The total cost of all projects would be \$5.5 million. All projects are on state roads, which means only 50%

(approximately \$2.8 million) of the cost can come out of traffic impact fees. Based on the estimated trips, the traffic impact fee would be \$1,220 per peak hour trip for new development.

Mr. Camburn stated it was important to note that fee could change in the future. As the Board is aware, there was a grant application submitted for the Westbound Ramp that requires a 30% matching fund from the Township. If a similar grant was applied for and awarded for the Eastbound Ramp, the estimated traffic impact fee could be as low as \$350 per vehicular trip. To Mr. Camburn's knowledge, no applications have been submitted or worked on for an Eastbound Ramp grant.

Mr. Wagner said PennDOT agreed to limit left turns onto High Street from Porter Road from 4:00 p.m. to 6:00 p.m. The reasoning is this will not hurt business as much as prohibiting left turns onto High Street 24 hours a day. Mr. Wagner felt this was a fair compromise working with PennDOT and signs will be installed.

Commissioner Lopez made a motion to approve Resolution No. 1096-16, Approving The Capital Improvements Plan Of January 7, 2016 Submitted To The Lower Pottsgrove Township Advisory Committee. Commissioner Klotz seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

Warrant #845— Commissioner Klotz made a motion to approve Warrant #845 for the month of January 2016. Commissioner Lopez 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 January 2016, as submitted by Jennifer Marsteller. Commissioner Swavely seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

COMMISSIONERS' COMMENTS:

Commissioner Vlahos had no comments.

Commissioner Lopez reported Township staff is taking part in CPR and AED training, which is related to the Township's recently approved Emergency Action Plan.

Commissioner Lopez commended Chief Foltz and his Department for the successful resolution of the incident on December 22, 2015. He also wanted to personally thank Chief Foltz for the excellent work he does with emergency management.

Commissioner Lopez reported on two important Economic Development events: Landis Supermarket will be hold its grand opening on March 1, 2016 at 9:00 a.m.

and Gatsby's Restaurant (at Sunnybrook) will have its ribbon cutting on March 4, 2016. Gatsby's expects to be open to the public on March 5, 2016.

Commissioner Swavely reiterated Commissioner Lopez's congratulations to the Police Department. He commended the Chief and his administration for fostering good relationships with other agencies, and felt this contributed to the December 22 incident coming to a successful conclusion.

Commissioner Klotz commented on the respect the interview candidates have for the Lower Pottsgrove Police Department. He said Chief Foltz is doing a great job and it shows in the candidates we are getting, the candidates we are keeping and the accolades given to him. He congratulated and thanked Chief Foltz for his hard work.

Commissioner Klotz also thanked the Road Crew for always being ready during all kinds of weather events and for doing a great job cleaning up the Township.

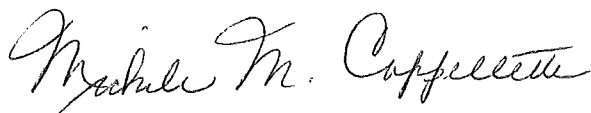
Commissioner Foltz complemented the Road Crew on a great job. He also thanked Joe Groff for conducting the CPR training in house, which saved the Township money.

Solicitor Garner introduced his Associate, Matt Hovey, to the Board. Mr. Hovey will be working with Solicitor Garner to represent the Township.

Mr. Wagner reported the Fire Marshal's truck was successfully sold on Municibid for \$6,450, which is above what was anticipated. The Dodge Durango will be transitioned over to the Fire Marshal for his use.

There being no further business, the public meeting adjourned 7:51 p.m. Next meeting will be held on March 7, 2016 at 7:00 p.m.

Respectfully submitted,



Michele M. Cappelletti
Township Secretary