

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS**October 3, 2016**

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Monday, October 3, 2016 at the Lower Pottsgrove Township Municipal Building, 2199 Buchert Road, Pottstown, Pennsylvania. Meeting was called to order at 7:15 p.m. and the Pledge of Allegiance was recited. The following attended:

Board of Commissioners: Bruce L. Foltz, President; Stephen M. Klotz, Vice President; Earl E. Swavely, Jr., Raymond W. Lopez and Robert W. Mohollen.

Charles Garner, Solicitor, Edward C. Wagner, Manager; Police Chief Michael Foltz; Lew Babel, Fire Marshal; Jennifer Marsteller, Tax Collector; Chad Camburn, Township Engineer and Sharon Colletti, Secretary.

EXECUTIVE SESSION:

Mr. Garner announced that prior to tonight's meeting the Board did meet in Executive Session at 6:30 p.m. to discuss a matter of collective bargaining; no was action taken.

APPROVAL OF THE MINUTES:

Commissioner Klotz made a motion to approve the minutes of the September 22, 2016 Board of Commissioners Meeting. Commissioner Lopez seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

COMMENTS FROM VISITORS:

Mr. William Wolfgang, 2325 Pruss Hill Road thanked Ed Wagner, Township Manager, for his professionalism, knowledge and the way he conducts himself and expressed that he was a true credit to the Township. In addition, Mr. Wolfgang thanked Chief Foltz and his officers for providing a safe, quiet and secure environment to live in.

Mr. Tony Doyle, 1745 Kepler Road addressed Chief Foltz in regards to the curfew in communities with Associations. He asked if the Township was enforcing the curfews or not. Chief Foltz stated that curfews are enforced, but not in Associations or Private communities. The Chief reported that a research project was conducted over the summer to determine if enforcing the curfew would benefit the Township and there was no feedback indicating it would. Mr. Doyle asked however, if there was a call reported that the police needed to respond and Chief replied yes.

Mr. Doyle asked Chief Foltz if Sgt. William James was the officer who went to the FBI Academy. Chief Foltz said he is due to go in January. Chief Foltz stated there are two different portions and said that Sgt. James completed FBI Law Enforcement Executive Development training in Princeton, and he will attend the FBI National Academy in January.

Mr. Doyle followed up on his comments from the September 22nd meeting in regards to the pension. Mr. Doyle asked what non-uniformed employees received as part of the enhancement. Mr. Wagner responded that as the plan was approved in 2006, he would have to look into it and offered to schedule a meeting with Mr. Doyle to discuss his concerns.

Mr. Doyle cited an article which discussed the Perkiomen Valley School District and that teachers are now, as part of their contract, required to pay as much as 18% towards health insurance. He expressed that he feels the Township may have to consider some adjustments for the future.

Mr. David Fisher a North Coventry Township resident who owns real estate in Lower Pottsgrove (5 South Sunnybrook Road) was inquiring about a response to issues brought up at the September 6th meeting and understands it is being worked on. He asked if there were any updates and if there was a timeline for when the Vlahos Development is going to be addressed and what the outcome will be in regards to the deficiencies at the property.

Mr. Garner asked Mr. Fisher again for his patience. When a timeline is asked for, since an accurate one cannot be provided, it's only going to set up an expectation that if it is not met will create an additional problem. The Manager advised that he was working on the issues and would do it as quickly as possible and that no one was looking to drag it out.

Mr. Fisher agreed with Mr. Wolfgang's comments in regards to the Manager and the Chief and said seconded that they were doing a great job.

REPORTS OF OFFICIALS AND COMMISSIONS

Police Report: Chief Foltz, presented the Police Report for September.

Statistics:

CALLS FOR SERVICE	1,170
ASSISTS:	
Given by Lower Pottsgrove PD	9
Received by Lower Pottsgrove PD	4
TRAFFIC ENFORCEMENT:	
Violations Indicated	73
DUI Arrests	7
CRIMINAL INVESTIGATIONS:	
Violations Indicated	91
Adults Arrested	21
Juveniles Handled	3

Departmental Activity:

- A directed traffic enforcement was conducted of the school zones on the opening day of school for Pottsgrove which will be continued throughout the year. The following is the result of this initial enforcement:
 - During the morning 7 citations and 4 warnings were issued for speeding in school zones at PGHS and LP Elementary School.
 - During the afternoon 4 citations and 3 warnings were issued for speeding at Ringing Rocks Elementary School.
- On September 7, 2016 was involved in a multi-jurisdictional crime which started with a theft in Royersford and a pursuit in Pottstown before he was apprehended after the assault in Limerick Township.
- During mid-September we experienced a rash of vandalisms to mailboxes throughout the Woodgate development and along Rupert Road and N. Sanatoga Road and asked for the public's help in apprehending the suspects.
- On the evening of September 21, 2016, Patrol officers responded to 3002 Walnut Ridge Estates to serve bench warrant on a suspect residing there. The adult male object was taken into police custody and found to be in possession of illegal drugs and paraphernalia at time of arrest. Drug Task Force Officers served a search warrant on the residence and seized additional drugs.

Chief Foltz announced that there would be dedicated hours between 6:00 p.m. and 9:00 p.m. for Trick-or-Treat in the Township this year.

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

Emergency Management: Commissioner Lopez stated that the POC Security and the building security connected with the ID cards is complete to date. Commissioner Lopez stated it is a work in progress and will continue on as personnel changes occur, etc. He expressed that he is satisfied with the system and it is very professional looking and is very happy with it.

We are going to update our Emergency Plan, specifically the Notification Manual. It is currently being updated in regards to some changes at the School District, etc. Once finalized it will be sent to the County.

Eric Linsenbigler, Assistant EMC reported that there was one EOC activation in September to assist in the location of a missing child off of Buchert Road near the elementary school. A man post was established at Lower Pottsgrove Elementary. EOC staff was not needed very much as fortunately, shortly after their arrival, the child was located.

Fire Marshal: Fire Marshal Lew Babel noted there was an error on his report in the second paragraph and that the number of training classes should be eight (8) and not zero (0). He highlighted the following statistics from his monthly written reports for September:

Station	Total Calls	Total Hrs. of Service	Total Personnel Hrs.	Total Personnel Training Hrs.	Total Fundraising Hrs.
Sanatoga (Station 58)	26	36 Hours 50 Minutes	77 Hours	113 Hours 08 Minutes	No Report
Ringling Hill (Station 59)	23	35 Hours 38 Minutes	112 Hours	No Report	No Report

(All hours are approximate)

The Fire Marshal reported that they now have enough fire hydrant markers to take care of the hydrants located in the private communities around the township and they should all be marked by Thanksgiving.

Highway – Public Works Department: Commissioner Foltz read the Public Works Report for the month of September 2016. The Report will be posted on the bulletin board.

C.O.G.: Commissioner Lopez attended the September meeting in Commissioner Foltz's absence and stated that there were four municipalities in attendance at the meeting which lasted for approximately 1 ½ hours. There was a representative from DCED present to discuss grants available for Municipalities from the State. He reported that there will be no meeting on November 8th due to the election and the next meeting will be Tuesday, January 10, 2017.

Engineer: Chad Camburn, P.E. of Bursich Engineering, presented the written Engineers' report updating the Board on various projects and activities going on in the Township. He highlighted the following projects:

- **Rupert Road Bridge** – Revised design plans were submitted to the County on September 30, 2016. The final plans, specifications and estimates are scheduled to be issued to the County by February 2017 for construction to take place in summer 2017.
- **Spring Valley Farms Amended Plan** – Revised subdivision plans were received in his office on September 26, 2016 in response to their review letters issued on September 2015. Plans are currently under review.
- **Coventry Christian Building Expansion** – The applicant is proposing a 12,000 sf building addition to their gymnasium building. The plans were received in his office on September 15, 2016 and are currently under review.
- **Aldi Building Expansion** – Aldi is proposing a 1,220 sf building addition at their Armand Hammer Boulevard Store primarily for storage of dry foods.
- **Sanatoga Green:** The applicant is requesting a much expedited time line for this project. A staff meeting was held with the applicant on September 12th to go over the comments in the review letters; they indicated the ones they are going to comply with and the ones they are going to request Waivers for and are also going to request seven (7) Variances to the Zoning Hearing Board.

- Mr. Camburn provided a detailed summary of the Variances requested by the Applicant outlined as follows:
 - Variance from the floodplain ordinance for retaining walls, buildings, outlet structures, grading and stormwater management appurtances to be located in that Floodplain Conservation District. Approval of this Variance could have implications to the Township's Flood Insurance
 - Variance to propose three points of access onto Evergreen Road
 - Variance to allow Accessway spaced 40 feet apart on center in lieu of 50 feet
 - Variance to permit three Accessways within 25 feet of residential lots
 - Variance from required sidewalks along Evergreen Road frontage, Linfield Road frontage and the proposed Park Road extension
 - Variance from requirement for shade trees along proposed trail. Existing wooded conditions provide more than sufficient trees. It is the current opinion before a final decision be made see what happens and what remains after construction.
 - Variance from private ownership of roads
- Mr. Camburn mentioned that the Applicant hoped to be on the Zoning Hearing Board in October and may be pushed back to November due to application changes and one point to consider is the existing intersection at High Street and Park Road cannot handle traffic from this development.
- An additional consideration is the traffic from this development onto Evergreen Road. The Engineer sees this as a potential shortcut/pass thru from High Street to get to the outlets and the Township should consider a possible disconnect to stop that should acceptance of the Road be granted.

Mr. Camburn opened the floor to the Commissioners for questions.

- Commissioner Lopez addressed his concerns in regards to the proposed retaining wall and its stability with regards to the steep slopes. Mr. Chadburn stated that the Applicant must provide a structural design of the wall along with certification from a Geologist and Engineer regarding the stability of the wall. The wall could be in excess of 30' high. The Commissioner also questioned the structural stability of the housing units proposed in the floodplain area. Mr. Chadburn stated the same conditions apply for those homes in addition to specific foundation and building stipulations that will be required. In addition Commissioner Lopez inquired about the specs for Park Road and whose specs will be used. Mr. Camburn stated it will be recommended that it be built to Township specifications whether it will be public or private. The Commissioner asked what the recommendation was regarding the sidewalk along Park Road. Mr. Camburn recommended that they provide access from Evergreen Road to Park Road; Commissioner Lopez agreed. Commissioner Lopez asked Mr. Camburn what type of impact to the flood insurance that would represent. Mr. Camburn stated that if you violate the FEMA approved Floodplain Ordinance you would probably be in violation of

the flood insurance; he did not know the specific implications associated with that. The Commissioner stated he had a couple of things he is “not comfortable with.”

- Commissioner Foltz also expressed his concerns in regards to the wall. He asked if there was to be some sort of safety railing on top for protection from falls.
- Commissioner Mohollen asked if he thought a light would be required going onto Evergreen Road from Park Road because of the commercial traffic from the center. Mr. Camburn said that would ultimately be up to PennDOT. Mr. Wagner stated that a meeting with PennDOT has been requested but has not yet been set up by the Applicant.
- Commissioner Klotz feels that if the sidewalks on both Evergreen and Linfield Roads are removed then some sort of substitute should be implemented, but the Park Road sidewalk should be a necessity. In regards to the shade trees, he stated we should be careful and see about what comes down during construction. The Commissioner feels that three accessways may actually be a relief in this situation; his bigger concern is that they will be located within 25 feet of residential lots and wonders if there are any better solutions as he feels it should not be something we do to a resident. Commissioner Klotz asked for clarification of what “dedication of Park Road” actually means. Mr. Wagner explained it can remain private or can be accepted and become part of the public road system and would have to be plowed, maintained, etc. The road is approximately 1,500 feet. Commissioner Klotz also expressed his concern about the proposed wall.
- Mr. Wagner reminded the Board that we have time, as the hearing is tentatively scheduled for November 15th. He wants the Board to be totally educated and understand the process and what is being put in front of the Zoning Hearing Board.
- Chief Foltz had some comments in regards to public safety and the project. If the Linfield Road sidewalks are installed, he suggested they be installed within the guiderail due to the number of accidents on this road. He also is agreement that a sidewalk should go along Park Road due to the potential high traffic volume along the road and linkage point to Sanatoga Park.

Commissioner Foltz opened the floor to the public for questions pertaining to the project.

- A question was received from Mr. Wolfgang about the financial costs of the flood insurance. Does the Township become liable for a big chunk of money if this project violates some of the concerns in that Floodplain? Mr. Camburn responded that the flood insurance program provides a reduced flood insurance cost and he did not know the specifics yet. Obviously the goal of the Township is to avoid this circumstance and not to violate this Floodplain.
- A question was received from Don Woodley of 209 Evergreen Road in regards to whether the pumping station for that end of the township could handle a development of this size. Mr. Wagner advised that the pump needs to be upgraded and the Applicant is being asked cover the cost of this upgrade.

Commissioner Foltz asked Mr. Garner if any action was necessary at this time. Mr. Garner responded that no action was necessary at this time, but given the size of the project he feels it

would be better to wait until the next meeting to decide whether the Township wants to oppose the project or let it go to the Zoning Hearing Board.

Treasurer: Jen Marsteller reported that she collected \$6,630.00 in the month of September.

Solicitor: Mr. Garner reiterated some of the items mentioned in the Engineering report with respect to the Sanatoga Green project. One of the concerns the staff has generally is that this is such a large project, but seems to be moving at a very quick pace and it seems that the Applicant is trying to address issues on a piece-meal basis. Mr. Garner advises that the Board should be sure to review the issues thoroughly given the speed at which the Applicant would like to proceed with the project. Mr. Garner expressed concern with the possibility that the project not move forward as proposed and could potentially result in residential homes being developed with no future commercial building. The Township may want to consider tying levels of residential development – town home and apartment construction – to levels of commercial development, like hotels and medical offices that have been promised but may take longer to arrive. Mr. Garner advised the Board to look at the “Big Picture” and if there are any concerns to consider them thoroughly before any action is taken. Between the Planning Commission, the Zoning Hearing Board, the Staff and Consultants this project should be thoroughly reviewed from all aspects given the impact it has on the Township. We want to be sure that it is developed per the Board’s vision.

Mr. Garner suggested that maybe each meeting a specific topic be selected so it can be discussed for determination if its worthy of any further comment or to discuss it further with the developer.

Commissioner Foltz thanked Mr. Garner for his advice and feels that the Commissioners and the Staff need to work very closely with our Engineering Group and Counsel to ensure we don’t make mistakes and we do follow things through as we should.

Commissioner Mohollen, having been on the Zoning Board, mentioned that in no way the Board would have approved something of this nature in one meeting. It’s completely overwhelming. It would take some time to digest and have follow-up questions from the Zoning Board. Mr. Wagner reiterated how unrealistic the Applicant’s goals are. The Applicant is submitting a revised preliminary plan approval on Friday, October 7th and they expect Mr. Camburn to turn around a review letter in four days and that is totally unacceptable. Mr. Garner wrote a letter to the Applicant’s attorney stating their expectations are totally unrealistic and we are going to see them in November.

Commissioner Klotz stated that in addition to all of the items discussed, that we have not seen any drawings of buildings; we haven’t seen “the wall.” How can we grant Preliminary Plan approvals when we don’t even know what anything looks like? Commissioner Klotz stated he is willing to be Business friendly, but a project of this size could hurt the Township in many ways. We need to see the walls, we need to see the roads and what they are proposing. He agrees with Mr. Garner and wants to know when the industrial park is coming in. When is the hotel coming in and do we have a timeline?

Mr. Wagner suggested that we invite the Developer to attend the November 7th meeting to talk about and give a formal presentation showing renderings, retaining walls and the other various plans.

In other news, Mr. Garner stated that the bid opening for the trash/recycling was opened earlier in the day. There were only two bidders, which he said was disappointing, but the bids themselves were very good and competitive. At this point J.P. Mascaro appears to be the low bidder, based on the numbers, but the bid submissions and required documents must be reviewed.

Mr. Garner stated that the Ordinance Amendment regarding the turning prohibition at High and Porter will be ready for the October 20th meeting.

Mr. Wagner presented the following reports:

Parks and Recreation: Lower Pottsgrove Community Day will be held on Saturday, October 22, 2016 from 10:00am-2:00pm at the old St. Pius 10th Building. Exelon has agreed to sponsor the shred event and one box per household will be accepted; no commercial businesses. There will be pumpkin painting, hayrides, various food vendors, Medivac and a costume contest starting at noon.

Pottstown Metropolitan Planning Commission: A meeting was held September 28th and discussed Sanatoga Green as well as a large development in Douglas Township. The Regional Planner will be issuing a letter which will be shared with the Board upon receipt.

Lower Pottsgrove Township Authority: The next meeting is Monday, October 10th at 7:00 p.m. The 2017 Operational and Capital budgets will be discussed.

The pumping station at Villa Drive is in the process of being upgraded. The existing small 10'0 x 12'0 shed has been taken down and will be replaced with a new 12'0 x 20'0 shed having better ventilation and more height. It will match the siding of the house in front of us. It is anticipated the project will be complete by the end of October. An emergency generator will also be installed. All three sewer pump stations will now be on emergency generators.

CORRESPONDENCE AND INFORMATION:

None.

OLD BUSINESS:

Zoning Hearing Application #2016-04 for the Sanatoga Green Development (discussed at length earlier)

Delta Development Group Presentation at the October 20th. The draft contract has been distributed to the Board and involves a discussion for the Eastbound Ramp at the Sanatoga Interchange.

SUBDIVISION AND LAND DEVELOPMENT:

None.

NEW BUSINESS:

None.

RESOLUTION AND ORDINANCE:

Commissioner Lopez made the motion to approve Resolution 1112-16 confirming Special Fire Police Officers Dustin Harlin Cotton, Amanda Marie Heimbach, Elisabeth Marie Stevens and Steven E. Welty. Commissioner Foltz seconded the motion and it was unanimously approved.

All four officers have current background checks.

REVIEW OF WARRANT #853 FOR THE MONTH OF SEPTEMBER 2016

Township Manager stated it would be ready by the end of the week for review.

COMMISSIONERS COMMENTS:

Commissioner Mohollen remarked about the effectiveness of the police presence outside of Lower Pottsgrove Elementary. Residents are obviously slowing down and suggests maybe once a month a patrol is present as a reminder.

Commissioner Lopez thanked Lew Babel for his diligence in securing a donation of funds for the acquisition of the additional fire hydrant markers needed in the private sectors of the township.

Commissioner Lopez reminded everyone that October is Fire Prevention month and to take the opportunity, if presented, to participate in any activities and especially to acknowledge our local firefighters for their dedication and hard work. The largest local event is in North Coventry at the Coventry Mall next Thursday October 19th from 6:00-9:00. The fire departments will be out at all the daycares, elementary schools over the next two weeks. Commissioner Lopez asked Eric Linsinberger to convey to all the members that we appreciate their diligence in planning and attending these events and to their service to the Township.

Commissioner Swavely mentioned that many of his neighbors and residents have expressed thanks to him in regards to increased police presence and visibility throughout the Township and thanked Chief Foltz for his efforts.

Commissioner Klotz also took the time to thank Chief Foltz for the additional community policing and the strong police presence throughout the Township and also recognized the volunteer firefighters who serve our Township.

Commissioner Foltz thanked Chad Camburn for his detailed and informative report, particularly in regards to the Sanatoga Green project and for making the Board aware of the details of the Variances the Applicant is seeking for the project.

Commissioner Foltz also thanked Sharon Colletti for jumping in so quickly during her first month of service and commended her on her job to date.

Ed Wagner announced that when Joe Duda was in last month to discuss the pension, he mentioned that State Aid was up and the Township would receive an 11% increase. In actuality we received 21%!

Mr. Wagner also stated that the Township received a \$26,491.53 State reimbursement for snowstorm Jonas. This reimbursement equates to 75% of the allowable expenses of which approximately \$16,000 will go back to the State Fund to cover the salt and plow contractors.

Solicitor Garner had no comments.

Commissioner Foltz asked the Commissioners to stay for an additional Executive Session in order to discuss a personnel matter and announced no action would be taken.

There being no further business, the public meeting was adjourned at 8:27 p.m. Next regularly scheduled meeting will be held on Thursday, October 20, 2016 at 7:00 p.m.

Respectfully submitted,



Sharon Colletti
Township Secretary