

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS**July 5, 2016****PUBLIC HEARING**

Ordinance 328- amending the Lower Pottsgrove townships Zoning Map to rezone certain land located on Linfield Road identified as parcel 42-00-02896-00-5 from LI- Limited Industrial District to the G-MU Gateway Mixed Use Development District and also to include the property within the G-RO Gateway Residential Overlay.

At 6:45 p.m., Commissioner Foltz announced a public hearing would be held, and then turned the hearing over to Mr. Garner.

Mr. Garner stated the notes for the public hearing were being by recorded a court reporter. Mr. Garner introduced the following Board Exhibits into the record:

- Exhibit 1 Legal notice advertised on June 17, 24 2016.
- Exhibit 2 Montgomery County Planning Commission Letter mailed May on 4, 2016.
- Exhibit 3 Montgomery County Planning Commission Review Letter June 10, on 2016.
- Exhibit 4 Lower Pottsgrove Township Planning Commission letter was mailed May 4, 2016.
- Exhibit 5 Lower Pottsgrove Planning Commission Draft Minutes Recommended Map Amendment June 20, 2016.
- Notice to Property Owner Letter June 3, 2016.
- Posting of Property June 21, 2016.

Mr. Garner asked for public comment on the proposed amendment to the zoning map.

Frank Bartle was present of behalf of the owner of the property Castle Caldecott LLC and on behalf of the equitable owners he stated they are in support of the board to adopt the ordinance.

Mr. Garner asked if there were any other members of the public who wished to present any comments to the proposed ordinance change. Seeing there were no other individuals who wanted to speak on the matter, Mr. Garner advised the Board to close the public hearing and enter into a public meeting immediately thereafter, as advertised, for consideration in regard to the ordinance.

Mr. Garner closed the Public Meeting at 6:42 p.m.

The Board of Commissioners of Lower Pottsgrove Township held its duly advertised public meeting on Tuesday, July 5, 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; Earl E. Swavely, Raymond W. Lopez and Robert W. Mohollen.

Charles Garner, Solicitor, Edward C. Wagner, Manager, Michael A Foltz, Chief of Police; Lew Babel, Fire Marshal; Eric Linsenbigler Assistant Emergency Management Coordinator, Scott Exley, Township Engineer.

EXECUTIVE SESSION:

Mr. Garner announced that prior to tonight's meeting the board did meet in executive session at 5:45 p.m. to discuss a matter of litigation and personnel and no action taken.

APPROVAL OF THE MINUTES:

Commissioner Klotz made a motion to approve the minutes of the June 9, 2016 Board of Commissioners Meeting. Commissioner Lopez seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

RESOLUTION AND ORDINANCE:

Ordinance 328- Commissioner Klotz made a motion to approve Ordinance No. 328, An Ordinance to rezone parcel 42-00-02896-00-5 located on Linfield Road from LI- Limited Industrial District to the GMU Gateway Mixed Use and to include this property within the GRO Gateway Residential Overlay. Commissioner Swavely seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

COMMENTS FROM VISITORS:

Tony Doyle, 1745 Kepler Road, wanted to make sure that since Michele Cappelletti was not at the meeting that someone was going to take minutes on the meeting. Commissioner Foltz stated that meeting is being recorded. Mr. Doyle asked for 9 ½ foot wide parking spaces for the proposed Sanatoga Green Development.

Howard Kalis, at 919 Briar Lane stated that at the corner of Kenny and Brookside Road the residents have constructed a modular shed and there was no setbacks or permit. All of the neighbors are up in arms he stated about the construction of the shed and that they would like to see it completely taken down. Mr. Wagner stated that they did not receive a permit nor did they receive variance for the construction of the shed.

Jay Berman 909 Brookside Road, wanted to express his concern for the garage that was built at corner of Kenny and Brookside Road. He stated that they already have a shed on that property and that the shed is at the corner of the lot and it cannot be there.

REPORTS:

Police

Chief Foltz reported 1067 calls for service in June 2016. There were 76 criminal violations; 23 were adults that were arrested 4 juveniles were handled.

Chief Foltz stated that the 422 Sports Plex has seen over night burglaries Detectives and patrol officers set up a stakeout which took a couple of weeks' time and they apprehended the suspect in the early morning hours on June 16. Subject was arrested and charged and is awaiting trial.

On June 17, 2016 we had an incident on North Pleasantview Road at Village Lane that involved a large police presence. We had a subject that was previously encountered at the Rolling Hills development on a drug violation he resisted arrest and escaped at that time. On the morning of June 17, 2016 Patrol officers again encountered the subject in a vehicle and conducted a vehicle stop. The subject ran out in the wooded area and we set up for perimeter in order to contain and apprehend the suspect. There was a K-9 dog that was injured during that apprehension. Chief Foltz noted that we did pay that vet bill for that dog to get treated which was \$100.00.

67 traffic citations that were issued in the month of June. 26 were issued at the Buck up PA Campaign and 10 were issued in the construction zone of the 422 bypass.

Chief Foltz noted that in the Board's packet they were awarded \$1800.00 in funding to conduct the PA Aggressive Driver Campaign, this will run from July 6 and August 8th.

Training:

Sgt. William James attended and graduated from FBI LEEDS (Law Enforcement Executive Development School) in Princeton NJ.

Ofc. Matthew Musselman attended Basic Crisis Intervention Specialist Training at Montgomery County Emergency Services.

June 29th Chief Foltz participated in Tabletop Training Exercise with Limerick Township Police, the FBI and Philadelphia Premium Outlets on active shooter incident.

Emergency Management:

Assistant Emergency Management Coordinator Eric Linsenbigler delivered the Emergency Management Report for June 2016.

He highlighted the following activities:

1. June 2016 two activations one was a planned activation on Saturday June 4 and Sunday June 5, 2016 at Pottsgrove High School for monitor of weather conditions due to a threat for severe weather that evening for Relay for Life. Mr. Lopez stated that Chief Foltz gave the idea for doing something for the Relay or Life as preventative measure since there was a lot of people gathered in Lower Pottsgrove Township which would give an opportunity see what resources would need to be.
2. Saturday June 11, 2016 Emergency Management Team was requested to assist with Lower Pottsgrove Police with a search of a missing person from the Aldi Food store.

Fire Marshal

Fire Marshal Lew Babel highlighted the following statistics from his monthly written report:

Station	Total Calls	Total Hrs. of Service	Total Personnel Hrs.	Total Personnel Training Hrs.	Total Fundraising Hrs.
Sanatoga (Station 58)	27	38 Hours 25 Minutes	99	82 Hours 25 Minutes	Not provided
Ringing Hill (Station 59)	22	14 Hours 12 Minutes	99	116	256

(All hours are approximate)

Mr. Babel stated that the township received a donation in which they were able to purchase 240 fire hydrant markers. The donations came from Exelon Generating Station of \$2785.20 and the other donations came from an anonymous donor who donated \$2785.20. Total comes to \$5570.40

Highway: Public Works Department: Commissioner Foltz read the Public Works Report for the month of June 2016. He noted that the Public Works Department paved Shire Drive and Wooded Way. Worked with the Montgomery County Corrections to clear all of the trail systems and weed wacked all around Sanatoga Lake. Cutback intersections for sight distance, cut township parks, prepped Sanatoga Park for the summer concert series, finished road side cutting, installed Jersey barrier on Pruss Hill Bridge. Report will be posted on the bulletin board.

C.O.G. Commissioner Foltz stated that the next meeting for COG will be September.

Engineering- Scott Exley from Bursich Associated provided a written Engineers' Report updating the board on various projects and activities going on in the township. Highlighted were the following.

1. Rupert Road Bridge Reconstruction: The bridge project is moving ahead and they went from two detours to one detour.

Treasurer: Township Manager Edward Wagner presented the treasure report for the month of June to the Board of Commissioners which in total between real estate, light and fire was 6,681.00 collected.

Solicitor

Solicitor Garner highlighted the following from his written report:

1. **Conditional Use hearing-** Castle Caldecott, LLC was scheduled for July 21, 2016, at 6:30 p.m.

Park and Recreation:

Mr. Wagner highlighted the following Activities:

1. **The Summer Concert** series kicked off on June 26, 2016 with a ribbon cutting ceremony for the improvements to Sanatoga Park. On July 10, 2016 at 5 p.m. there will be a moon bounce an obstacle course which is part of a park contest. The band that is playing is Where's Pete.

Pottstown Metropolitan Regional Planning Committee

Mr. Wagner reported that there will not be meeting until September.

Lower Pottsgrove Township Authority

Authority Meeting- The meeting will be held on July 11, 2016 and they will be discussing Sewer Specialties Services which is I&I contractor and they will be going over the progress.

Mr. Wagner noted that Commonwealth Financial Authority (CFA) met on July 1, 2016 regarding our grant application for Sanatoga Interchange. We were awarded 2,102,304.00 for the Sanatoga Interchange project Westbound Ramp.

CORRESPONDENCE AND INFORMATION:

None.

OLD BUSINESS:

Officer Kenny Local Agency Hearing- Solicitor Garner stated that back on March 24, 2016 the board had local agency hearing at the request of Officer Kenny which involved some issues with his heart and lung claim. At the conclusion of the hearing the board requested that the attorneys for both parties to submit legal authority or findings to the board by May 2, 2016 and we received information from both attorneys which were both present at the hearing following review of that information it appears that issues that were raised in front of them was something that they do not really have the ability to decide based upon the present status of that case. Mr. Garner's recommendation to the Board of Commissioner's to approve this decision in order to defer its decision until the worker comp process has played itself out. There appears to be clear case law on point that this jurisdiction rest with workers compensation authority and if the parties are not happy with that decision there is an appeal to the workers compensation board and then there is an appeal to the common wealth court.

Mr. Klotz made a motion to approve the decision in order as the solicitor stated which was then seconded by Mr. Lopez and was carried out by a 5-0 vote.

Grass Clippings Ordinance- Commissioner Foltz brought up the grass ordinance that was drafted by Pottstown which he would like to adopt. Mr. Garner went over the ordinance and made some changes to it and Mr. Foltz would like to make it a code enforcement issue. Mr. Foltz allowed for public comment on the ordinance.

Charles Nippert Pleasantview Road made a comment that on Pleasantview road there is roll curve of macadam which makes it difficult for the grass to where he would like it to go when mowing. He would like to know if he is going to get a violation for the grass that ends up on that curve.

Commissioner Foltz responded to Mr. Nippert that maybe it might be possible for him to turn his mower the other way when cutting that section of his yard. The other option would be to go in the street and blow the grass back into his yard which would be dangerous on the Road he lives on. He stated that he would take that into consideration when determining if a person is in violation or not.

Commissioner Lopez made a motion to prepare and advertise for the August 18, 2016 meeting which then seconded by Earl which was approved by a 4-1 vote. Commissioner Klotz voted against the motion to advertise.

SUBDIVISION AND LAND DEVELOPMENT:

None.

NEW BUSINESS:

Rivendell Lane- Mr. Wagner explains to the board of commissioners that the township Liquid Fuels budget was \$145,000 to overlay Wooded Way and Shire Drive. Based on John Fogel's price, materials and equipment Wooded Way and Shire Drive can be completed for approximately \$101,000 which gives roughly \$44,000 for the paving of Rivendell Lane.

Commissioner Klotz asked if Rivendell was on a list that needed to be paved this year. Commissioner Foltz stated that it was not on the list to be repaved this year.

Randy Mess 1018 Rivendell Lane- stated that Rivendell Lane is in very poor condition. He believes that since the residents keep their driveways in great condition, that the township has an obligation to keep the road in good condition.

Commissioner Klotz shows concern that the Township might be putting Rivendell Lane above another street that needs to be paved more than Rivendell Lane.

Motion was made by Commissioner Lopez to pave Rivendell Lane which was then seconded by Commissioner Swavely vote was carried by 4-1 vote with commissioner Klotz not in favor.

Motion to Advertise Ordinance 105-I FOG- Fat Oil and Grease for consideration for the August 18, 2016 Meeting. Manager Edward Wagner explained that the last ordinance for FOG was passed in April 2014 which was consistent with The Bough of Pottstown which does all of the inspections for our various restaurants, they recently updated their ordinance on April 11, 2016 and the Bough has asked us to update our FOG Ordinance.

A Motion to advertise Ordinance 105-I FOG for consideration was made by Commissioner Lopez which was then seconded by Commissioner Swavely and it was unanimously approved. Vote was 5-0 in favor.

Approve of Warrant #849 for the Month of May 2016 Motion was made by Commissioner Swavely to approve warrant #849 and was then seconded by Commissioner Lopez and it was unanimously approved. Vote was 5-0 in favor.

Review of Warrant No. 850 for the month of June 2016 will be distributed via email.

COMMISSIONERS COMMENTS:

Commissioner Lopez had no comments.

Commissioner Swavely Thanked Mr. Babel and Mr. Wagner for the hard work to get the money for the hydrant markers.

Commissioner Klotz asked Mr. Wagner to get a letter out to Limerick Township Supervisors and Delta Development group for their efforts to secure the CFA multi modal grant for the Sanatoga Interchange Improvements.

Commissioner Foltz had no comments.

Solicitor Garner has no comments.

There being no further business, the public meeting was adjourned at 7:51p.m. Next regularly scheduled meeting will be held on Thursday, July 21, 2016 at 7:00 p.m.

Respectfully submitted,

Katie H. Smith
Administrative Support