

LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS
February 5, 2007

Conditional Use Hearing
Applicant: Buchert Ridge Community, Inc.

A Conditional Use Hearing was held at 6:30 p.m. in the Commissioners Board Room.

Solicitor Holloway presented the following Board exhibits:

1. Application for a conditional use hearing submitted by Buchert Ridge Community, Inc. and received in the Township Municipal Office on December 19, 2006.
2. A copy of the Legal Notice setting forth February 5, 2007 at 6:30 p.m. as the time and date for the conditional use hearing.
3. Proof of publication from the Mercury for the advertisement of Legal Notice setting the February 5, 2007 hearing date.
4. Affidavit of service signed by Alyson Elliott, Assistant Manager, verifying all persons and entities to whom she served copies of the application.
5. Affidavit of service signed by Michele Cappelletti, Township Secretary, verifying that she submitted the Legal Notice to the Mercury for advertisement and provided proof of publication.
6. Affidavit of service to be signed by Keith Place verifying that he posted copies of the Legal Notice at three (3) different locations, with date stamped photographs of the postings attached.

Solicitor Holloway announced that the applicant, Wil Hallman of Buchert Ridge Community, Inc. and his attorney, Charles D. Garner, Jr., Esquire, were present at the hearing.

Mr. Garner explained that Buchert Ridge Community, Inc. is an age-restricted project modeled after Sanatoga Ridge Community. He advised that the applicant applied for zoning relief, which was granted in February of 2006. The applicant must comply with a number of conditions in the zoning order, such as completion of the land development process and relief through a conditional use hearing to allow for encroachment in a steep slope area.

After meeting with Township staff, Solicitor and Engineer, Mr. Garner recommended that it would be beneficial to all parties to request a continuance of 30 to 45 days. He asked that the Board of Commissioners establish a date tonight. Solicitor Holloway clarified that Township staff has no objection to Mr. Hallman moving forward with land development before the conditional use hearing is held.

The Board announced that the conditional use hearing for Buchert Ridge Community, Inc. would be continued to March 22, 2007 at 6:30 p.m.

Mr. Hallman addressed the Board and discussed several concerns he had relative to his project. Solicitor Holloway recommended that the Board consult with Township staff for further clarification on the matters presented by Mr. Hallman.

The Conditional Use Hearing closed at 6:55 p.m.

The Board of Commissioners of Lower Pottsgrove Township held their regularly scheduled meeting on Monday, February 5, 2007. Meeting was called to order at 7:00 p.m. The following attended:

Bruce L. Foltz, President
 Thomas C. Troutman, Vice President
 Jonathan H. Spadt
 Stephen M. Klotz
 Anthony A. Doyle
 R. Kurtz Holloway, Solicitor

Rodney P. Hawthorne, Manager
 Alyson Elliott, Assistant Manager
 Sally Moyer, Treasurer
 Chief of Police Michael Shade
 Lew Babel, Fire Marshal
 Thomas Yuhas, Engineer
 Michele Cappelletti, Secretary

PRESENTATIONS:

Exelon Donation—Elizabeth Rapczynski, Communications Manager, Oliver Becker, Security Manager and Brad Whitman, Security Supervisor of the Limerick Generating Station, Exelon Nuclear were present at the meeting. Ms. Rapczynski advised that the Lower Pottsgrove Township Police Department submitted a request to Exelon to purchase security equipment. Exelon responded to the needs of the Township and donated \$3,500.00 to the Police Department. Ms. Rapczynski publicly thanked the Lower Pottsgrove Township Police for all they do for the residents of Lower Pottsgrove and the Limerick Generating Station. Chief Shade noted that the funds would be used for equipment that will help members of CMERT (Chester Montgomery Emergency Response Team) in the performance of their duties. The Board of Commissioners thanked Ms. Rapczynski and Exelon Nuclear for their continued support and generosity.

Mr. Hawthorne announced that Ms. Rapczynski recently became engaged and the Board congratulated her.

Presentation of Plaque—Police Committee members Mr. Spadt and Mr. Klotz presented a plaque recognizing the efforts of Chief of Police Michael Shade while he was a detective in the Lower Pottsgrove Police Department. Chief Shade developed overwhelming evidence in a case involving sexual abuse of a child. His diligence and investigative work led to the arrest and ultimately the conviction of the predator. As Chair of the Police Committee and on behalf of the Board of Commissioners, Mr. Spadt expressed that the Board is extremely pleased with Chief Shade's performance, both as a detective and now as the Chief of Police.

RESOLUTIONS AND ORDINANCES:

Resolution No. 701—Mr. Klotz motioned to appoint Ms. Patty Abdalla to fill the unexpired term of James Leh on the Lower Pottsgrove Township Parks and Recreation Commission. Mr. Troutman seconded the motion and it was unanimously approved. Vote was 5-0.

Mr. Troutman advised that the Parks and Recreation Commission supports Ms. Abdalla's appointment.

Mr. Klotz introduced Ms. Abdalla and asked her to tell the Board about a community event she organized in her neighborhood. Ms. Abdalla explained that she planned a three-on-three basketball tournament and raised \$1,800.00, which was donated to Hurricane Katrina relief efforts.

APPROVAL OF MINUTES:

Mr. Klotz motioned to approve the minutes of the October 23, 2006 Special Meeting of the Board of Commissioners and the December 14, 2006, January 4, 2007 and January 25, 2007 regularly scheduled Board of Commissioners meetings. Mr. Doyle seconded the motion and it was unanimously approved. Vote was 5-0.

COMMENTS FROM VISITORS:

None.

REPORTS:

Police—Chief Mike Shade reported that there were 1,318 calls for service in January 2007.

Civil Service: The Department is still conducting background investigations for nine applicants. Chief Shade estimated that polygraph testing of the top four candidates would begin in two to three weeks.

Criminal Investigations: Officers investigated eight separate incidents at 647 Woodland Avenue. Two of the calls led to arrests. **Training:** Chief Shade has replaced the "Assists" section of his report with "Training." He will be providing monthly training updates.

Traffic: Chief reported that two arrests were made during routine traffic stops. These arrests are a result of officers being out on the streets enforcing traffic.

Grants: While on light duty last year, Officer Slothower applied for a grant from Wal-Mart. The Police Department recently received a check for \$1,500.00 from the local Wal-Mart store located on Shoemaker Road in Pottstown. The Department will use the funds for photographic printers.

Correspondence: Chief Shade received letters of appreciation commending Det. Sgt. Michael Foltz for taking the time to handle a difficult case involving teenagers and their families.

25 mph Speed Limit: The Township Manager received a request from a resident to lower the speed limit to 25 mph on Stuart and Brookwood Drives. In response to this request, Chief Shade conducted a traffic study of these roads. Commissioner Doyle accompanied Chief Shade during his evaluation. Chief Shade reported that he supports lowering the speed limit to 25 mph. Mr. Spadt motioned to advertise a proposed ordinance to lower the speed limit to 25 mph on Stuart Drive and Brookwood Drive. Mr. Klotz seconded the motion and it was unanimously approved. Vote was 5-0. To address the speeding issues in the Township, the Board requested that Chief Shade initiate a traffic audit of Township streets and roads to determine areas where the speed limit should be lowered.

Fire—Mr. Troutman reported that fifteen members of the Fire Department attended Firefighters School and are nationally certified. Mr. Troutman stated that 2006 was a busy year and Mr. Babel does a great job as Fire Marshal. He also thanked the volunteer fire companies for their service to the Township.

Fire Marshal—Mr. Babel reported the following statistics for January 2007: Sanatoga Fire Company: 26 calls; 155 man-hours. Ringing Hill Fire Company: 30 calls; 187 man-hours. He

reported the following statistics for the year 2006: Sanatoga Fire Company: 335 calls; 3,170 man-hours. Ringing Hill Fire Company: 312 calls; 1,840 man-hours. **Fire Committee:** A Fire Committee meeting was held on January 16, 2007 at 7:00 p.m. at the Township Municipal Building. The following items were discussed at the meeting and Mr. Babel asked the Board to consider them for approval: 1) Installation of a connector on traffic lights to allow the Fire Department to plug in portable generators. These generators would provide power in the event of a black out. Mr. Troutman advised that there is money allocated in the budget for this project. Mr. Hawthorne has secured one quote in the amount of \$1,500.00 per light and he will obtain two more quotes. Mr. Hawthorne reported that he has been in contact with Traffic Planning and Design. They are upgrading the traffic light at the Turkey Hill intersection and adding four new traffic signals at the intersection of Evergreen Road and Lightcap Road and the by-pass Exit and Entrance ramps at Rupert Road and E. High Street. All lights will be equipped with the emergency hook-up. 2) Authorization for the Solicitor to draft of a new ordinance enabling the fire companies to bill the insurance company for recovery of the cost of supplies used at or on a traffic emergency scene. Mr. Babel advised that Upper Merion has this type of ordinance. Mr. Troutman motioned to authorize Solicitor Holloway to investigate establishing an ordinance that would allow fire companies to recover costs for supplies. Mr. Doyle seconded the motion and it was unanimously approved. Vote was 5-0. **Limerick Generating Station:** The Limerick Drill is scheduled for August 7, 2007. The Limerick update is needed in our Township by May 31, 2007. **Training:** Mr. Babel, Mr. Foltz and Mr. Rightnour will attend the PECO Drill and updates at Pottstown High School on February 24, 2007.

Highway—Mr. Doyle reported on the activity of the Public Works Department during the month of January 2007. The report will be posted on the bulletin board.

COG—Mr. Doyle had no report.

Engineering—Sanatoga Park Complex: Mr. Yuhas said John McMenamin volunteered his services to design the Sanatoga Park Complex and Bursich Associates is providing construction observation and administrative services to the Township at no charge. In order to proceed with the project, Mr. Yuhas recommended an as-built topography of the entire site, which would cost no more than \$10,000.00. Mr. Spadt asked Mr. Yuhas to verify that to date, all drawings and work on the Sanatoga Park Complex have cost the Township no money and the \$10,000.00 was needed to keep the project going. Mr. Yuhas stated that this was correct. Mr. Spadt also asked if Bursich would continue with the construction observation at no charge. Mr. Yuhas confirmed that they would.

Mr. Spadt motioned to authorize Bursich Associates, Inc. to proceed with an as-built survey and design revision to the Sanatoga Park Phase II Project with the understanding that Bursich Associates, Inc. will perform this work at a not to exceed cost of \$10,000.00, which will be paid out of the Township's Parks and Recreation Fund. Mr. Troutman seconded the motion and it was unanimously approved. Vote was 5-0.

Mr. Yuhas stated that this is above and beyond the current work of construction observation that Bursich agreed to do at no cost to the Township. Bursich will continue with the contract administration at no charge.

Solicitor Holloway advised that the contract dates for the Sanatoga Park Complex need to be amended. Solicitor Holloway will prepare a contract addendum indicating that March 5, 2007 is

the new starting date. The addendum will be forwarded to Reading Site Contractors for signature and they will return the signed document to the Township. Once the Township receives the signed addendum from Reading Site Contractors, the Board will officially motion to approve the new starting date.

Solicitor's Report—Animal Control Officer: Solicitor Holloway has received, reviewed and approved the insurance coverage information supplied by Jon Daywalt, candidate for the Animal Control Officer position. He advised that he has questions concerning Mr. Daywalt's contract that he would discuss with the Board of Commissioners in executive session.

SUBDIVISION AND LAND DEVELOPMENT:

Resolution No. 698/Sunnyville Office Complex II—Alyson Elliott presented the minor land development plan of James and Bonnie Vlahos for 1954 E. High Street in Lower Pottsgrove Township to the Board of Commissioners for preliminary/final approval. Ms. Elliott reported that the Lower Pottsgrove Planning Commission, the Montgomery County Planning Commission and the Township Fire Marshal recommended approval of the plan.

Mr. Klotz motioned to approve Resolution No. 698, the motion of approval for the minor land development plan of James and Bonnie Vlahos for 1954 E. High Street in Lower Pottsgrove Township. Mr. Troutman seconded the motion and it was unanimously approved. Vote was 5-0.

OLD BUSINESS:

Noelker and Hull Associates Contract—Mr. Klotz motioned to approve the contract between Don Wirt of Noelker and Hull Associates and Lower Pottsgrove Township, subject to review and approval by the Solicitor Holloway. Mr. Troutman seconded the motion and it was unanimously approved. Vote was 5-0.

NEW BUSINESS:

Resolution No. 700—Mr. Spadt motioned to approve Resolution No. 700 resolving that Lower Pottsgrove Township will participate in PACC Automotive and Equipment Contract by purchasing equipment and services from the contract and based upon the terms and conditions of the contract and at the same prices, with time constraints for completion and delivery of the vehicle and equipment as set forth by Solicitor Holloway. The vehicle and equipment being acquired at this time is a 2008 Ford Truck Super-Duty F650 Regular Cab XL upfitted per the specifications of Lower Pottsgrove Township and the vendors to supply the vehicle and equipment are New Holland Auto Group and E. M. Kutz, Inc. for the combined price of \$87,227.50. Mr. Klotz seconded the motion and it was unanimously approved. Vote was 5-0.

Solicitor Holloway explained that bid specifications were distributed to 12 different upfitters. E. M. Kutz was the only bidder, as the other vendors could not match the very tight specifications requested by John Fogel. Since the contractor would not commit to completing the order by September 1, 2007, Solicitor Holloway will incorporate language into the contract that will offer the Township the option to cancel should it go on too long.

Resolution No. 699—Mr. Spadt motioned to approve Resolution No. 699 authorizing expenditures of general municipal pension system state aid and determining that the state aid pension allocation be distributed as follows:

Police Pension Plan	\$54,303.00
Non-Uniformed Pension Plan	<u>47,757.13</u>
Total Distributed	<u>\$102,060.13</u>

Mr. Klotz seconded the motion and it was unanimously approved. Vote was 5-0.

CORRESPONDENCE AND INFORMATION:

Information--The following documents were included in the Commissioners' packets:

1. Memo from Rod Hawthorne to Board of Commissioners. Re: Harassment Awareness and Prevention Seminar.
2. Letter from Tom Wojton to Bruce Foltz. Re: Trash Fees.
3. DEP Response to Senator Rafferty (forwarded to Rod Hawthorne). Re: Leaf Waste Collection Requirements Contained in Act 101.
4. Response to Christine Weitzenkorn. Re: 25 mph speed limit on Stuart Drive and Brookwood Drive.
5. Letter to Reading Site Contractors from Tom Yuhas. Re: Sanatoga Park Field Upgrades – Phase 2.
6. Thank you letter to Ringing Hill and Sanatoga Fire Companies. Re: Christmas Day Fire.
7. Letter to Greg Delp from Alyson Elliott. Re: Snell and Norton Park Master Site Plan.
8. Letter from ACE to Secretary, U. S. Nuclear Regulatory Committee. Re: More Protective Radiation Standards – PRM-51-11.
9. Correspondence between ACE and Exelon forwarded to Rod Hawthorne by Beth Rapczynski.
10. PSATC convention ad information.
11. EATC conference information.
12. Copy of article taken from the Municipal Reporter entitled, "Looming Crisis in Pennsylvania Municipal Management"

TREASURER'S REPORT:

Mr. Spadt motioned to approve the Treasurer's Report for the month of January 2007, as presented by Sally Moyer. Mr. Troutman seconded the motion and it was unanimously approved. Vote was 5-0.

Mrs. Moyer reported that the bills for the Emergency and Municipal Services Tax have been mailed.

Warrant #737 for the month of January 2007 was distributed to the Board of Commissioners for review.

COMMISSIONERS COMMENTS:

Mr. Doyle expressed an interest in attending the Pennsylvania State Association of Township Commissions Convention, which will be held in Lancaster in June 2007. Mr. Spadt motioned to

authorize Mr. Doyle to attend the convention and Mr. Klotz seconded the motion. Motion was unanimously approved. Vote was 5-0.

Mr. Doyle asked Ms. Elliott for information about the open space signs for the Township's parks. Ms. Elliott advised that there would be signs for all acquisitions made through the Montgomery County Open Space fund and the County will provide us with the signs. The signs will display the Montgomery County Open Space Program's new logo and are expected to be in place by March 2007.

Mr. Klotz reported that the Township's joint project with Limerick on the 422-Sanatoga Interchange Gateway Study is making progress. An RFP should be finalized and distributed to prospective consultants within the next two weeks, pending receipt of comments from the County.

Mr. Klotz recently attended a meeting of the Township's Parks and Recreation Commission and remarked that the meeting was very well run. Mr. Greg Delp was also present at the meeting and stated that Pottsgrove Little League is willing to raise money to develop more baseball fields in the Township, specifically Snell Park. Mr. Klotz advised that Ms. Elliott spoke of a master plan for the Township's open space and feels that we should try to work baseball into this master plan. He feels that the Township should discuss the development of its open space with any interested groups and organizations.

Mr. Spadt agreed with Mr. Klotz but also wants consideration given to non-development of the Township's open space so as we go forward, open space could remain just that.

Mr. Troutman advised that Ms. Elliott is working on a master plan for Snell Park and Norton Park that will encompass more than just playing fields. She is applying for grant funding for the writing of this plan. Mr. Troutman feels that the Township should capture the enthusiasm of interested groups who are willing to work with the Township. He suggested proceeding with the master plan for Snell Park at this time and suggested using Parks and Recreation funds to accomplish this.

Mr. Klotz recognizes the importance of a master plan and requested a timeline for its development and implementation. He would like to encourage participation from organizations, such as baseball, that would be receptive to donating money towards developing our open space.

Mr. Foltz reported that there are two police cars and one Township vehicle that he would like to sell on Municibid. Mr. Hawthorne will check into the procedure for listing items on Municibid. He also recommended advertising the vehicles for sale in the Mercury.

Mr. Foltz advised the Commissioners to review a letter from Glen Springs Holdings (formerly Occidental Chemical). Mr. Doyle would like to tour the site.

Mr. Foltz said the area near the fire hydrant on Pleasant View Road needs to be patched. Mr. Hawthorne will have Mr. Place check the area.

Mr. Foltz requested that a streetlight be installed at the corner of Charlotte Street and Mervine Street. Chief Shade said this is a shared intersection and involves Lower Pottsgrove, Upper Pottsgrove and Pottstown Borough. Mr. Hawthorne said he would need authorization to start the process if the Board wanted a light at this intersection. Also, the Lower Pottsgrove residents within 300 feet of the light would be subject to the street light assessment. Mr. Spadt advised that Zeke's Car Wash plans to construct a car wash at this corner and suggested waiting to see what type of lighting is proposed for this project.

MANAGER'S COMMENTS:

Mr. Hawthorne referenced a letter from resident Tom Wojton regarding the trash fee. Mr. Foltz advised that Township staff is not to spend any more time researching and addressing trash related questions. Mr. Doyle felt that the figures and explanation offered by Mr. Hawthorne and Ms. Elliott at the January 25, 2007 meeting answered the questions posed by Mr. Wojton. Mr. Doyle will talk to Mr. Wojton and felt that Mr. Wojton would not be addressing the matter further.

Mr. Hawthorne reported that signature cards needed to be signed for the lock box account for collection of the \$100.00 trash fee.

Mr. Spadt motioned to authorize Bruce Foltz, Thomas Troutman, Sally Moyer and Rodney Hawthorne to sign the signature cards for the lock box account with Harleysville National Bank for collection of the \$100.00 trash fee. Mr. Klotz seconded the motion and it was unanimously approved. Vote was 5-0.

Ms. Elliott reported the following:

1. The Township is moving forward with a grant application from DCNR PA Department of Conservation and Natural Resources to perform the Master Site Plan for Snell and Norton Parks.
2. The Township needs to research and determine what types of facilities are needed to meet the needs of Township residents.
3. The Township is investigating a regional Parks and Recreation group that may help the Township assess and address these needs.

Ms. Elliott advised that Parks and Recreation is looking forward and is going to start strategic planning. She asked the Board how to proceed. The Board recommended that staff attend the Regional Parks and Recreation meetings and keep the Board advised of any developments.

Ms. Elliott also reported that she is looking into a grant from the Health and Wellness Foundation and the PECO Green Regions grant.

At 8:30 p.m., pursuant to the provisions of the Open Meeting Act, the Board announced that it would recess into an executive session at this time to discuss real estate matters. The Board reserved the right to reconvene into public session to take any official action deemed necessary

following the executive session. Next meeting will be held on Thursday, February 22, 2007 at 7:00 p.m.

Mr. Spadt made a motion, seconded by Mr. Troutman, which was unanimously approved by a 5-0 vote to enter regular meeting session at 8:47 p.m.

Mr. Spadt made a motion, seconded by Mr. Troutman, which was unanimously approved by a 5-0 vote to authorize Mr. Holloway to offer Attorney Michael E. Furey the position as special counsel on a legal matter at the hourly wage of \$150 per hour.

Mr. Troutman made a motion, seconded by Mr. Spadt, which was unanimously approved by a 5-0 vote to authorize Mr. Yugas to provide the Township with a proposal to perform an ALTA survey of the Norton Tract.

Mr. Spadt made a motion, seconded by Mr. Troutman, which was unanimously approved by a 5-0 vote to adjourn the meeting at 8:49 p.m.

Respectfully submitted,

Michele M. Cappelletti, Secretary