

**LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS****January 24, 2019**

The Board of Commissioners of Lower Pottsgrove Township held their regularly scheduled meeting on Thursday, January 24, 2019 at the Lower Pottsgrove Township Municipal Building, 2199 Buchert Road, Pottstown, Pennsylvania. The 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, Earl E. Swavely, Jr., Raymond W. Lopez and Robert Mohollen; Mike McGroarty was not in attendance.

Charles Garner, Solicitor, Edward C. Wagner, Manager and Sharon Colletti were also present.

Commissioner Foltz stated the meeting will be recorded and asked any speakers to give their name and address.

Commissioner Lopez made the motion to approve the minutes from the regularly scheduled January 7<sup>th</sup> meeting. Commissioner Mohollen seconded the motion; all in favor (4-0)

**COMMENTS BY VISITORS:** None

**INFORMATION:** None

**OLD BUSINESS:**

**SUBDIVISION AND LAND DEVELOPMENT:** None

**NEW BUSINESS:**

**Commissioner Lopez** made the motion to approve the reimbursement to Officer McCue for tuition and books from Penn State World Campus for \$3,802.26. **Commissioner Swavely** seconded the motion; all in favor (4-0)

**Commissioner Mohollen** made the motion to advertise the Oil and Chip bid for consideration at the March 4<sup>th</sup> meeting. **Commissioner Lopez** seconded the motion; all in favor (4-0)

**Commissioner Lopez** made the motion to advertise to solicit bids for the demolition of the township owned buildings on High Street. **Commissioner Swavely** seconded the motion; all in favor (4-0)

**RESOLUTION AND ORDINANCE:**

**Commissioner Swavely** made the motion to adopt Ordinance 340 Grass, Weeds & Vegetation Maintenance. **Commissioner Lopez** seconded the motion; all in favor (4-0)

**Commissioner Lopez** made the motion to adopt Ordinance No. 341 Snow and Ice Removal from sidewalks. **Commissioner Swavely** seconded the motion; all in favor (4-0)

**Commissioner Mohollen** made the motion to adopt Resolution #453-Q(A), Amendment for establishing certain fees, deposits and escrows payable to the Township. **Commissioner Lopez** seconded the motion; all in favor (4-0)

**Commissioner Mohollen made the motion to accept Warrant #880 for the month of December 2018. Commissioner Lopez seconded the motion and it was unanimously approved (4-0)**

**Commissioner Swavely motioned to accept the Treasurer's Report for December 2018. Commissioner Mohollen seconded the motion and it was unanimously approved (4-0)**

**COMMISSIONERS COMMENTS:**

**Commissioner Mohollen** had no comment.

**Commissioner Lopez** had no comment.

**Commissioner Swavely** had no comment.

**Commissioner Foltz** had no comment.

**Mr. Wagner** had no comment.

**Solicitor Garner** had no comment.

There being no further business, the public meeting was adjourned at 8:00 p.m. The next meeting will be on Thursday, February 21, 2019 at 7:00 p.m.

Respectfully submitted,

Sharon Colletti  
Township Secretary

**LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS**  
**January 24, 2019**  
**Addendum**

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Thursday, January 24, 2019 at the Lower Pottsgrove Township Municipal Building, 2199 Buchert Road, Pottstown, Pennsylvania.

**This portion of the meeting minutes were transcript by the Township Manager**

**OLD BUSINESS:**

President Foltz turned the portion of the meeting to Solicitor Garner to address some questions residents at 2003, 2005 & 2007 Deer Ridge Drive regarding the access right-of-way that was discussed at the December 3<sup>rd</sup> meeting. Mr. Garner stated he had the opportunity to review the record plans for the subdivision called Pleasantview Estates. Phase I consisted of 89 new single family lots based on the current R-2 Residential standards at the time. Phase I record plan was recorded on September 15, 1989. Phase II consisted of 80 new single-family lots based on the current R-2 Residential standards at the time. Phase II record plan was recorded on September 27, 1993. There was a note on the Phase II record plan which references a private drive and Lot 160. Mr. Garner stated the note on a record plan is equivalent to a deed restriction. The three (3) lots we are talking tonight are located in Phase II of the said development.

Mr. Garner then proceeded to outline the three (3) individual property deeds in regard to recording dates as well as the language that references the cost of maintenance of the right-of-way from Deer Ridge Drive be shared 1/3 between Lot 159 (2003 Deer Ridge), Lot 160 (2005 Deer Ridge) and Lot 161 (2007 Deer Ridge). It was stated by the homeowners at the December 3<sup>rd</sup> meeting that not all deeds have the same language in regard to maintenance. Mr. Garner stated the reference of 1/3 maintenance was stated in all three (3) property deeds but the 1/3 maintenance note may not have been carried over when the property changes hands. This is an issue with the Title Company not the Township.

The next item Mr. Garner reviewed was the eight (8) resolutions accepting dedication of the public streets in the Pleasantview Estates development and they are as followed:

- |                     |                    |                    |
|---------------------|--------------------|--------------------|
| 1. Resolution 473-B | Summit Way         | Approval 11/6/1995 |
| 2. Resolution 473-C | Mallard Court      | Approval 11/6/1995 |
| 3. Resolution 428-B | Falcon Circle      | Approval 3/1/1993  |
| 4. Resolution 473-D | Quail Lane         | Approval 11/6/1995 |
| 5. Resolution 428   | Laurel Way         | Approval 3/1/1993  |
| 6. Resolution 428-C | portion Deer Ridge | Approval 3/1/1993  |
| 7. Resolution 473-E | portion Deer Ridge | Approval 11/6/1995 |
| 8. Resolution 428-D | portion Deer Ridge | Approval 3/1/1993  |

Mr. Garner found no evidence of any resolution or ordinance formally accepting the access right-of-way by the Lower Pottsgrove Township Board of Commissioners. It was acknowledged that

there was a deed of dedication that was executed on 2/25/99 by the developer and recorded on 3/29/99. In order to accept a public street under the First-Class Township Code there needs to be formal acceptance of the street via ordinance by the governing body. In this case, this did not occur. Mr. Garner concluded these were the summary of the facts he was able to review with the assistance of the Township Manager. Commissioner Lopez thanked Mr. Garner for his research and the thorough explanation.

**Robyn Smith, 2007 Deer Ridge Drive** asked if the three members listed on the deed of dedication for the right-of-way were members of the Township's Commissioners? Mr. Garner stated he believe they were not members at the time of the deed of dedication. She also questioned how the township engineer was the designer and the reviewer for this land development. Mr. Garner stated he believed the township hired a third-party engineer to review the plans on behalf of the Township. Robyn concluded the homeowners do not own the right-of-way access, but the township does. If we have too, we will take this matter to the County level.

**Charles Colletti 2005 Deer Ridge Drive** stated this access right-of-way is no different than a normal cul-de-sac serving 6 homes. He added the township has approximately 50' width as part of the access right-of-way to develop a proper turnaround but the developer, builder or township elected not do so in this case. He added we will never accept ownership of this roadway and this issue will not go away tonight.

**Steve Smith 2007 Deer Ridge Drive** asked the Board of Commissioners to consider creating a resolution to accept the deed of dedication for the access right-of-way. He believes this must have been overlooked at the time. Steve added that he understood 1/3 maintenance of the access right-of-way stated on his deed involved clearing snow, mowing grass and the removal of tree branches. He believes the more extensive maintenance would be handled by the township when he purchased his home in 1996.

**Charles Colletti 2005 Deer Ridge** asked to address the Board again on the increasing stormwater runoff from the new development behind their homes which has enhanced the problem thru the drainage swale under the right-of-way. This in turn has caused significant erosion problems. Charles stated the two utility boxes (Electric/Cable) could be potentially washed away in the next storm. We are not looking for a fight but a solution to the problem but if you want one will oblige.

President Foltz stated we don't appreciate the tone, but the Commissioners will look into your stormwater concerns. Commissioner Lopez suggested to take this matter under advisement at this time due to the amount of information that was conveyed this evening.

Respectfully submitted,



Edward C. Wagner  
Township Manager