

## LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS

July 21, 2016

### PUBLIC HEARING

**Castle Cadecott, LLC is seeking a conditional use to allow disturbance of steep slope pursuant to Section 250-34.E. (1) of the Lower Pottsgrove Township Zoning Ordinance on the property located on Evergreen Road.**

At 6:30 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 recorded by a court reporter. Mr. Garner introduced the following Board Exhibits into the record:

- Letter from Frank Bartle to Mr. Wagner granted extension on April 12, 2016.
- Proof of Publication advertised on July 5, 2016 and July 12, 2016.
- Affidavit of Posting Joseph Groff and Edward Wagner signed on July 7, 2016.
- Letter from Chad Camburn Township Engineer dated June 20, 2016.
- Lower Pottsgrove Planning Commission minutes of June 20, 2016.

Mr. Garner introduced Frank Bartle Applicant's Attorney and introduced the following Developers Exhibits into the record:

- A-1 Conditional Use Application
- A-2 Redacted Agreement of Sale
- A-3 Aerial Plan
- A-4A Existing Steep Slopes Plan
- A-4b Steep Slopes Disturbances Plan
- A-4c Grading Plan
- A-4d Road Profile- Roads A and B
- A-4e Road Profile Roads C, D and E
- A-4f Road Profile Roads F, G and H
- A-5 Bursich Association Review letter dated June 20, 2016
- A-6 Curriculum Vitae of Mike Engle

Mr. Bartle called upon Ted Drauschak and Michael Engle to testify both were sworn in by the court reporter Kim Bursner from Bursner Court Reporting. Mr. Drauschak stated that his business address is 720 Johnsville Blvd. Suite 1220 Warminster, PA 18974. Mr. Bartle stated that Mr. Drauschak is a Principle in Castle Caldecott LLC. Mr. Bartle then called upon Michael Engle to testify who is the Civil Engineer for Castle Caldecott LLC. Mr. Engle stated that his business address is 2052 Loucon Road Skippack PA 19474.

Mr. Garner asked if there were any other members of the public who wished to comment on the application that was presented.

Mr. Klotz asked to hear the opinion from the Township Engineer, Chad Camburn. Mr. Camburn was sworn in by the court reporter Kim Bursner. Mr. Camburn stated that he has some concerns with the application. In particular units number 74 and 24 and would like the developer to look into the concerns.

Seeing there were no other individuals who wanted to speak on the matter, Mr. Garner advised the Board to close the evidentiary portion of this hearing and all the exhibits become part of the record given the fact that the Board had heard significant amount of evidence and received quite a bit of exhibit material to review Mr. Garner suggested that the Board have up to forty five (45) days to render a decision and it will be in writing. He recommend taken this matter under advisement and be prepared to render a decision at the Board of Commissioners meeting on August 18, 2016.

Commissioner Lopez made a motion to offer a decision at the Board of Commissioners meeting on August 18, 2016 which was then seconded by Commissioner Mohollen.

Mr. Garner announced that they are going to close this portion of the hearing and that the board will have a decision in forty five (45) days.

**Mr. Garner closed the Public Meeting at 7:28 p.m.**

The Board of Commissioners of Lower Pottsgrove Township held its regularly scheduled meeting on Monday, July 21, 2016 at the Lower Pottsgrove Township Municipal Building, 2199 Buchert Road, Pottstown, Pennsylvania. Meeting was called to order at 7:29 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, Lew Babel, Fire Marshal, Eric Linsenbigler Assistant Emergency Management Coordinator and Chad Camburn, 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 personnel and no was action taken.

**APPROVAL OF THE MINUTES:**

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

## **COMMENTS FROM VISITORS:**

**Tony Doyle**, 1745 Kepler Road stated that he would like to make residents aware of what other surrounding townships have in place when it comes to police contracts as well as their policies toward part time police officers. Mr. Doyle would like the Commissioners to look into other surrounding townships police contract as they begin negotiation our police contract.

## **CORRESPONDENCE AND INFORMATION:**

None.

## **OLD BUSINESS:**

**Bursich Real Estate Partnership Assessment Settlement Stipulation for 2129 East High Street-** Mr. Garner told the board that he received a letter from the Montgomery County Board of Assessments Solicitor Joan Price which informed him that there is an assessment appeal that dates back to 2011 for the property at 2129 East High Street. The Board of Assessment of Pottsgrove School District has approve the stipulation retroactive of 2012 under the provisions of the stipulation that the assessed value of the property would be 810,210 to be reduced to 715,000 as far as assessed value. Mr. Garner said that this has been approved by the Board of Assessment and the Pottsgrove School District. Under the circumstances Mr. Garner did not see a reason that the Board should not approve it as well, unless the Board has specific questions. Commissioner Klotz made a motion to approve the assessment settlement stipulation for 2123 East High Street, which was then seconded by Commissioner Swavely and it unanimously approved. Vote was 5-0 in favor.

## **SUBDIVISION AND LAND DEVELOPMENT:**

None.

## **NEW BUSINESS:**

### **Motion to award the Oil and Chip Bid to Martin's Paving, Inc. of Lititz PA for \$42,157.00:**

Commissioner Klotz made a motion to approve the award of the Oil and Chip Bid to Martin's Paving Inc. for \$42,157.00. Commissioner Lopez seconded the motion and it was unanimously approved. Vote was 5-0 in favor.

### **Motion to award the Pole Barn Building to Shirk LLC of East Earl, PA for \$24,877.00:**

Commissioner Klotz made a motion to award the Pole Barn Building to Shirk LLC for \$24,877.00 which was the seconded by Commissioner Swavely and it was unanimously approved. Vote was 5-0 in favor.

**Motion to appoint Edward Wagner as Acting Township Secretary:** Commissioner Lopez made the motion to appoint Edward Wagner Township Manger as the Acting Township Secretary which was then seconded by Commissioner Mohollen and it was unanimously approved. Vote was 5-0 in favor.

## **RESOLUTION AND ORDINANCE:**

**Resolution 1110-16 appointing Joseph Vecchio to the Zoning Hearing Board:** Commissioner Klotz made the motion to approve Joseph Vecchio to the Zoning Hearing Board which was then seconded by Commissioner Mohollen and it was unanimously approved. Vote was 5-0 in favor.

**Approve of Warrant #850 for the month of June 2016:** Commissioner Lopez made a motion to approve warrant #850 of June 2016 which was seconded by Commissioner Swavely and was unanimously approved. Vote was 5-0 in favor.

**Accept Treasurer's Report for June 2016:** Commissioner Klotz made a motion to approve the treasurer's report for June 2016 which was seconded by Commissioner Swavely and it was unanimously approved. Vote was 5-0 in favor.

## **COMMISSIONERS COMMENTS:**

**Commissioner Lopez** Liberty Ministries had their grand opening last Saturday July 16<sup>th</sup> and everything went well and a nice amount of people were waiting there to get in for the official grand opening. They were open for a few days for a soft opening. He welcomes Liberty Ministries to the Township and wishes them well. Second item that Commissioner Lopez commented on was the Lower Pottsgrove Townships Summer Concerts and would like to thank the township staff for organizing the concert series. The next concert is Sunday July 21, 2016 and the Mango Men will be performing.

**Commissioner Swavely** had the chance to meet with Lower Pottsgrove Fire Companies in the last several months where he learned that they had some concerns. He stated that they plan on meeting every few months to talk.

**Commissioner Klotz** commented that he wanted to find something positive that is going on in the Township. The other day he was driving through the township and he was in front of Sanatoga Fire Company and he saw a young man shoveling dirt off the street. He cleaned up not only in front of the fire department but also up the road in front of other businesses. Mr. Klotz recognized Eric Linsenbigler for his actions saying that he truly cares about his community and he thanked him for cleaning up and doing something positive for our Community. Commissioner Klotz also thanked the township engineer for being at the meeting tonight with their opinion for the conditional use hearing with Castle Caldecott, LLC.

**Commissioner Foltz** had comment on the Summer Concert Series in the park and that it has a great turn out this summer which is very good for our township.

**Ed Wagner:** informed the Board that the draft fiscal impact summary for the Sanatoga Green Development is in their packet for their review. He also informed the audience that water is provided at every summer concert for residents. He noted that the Sanatoga Post Office is almost ready to open at Landis Super Market.

**Solicitor Garner** has no comments.

There being no further business, the public meeting was adjourned at 7:54p.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

DRAFT