

**LOWER POTTS GROVE TOWNSHIP BOARD OF COMMISSIONERS**  
**April 4, 2022**

The Board of Commissioners of Lower Pottsgrove Township held their regularly scheduled meeting on Monday, April 4, 2022, at Sunnybrook Ballroom, 50 Sunnybrook Road, Pottstown Pennsylvania.

The following were in attendance:

Board of Commissioners: Bruce L. Foltz, Earl E. Swavely, Raymond W. Lopez, Robert Mohollen, and Michael McGroarty were all present.

Edward C. Wagner: Manager, Jamie Ottaviano: Solicitor, and Charles Garner Special Counsel were also present via Zoom.

The Public Hearing began at 6:15 p.m.

**PUBLIC HEARING:**

**Ordinance 357 would amend Chapter 250, Article XXI, "Gateway Interchange (G-IN District)" to permit additional use consistent with the legislative intent of the G-IN District and to respond to current market conditions; to amend certain dimensional requirements for uses in the G-IN District; and to add, amend and delete certain special development regulations in the G-IN consistent with the expanded uses proposed; repealing inconsistent ordinances or parts of ordinances; providing for a savings clause and further providing for an effective date.**

Commissioner Foltz turned the meeting over to Special Counsel, Mr. Garner via Zoom. Mr. Garner explained that the owner of the property was in the audience prepared to give an overview of the presentation previously presented to the Board back in January. Mr. Garner stated that this public hearing was advertised in the Pottstown Mercury once on March 21, 2022, and again on March 28, 2022. Mr. Garner stated that the Ordinance was sent to the Montgomery County Planning Commission by letter of March 3, 2022 and provided to the Lower Pottsgrove Planning Commissioner by letter of March 3, 2022. Mr. Garner also explained that since the whole Ordinance was not advertised in the newspaper, a synopsis was provided. Mr. Garner explained that a complete and attested copy of the Ordinance was sent to the Montgomery County Law Library on March 14, 2022. Mr. Garner stated that all these conditions are required by the Municipality Planning Code (MPC) prior to holding the Public Hearing. Mr. Garner explained that he can report to the Board of Commissioners that based upon review of the minutes of the March 21, 2022, Lower Pottsgrove Township Planning Commission Meeting, the Planning Commission did recommend approving the Ordinance. Mr. Garner stated that a letter from the Montgomery County Planning Commission dated March 29, 2022, stated that the Montgomery County Planning Commission supports the Ordinance amendments. Mr. Garner, at last, stated that the Ordinance was provided to the Pottstown Regional Planning Commission, which was reviewed at the March meeting. Mr. Garner stated the Lower Pottsgrove Township received a letter from Pottstown Regional Planning Commission dated March 31, 2022, stating they have no comment on the Ordinance and the Ordinance was consistent with the Regional Comprehensive Plan. Mr. Garner stated that the applicant is present and prepared to give a synopsis of the presentation to the Board of Commissioners. Mr. Garner turned the meeting over to the property owner, Mr. Tornetta. Mr. Joseph Tornetta introduced himself to the Board and stated he would give a brief synopsis of his presentation. Mr. Tornetta explained that there was a small correction regarding the removal of Section 250-142.N Off-premises advertising signs

which was revised. Mr. Tornetta stated he believes everything has been captured into this Ordinance. Mr. Tornetta opened his presentation to the Commissioners for questions. Mr. Garner stated for the purpose of the audience, that the Ordinance that is in front of the Township would amend the Gateway Interchange District. It would permit additional uses consistent with the legislative intent of the G-IN District, it would amend certain dimensional requirements in the G-IN District consistent with the proposed new uses, and it would amend and delete certain special development regulations consistent with the expanded new uses. Mr. Garner asked the audience if there was any public comment regarding the Ordinance change. Mr. Garner stated that there was no public comment as part of the public hearing. Mr. Garner advised Commissioner Foltz to close the public hearing. Mr. Garner stated the public hearing ended at 6:21pm.

**The Public Hearing ended at 6:21pm.**

**The regular scheduled meeting was called to order at 6:30 p.m. and the Pledge of Allegiance was recited.**

Commissioner Foltz stated the meeting will be recorded, he asked any speakers to give their name and address for public comments. The township is following social distancing guidelines recommended by the Center for Disease and Control to limit exposure.

**APPROVAL OF MINUTES:**

Commissioner Lopez made the motion to approve the minutes of the March 7, 2022, Board of Commissioners meeting. Commissioner Swavely seconded the motion, and it was unanimously approved. The vote was 5-0 in favor.

**COMMENTS BY VISITORS:** None

**NEW BUSINESS:**

**Motion to approve 1934 Bleim Road Partners, LP (aka Spring Valley Farms) order pertaining to conditional use application.**

Mr. Garner stated that the February 24, 2022, Board of Commissioners meeting the applicant presented information at a conditional use hearing seeking permission for conditional use pursuant to Section 250-34.E to allow the disturbance of steep slope in excess of 15% in a portion of the Spring Valley Farms project. Mr. Garner stated the Board is required to act on the request within forty-five (45) days. Mr. Garner explained that the conditions in the order are straight forward and have been agreed upon beforehand. Mr. Garner stated to the Board that a motion to approve the order which would impose the conditions on the applicant. Commissioner Lopez made a motion to approve the order which would impose the conditions on the applicant. Commissioner Mohollen seconded the motion. The vote was 5-0 in favor.

**At this time, 6:47pm, Charles Garner left the meeting via Zoom.**

## REPORTS:

### Police

Chief Bell presented the Police Report for March 2022.

<b><u>CALLS FOR SERVICE:</u></b>	<b>954</b>
<b>Directed Patrols / Extra Patrol Actions</b>	<b>516</b>
<b><u>ASSISTS:</u></b>	
<b>Given by Lower Pottsgrove PD</b>	<b>11</b>
<b>Received by Lower Pottsgrove PD</b>	<b>1</b>
<b><u>TRAFFIC ENFORCEMENT:</u></b>	
<b>Violations Indicated</b>	<b>141</b>
<b>Traffic Citations</b>	<b>110</b>
<b>DUI Arrests</b>	<b>0</b>
<b>Accident Investigations</b>	<b>19</b>
<b><u>CRIMINAL INVESTIGATIONS:</u></b>	
<b>Violations Indicated</b>	<b>20</b>
<b>Adults Arrested</b>	<b>7</b>
<b>Juveniles Handled</b>	<b>1</b>
<b>Youth Aid Panel/Reprimand Release</b>	<b>1</b>
<b>Juvenile Court</b>	<b>0</b>
<b>Adult Court/Citation (Juvenile)</b>	<b>0</b>
<b>MH/Involuntary Commitment</b>	<b>0</b>

Chief Bell stated highlights of his report were the following.

- Chief Bell stated the Department has been accepting applications for the open Police Officer position. Chief Bell stated that they will be accepting applications until April 22, 2022 and will be testing on April 30, 2022.
- Chief Bell stated that the department had three (3) officers respond as members of the SWAT team.
- Chief Bell stated that three (3) officers responded to Upper Providence Township for an active shooter incident.
- Chief Bell stated that over the month, there was a lot of training happening. Chief Bell stated that half of the department has been trained with the Less Lethal Shotguns. Chief Bell explained some officers have attended interrogation school. Chief Bell explained that one officer had to attend accident reconstruction school to maintain his certification.

### Civil Service Commission

Chief Bell explained that the Civil Service Commission met last month. Chief Bell explained the Civil Service Commission did agree to begin to advertise for the open Police Officer position.

### Emergency Management

- Commissioner Lopez explained that there were no EOC activation in March, however the Watchdesk was activated several times due to weather conditions. Commissioner Lopez explained there was no reports of damage to the properties in the Township.

- Commissioner Lopez stated that he continued to update all emergency plans, including the emergency operations plan, emergency contact list, and the radiological response plan.
- Commissioner Lopez stated that he has been working with Montgomery County to update them of future events that create large gatherings, such as Community Day.
- Commissioner Lopez stated that Montgomery County has appoint a new Emergency Management Training and Preparedness Coordinator who will be providing new curriculum of training opportunities that the Township will take advantage of in the Spring.

**Fire Marshal**

Mr. Babel was absent. Mr. Wagner read the following statistics from the March 2022 Fire Marshal report.

<b>Station</b>	<b>Total Calls</b>	<b>Total Hrs. of Service</b>
<b>Sanatoga (Station 58)</b>	29	23 hours 15 minutes
<b>Ringling Hill (Station 59)</b>	31	30 hours 02 minutes

(Hours are approximate)

Mr. Wagner added that both fire companies have experienced increase in call volumes compared to this time last year.

**Highway Public Works Department**

Commissioner Foltz presented the March report which included the following: spreading thirty (30) yards of mulch at the Township Building, spread sixty (60) yards of playground mulch at both park playgrounds, services the mowers, services trucks and highway equipment, chipped brush in Gerald Richard’s Park, worked on baseball fields, pothole patched, cleaned storm drains, snowstorm on 3/12/22, shoulder cut S. Park Rd., painted snow plows, removed two salt spreaders, pressure washed the PVC fence at Sanatoga Park, replaced guide rail at Sanatoga Lake.

**Engineering**

Jim McCarthy from McCarthy Engineering presented his report which included the following: the Pruss Hill Road Bridge is out for bid. Mr. McCarthy stated the Pruss Hill Road bridge received the permit from DEP and is waiting on the Montgomery County Conservation District permit. Mr. McCarthy stated the payment amount for the contractor for Gerald Richards Park was initially for \$66,105.00, however, due to topsoil and grading issues with the new soccer practice field, the payment was lowered to \$55,305.00.

**Solicitor**

Solicitor Ottaviano provided a written report with a synopsis of all projects his office worked on during March.

**Park and Recreation**

Mr. Wagner reported that they are continuing to work on applying for various grants. Mr. Wagner stated that Mr. McCarthy (McCarthy Engineering) had a thought to apply for a grant for the pavilion at Sanatoga Park, however, the pavilion must be ADA accessible before applying for

that grant. Mr. Wagner stated that they are working with McCarthy Engineering on making the pavilion ADA compliant. Mr. Wagner stated that Pottsgrove Recreation Board reached out to the office to have their activities advertised on our social media platforms. Mr. Wagner explained that the staff has promoted Pottsgrove Recreation Board's event information.

### **Planning Commission**

Mr. Wagner reported that the meeting will be held on Monday, April 18, 2022, at Sunnybrook Ballroom. Mr. Wagner explained that the financial security paperwork was received from Redner's Gas Station. Mr. Wagner also explained that the demolition permit was issued for the Redner's Gas Station and demo will begin shortly. Mr. Wagner stated that a pre-construction meeting was held regarding Moove-In Storage at 2148 E. High Street. Mr. Wagner stated Moove-In is beginning to start building in front of the existing building.

### **Lower Pottsgrove Township Authority**

Mr. Wagner explained that the Authority will be going out to bid for the Sunnyside Avenue project, replacing sewer mains, between Kepler Road and Country Drive.

### **CORRESPONDENCE AND INFORMATION:**

**2022-04 Zoning Hearing Application for Glen Kopensky, 225 S. Park Road R-1 (Residential) District. The applicant is requesting a variance with respect to 250-50.B of the Zoning Ordinance to exceed the impervious coverage to 43.8% when the maximum is 25%. In addition, seeking a variance from Section 125-6.H to allow a driveway to be placed on the property when the sections state no driveway shall be closer than five (5) feet to a property line.**

Mr. Wagner explained to the Board that this property is in the R-1 District near Sanatoga Park. Mr. Wagner explained that the applicant is requesting this driveway due to the road being a "dead-end." Mr. Wagner stated the proposed driveway will be large enough for two (2) parking spaces and will be 385 square feet. The Board of Commissioners left the final decision for the Zoning Hearing Board.

**2022-05 Zoning Hearing Application for Arron Simpson, 223 Porter Road IN (Interchange) District the applicant is requesting a use variance from Section 250-142.D to permit the sales of trailers under the provision of automobiles sales and service agency.**

Mr. Wagner explained to the Board that in the Ordinance for the IN District it does not specifically state the sales of trailers, rather, it states the sales of automobiles. Mr. Wagner explained to the Board that, according to L&I, in order for the Applicant to operate the business, he will need to receive this relief. The Board of Commissioners left the final decision for the Zoning Hearing Board.

### **OLD BUSINESS:**

**Motion to readvertise the private sewer lateral inspection Ordinance 358 for the April 21, 2022, meeting.**

Commissioner Lopez made a motion to readvertise the private sewer lateral inspection Ordinance 358 for the April 21, 2022, meeting. Commissioner McGroarty seconded the motion. The vote was 5-0 in favor.

**SUBDIVISION AND LAND DEVELOPMENT:** None

**NEW BUSINESS:**

**Motion to extend a conditional offer of employment to Mark Maxey for the Highway Laborer Position.**

Commissioner McGroarty made a motion to extend a conditional offer of employment to Mark Maxey for the Highway Laborer Position. Commissioner Mohollen seconded the motion. The vote was 5-0 in favor.

**Officer Kevin Black – request for reimbursement for tuition and books from St. Joseph University for \$2,769.00.**

Commissioner Lopez made a motion to approve Officer Kevin Black's request for reimbursement for tuition and books from St. Joseph University for \$2,769.00. Commissioner Swavely seconded the motion. The vote was 5-0 in favor.

**Discussion on Windhaven Mobile Homes Land Development Plan located at 2917 E. High Street**

Mr. Wagner explained that Longview Associates has purchased Windhaven and is trying to clean it up. Mr. Wagner explained that the proposed plan is to provide for a consistent approach to numbering trailers as well as replacing large modulars units with older existing units. Mr. Wagner explained that there will be no additional homes placed on the property and the total number of homes is seventy-nine (79). They would like to record a new land development plan based on the minor changes in which Mr. Wagner outlined. Board of Commissioners advised Mr. Wagner to inform the applicant to proceed with the changes to consider at a future meeting.

**Motion to approve payment request #2 in the amount of \$55,305 for the Gerald Richards Park project to James. R Kenney**

Commissioner Mohollen made a motion to approve payment request #2 in the amount of \$55,305 for the Gerald Richards Park project to James. R Kenney. Commissioner McGroarty seconded the motion. The vote was 5-0 in favor.

**RESOLUTION AND ORDINANCE:**

**Resolution 1277-22 Randall Taylor, 710 White Pine Lane, Annexation Plan Preliminary/Final, proposal to annex three (3) improved existing single-family residence lots from two (2) unimproved lots within the R-1 District & Preservation Subdivision overlay. Plans prepared by Barry Isett & Associates 85 S. Route 100 Allentown, PA, dated 02-09-2022 consisting of one (1) sheet.**

Commissioner Lopez made a motion to approve Resolution 1277-22. Commissioner Mohollen seconded the motion. The vote was 5-0 in favor.

**Resolution 1278-22 reappointing Thomas Troutman to the Parks & Recreation Board**

Commissioner McGroarty made a motion to approve Resolution 1278-22. Commissioner Swavely seconded the motion. The vote was 5-0 in favor.

**Resolution 1279-22 appointing Amy Henderson as an Alternate Representative to the Pottstown Area Regional Recreation Committee for a two (2) year term.**

Commissioner McGroarty made a motion to approve Resolution 1279-22. Commissioner Lopez seconded the motion. The vote was 5-0 in favor.

**Resolution 1280-22 approval of Brian S. Shirley as Fire Police for the Sanatoga Fire Company.**

Commissioner Mohollen made a motion to approve Resolution 1280-22. Commissioner Lopez seconded the motion. The vote was 5-0 in favor.

**REVIEW OF WARRANT #918 FOR THE MONTH OF FEBRUARY 2022:**

Commissioner Mohollen made a motion to approve Warrant #918 Commissioner McGroarty seconded the motion. The vote was 5-0 in favor.

**ACCEPT THE TREASURER'S REPORT FOR FEBRUARY 2022:**

Commissioner Mohollen made a motion to accept the Treasurer's Report. Commissioner McGroarty seconded the motion. The vote was 5-0 in favor.

**REVIEW OF WARRANT #919 FOR THE MONTH OF MARCH 2022.**

Warrant #919 is under review.

**COMMISSIONERS COMMENTS:**

**Commissioner McGroarty** – Commissioner McGroarty thanked Mr. Wagner and staff for handling Pottsgrove Recreation Board. Commissioner McGroarty also thanked Mr. Troutman and Ms. Henderson for volunteering for Boards and Commissions.

**Commissioner Swavely** – Commissioner Swavely had no comments.

**Commissioner Lopez**— Commissioner Lopez echoed Commissioner McGroarty in thanking Mr. Troutman and Ms. Henderson.

**Commissioner Mohollen**—Commissioner Mohollen stated the fire department is utilizing properties along Evergreen Road to be demolished for firefighter training. Commissioner Mohollen expressed his thanks to the property owner Mr. Paul Tornetta for allowing the fire department to train at the buildings. Commissioner McGroarty also thanked Mr. Wagner for taking care of a trash dumping issue along High Street and Rupert Road.

**Commissioner Foltz**—Commissioner Foltz read a letter regarding the splendid work that was done cutting a tree down along Pleasantview Road. Commissioner Foltz stated the homeowner was very thankful the tree company was able to utilize our Public Works parking lot.

**Mr. Wagner**— Mr. Wagner stated he received an email from Delaware Valley Regional Planning Commission that will be conducting some traffic counts for approximately 48 hours at the following roads, Industrial Highway between Armand Hammer and Moser, Kepler Road between Sunnybrook Road, and Sunnyside Avenue and on Linfield Road between Quarry Road and Pleasantview Road.

**Solicitor Ottaviano** – Solicitor Ottaviano had no comments.

There being no further business, the public meeting was adjourned at 7:17 p.m. The next meeting will be on Thursday, April 21, 2022.

Respectfully submitted,



Madison Orler  
Township Secretary