

**UPPER POTTS GROVE TOWNSHIP  
BOARD OF COMMISSIONERS  
December 21, 2020**

The regular meeting of the Upper Pottsgrove Township Board of Commissioners was held on Monday, December 21, 2020, at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Commissioners Trace Slinkerd, Renee Spaide, Martin Schreiber, Cathy Paretti and Dave Waldt present. Also present were Township Manager Michelle Reddick, Solicitor Charles Garner, Police Chief James Fisher, Public Works Road Foreman Justin Bean and Township Secretary Jeannie DiSante.

**MOMENT OF SILENCE** – The Commissioners requested a moment of silence in honor of the men and women who have served and are currently serving our country in the armed forces.

**PLEDGE OF ALLEGIANCE** - Those assembled pledged allegiance to the flag.

**APPROVAL OF MINUTES** – The November 16, 2020 minutes were presented for approval. Motion by R. Spaide, second by D. Waldt and unanimously carried to approve the minutes of November 16, 2020 as presented. There were discussions on inclusion of comments and condensing to only include Board actions.

**PAYMENT OF BILLS** – The December 21, 2020 bills list was presented for approval. Motion by C. Paretti, second by R. Spaide and unanimously carried to approve the payment of bills of \$206,935.53.

**REPORTS**

**TOWNSHIP ADMINISTRATION/FINANCE** – M. Reddick advised her reports are included in the Commissioners' packets. She highlighted the resignation of the police secretary and advertising for a replacement no later than January 15, 2021. Noted in the financial report no significant impact on earned income tax or real estate transfer tax revenues. The status of grant applications worksheet was provided to the Commissioners. Items in the Planning department were reviewed with no action required of the Board.

**CHIEF OF POLICE** – Chief J. Fisher submitted his report to the Board and informed the Commissioners that part-time Officer William Nagy was sworn in on November 25, 2020.

**PUBLIC WORKS FOREMAN** – J. Bean submitted his report to the Board highlighting completed projects of paving Bruce Drive, the access road to Sussell Park, Sunset Park trail repairs and other routine work. The recent snow and resulting mud is delaying work. He asked that notices be posted for residents to not park on the street during snow events so the plows can get the roads cleared more quickly and efficiently.

**TOWNSHIP SOLICITOR** – The Solicitor noted that everything he will report on will be addressed under old and new business in the meeting. There were no questions for him at this time.

**TOWNSHIP ENGINEERING AND BUILDING & ZONING** – T. Slinkerd noted the standard reports submitted by the Township Engineer of subdivision updates, permits and zoning issues. There was discussion of permit expiration dates and extensions of time.

## **COMMITTEE CHAIR REPORTS**

**OPEN SPACE AND RECREATION** – T. Slinkerd noted the Committee did not meet.

**SEWER AND WATER** – T. Slinkerd noted J. Bealer was not in attendance however his report was submitted to the Board.

**FIRE AND AMBULANCE** – D. Raudenbush submitted his report to the Board highlighting the elections for Fire Chief and Fire Police Captain were held on November 11, 2020. Charles Ritschard Sr. elected to Fire Chief and Don Raudenbush elected to Fire Police Captain both for a two-year term.

## **OLD BUSINESS**

**DISCUSS & CONSIDER EXTENSION OF AGREEMENT TO PURCHASE SEWER CAPACITY FOR KUMMERER TRACT** – C. Garner explained the request from Catalyst Commercial Development, the new legal owners of the Kummerer property, to the Township and the Borough Authority to extend the time to complete the purchase to the end of March 2021. The Authority approved the extension at their meeting last week. This is pushing back the time of payment and the Authority is holding the same price per gallon and it is a pass-through to the Township. Motion by R. Spade, second by M. Schreiber and unanimously approved to grant the extension request from Catalyst to extend the time to purchase the sewer capacity for the Kummerer Tract to March 30, 2021 and approve an assignment of the agreement from Artisan Construction Group, LLC to Catalyst Commercial Development.

**CONSIDER RESOLUTION NO. 726 GRANTING APPROVAL OF BORTZ SUBDIVISION #02-2020** – C. Garner provided background information on the 3-lot subdivision, waiver request and an outstanding issue of a fee in lieu of 600 feet of open space. He and the Township Engineer are in agreement that this Resolution is ready for action by the Board. Motion by M. Schreiber, second by D. Waldt and unanimously approved to adopt Resolution No. 726 the Bortz Subdivision #2-2020 with a fee of \$0.00 in lieu of 600 feet of open space, item #4 of the Resolution.

**PUBLIC HEARING ON COMCAST CABLE FRANCHISE AGREEMENT & CONSIDER APPROVAL OF ORDINANCE NO. 511 TO ADOPT THE AGREEMENT** – C. Garner opened the Hearing advising the Board and public that this is an advertised Public Hearing to take any public comment with respect to Comcast and their past performance as a cable franchise operator in Upper Pottsgrove Township. This also allows the public to comment on the new franchise agreement pursuant to Federal Law for a term of ten (10) years from date it is approved by the Commissioners. The Township will continue to collect 5% of gross revenues as a franchise fee, with the ability to be paid up to \$3000.00 by way of an audit, if Comcast underpays the Township. The Township will receive a one-time franchise grant of just under \$5000.00 upon signing the agreement.

The Ordinance has been advertised and by adopting the Ordinance the Board is approving the agreement. C. Garner asked for public comments and there being none he closed the hearing. After some discussion by the Commissioners there was a motion by D. Waldt, second by C. Paretti and unanimously carried to adopt Ordinance No. 511 approving the Comcast Cable Franchise Agreement.

### **NEW BUSINESS**

**DISCUSS & CONSIDER REVERSAL OF CONDITION ON MAKAREVITZ SUBDIVISION #01-2012** – C. Garner explained that through the conditional use process the Township approved a cell tower on the property in question in 2012. One of the requirements of approval was that the property not be further subdivided. The applicant has indicated there is no longer an intent to put a cell tower on the property and wishes to eliminate the restriction against future subdivision. The applicant has provided documentation to show the lease agreement with the cell tower company has been cancelled. Motion by R. Spaide, second by M. Schreiber and unanimously carried to reverse the restriction against future subdivision on the Makarevitz Subdivision #01-2012.

**DISCUSS & CONSIDER CIVIL SERVICE APPOINTMENT** – Motion by T. Slinkerd, second by D. Waldt to approve the nomination of Ken Reber to fill the vacant Civil Service position. In January the list of Committee and other appointments will be reviewed. Motion carried with four ayes and M. Schreiber abstaining.

**DISCUSS & CONSIDER AUTHORIZING SOLICITOR TO PREPARE AGREEMENT WITH POTTSTOWN BOROUGH FOR PAVING OF MERVINE STREET** – Motion by M. Schreiber, second by R. Spaide and unanimously carried to authorize Solicitor Garner to prepare an agreement with Pottstown Borough for paving of Mervine Street.

**CONSIDER APPOINTMENT OF AUDITOR** – Motion by M. Schreiber, second by R. Spaide and unanimously carried to appoint Barbara Akins, CPA to perform a financial audit of Upper Pottsgrove Township for the year ending December 31, 2020 at the cost of \$13,800 for a one-year contract.

**CONDITIONAL USE FOR JOE LEWIS, 1386 N. STATE STREET** – Solicitor Garner opened the public hearing on the conditional use application from Joe Lewis. He introduced Mr. Lewis, the equitable owner of the property located at 1386 N. State Street; the property is 1.05 acres in size located in an RO, Retail/Office zoning district. He described the existing building and the intent to remodel it to suit the proposed business of automobile enhancements of window tinting, car wraps and detailing. This type of business is permitted in the RO district by conditional use. Mr. Lewis submitted exhibits, was sworn in by the Court Reporter in attendance and presented his case for which he is seeking conditional use to the Commissioners. After questions for Mr. Lewis, discussion with the Board and public comments the Solicitor closed the public hearing. Motion by R. Spaide, second by M. Schreiber and unanimously carried to grant the conditional use request of Joe Lewis as set forth in Section 350-203(7)A and (9)A of the Township Zoning Ordinance to permit the proposed automotive use as described.

**CONSIDER APPROVAL OF PURCHASE OF AIR PACKS FOR FIRE COMPANY** – T. Slinkerd noted the Township was recently made aware that the current inventory of air packs will systematically go out of service between January and March 2021 and the fire company cannot function without air packs. C. Garner noted the Township funds must be a contribution to the fire company, if this purchase is not through Co-Stars. And it is with the understanding the fire company will use the funds to purchase the air packs because they are not subject to the bidding laws. Don. Raudenbush said it is not through Co-Stars. Motion by M. Schreiber, second by R. Spaide and unanimously carried to authorize contributing \$75,625.00 from the Township Fire Fund to the Upper Pottsgrove Fire Company, with the understanding the fire company will use the funds to purchase the air packs as represented.

**CONSIDER APPROVAL OF MEETING DATES FOR 2021** – Motion by M. Schreiber, second by R. Spaide and unanimously carried to approve the meeting dates for 2021.

**OTHER PUBLIC COMMENTS** – None

**COMMISSIONER COMMENTS**

- T. Slinkerd commented things are moving along well with the sale of sewer system. The PUC filing was sent November 24, 2020 and the Attorneys are handling all questions. With anticipation of the proceeds the Township has Alloy5, at no cost to the Township, looking into designs of new Township facilities on Township owned properties.

**EXECUTIVE SESSION** - The Board convened in Execution Session at 8:00 pm to discuss litigation and collective bargaining with action to follow. The Board reconvened at 8:20 pm.

**ADJOURNMENT** – The meeting was adjourned at 8:22 pm.

Respectfully submitted,

  
Jeannie DiSante, Township Secretary