

UPPER POTTS GROVE TOWNSHIP
BOARD OF COMMISSIONERS
May 24, 2021

The regular meeting of the Upper Pottsgrove Township Board of Commissioners was held on Monday, May 24, 2021, at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Commissioners Trace Slinkerd, Renee Spaide, Cathy Paretti, Dave Waldt and Martin Schreiber 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 March 15, 2021 minutes were presented for approval. Motion by R. Spaide, second by C. Paretti and unanimously carried to approve the minutes of March 15, 2021. The April 5, 2021 minutes were presented for approval. Motion by R. Spaide, second by D. Waldt and unanimously carried to approve the minutes of April 5, 2021.

PAYMENT OF BILLS – The April 19, 2021 bills list was presented for approval. Motion by R. Spaide, second by C. Paretti and unanimously carried to approve the payment of bills of \$865,302.51. The May 24, 2021 bills list was presented for approval. Motion by R. Spaide, second by C. Paretti and unanimously carried to approve the payment of bills of \$246,552.18.

REPORTS

TOWNSHIP ADMINISTRATION/FINANCE – M. Reddick advised her reports are included in the Commissioners' packets. New website templates will be reviewed by the staff. The Township will be offering another option to employees for the 457 Plan (deferred compensation) through the Township's new pension investment company CBIZ, InR. There is no cost to the Township, reduced fees through the CBIZ plan will be paid by the employees who voluntarily participate. A pension meeting is scheduled for next week with employees and the Actuary along with a representative from CBIZ.

The Township received the health insurance surplus distribution check for \$49,993.95 from Pennsylvania Municipal Health Insurance Company (PMHIC). An additional surplus later in the year will be submitted once all claims for 2020 have been processed.

The April and May financial reports are included in your packet. As of the April report, we have not seen any significant impact on our earned income tax or real estate transfer tax revenues. The Township received a cable franchise grant in the amount of \$4,750 from Comcast which was part of the new Cable Franchise Agreement. The grant will offset the costs of the televisions purchased for public meetings. The Manager reviewed the status of on-going projects and plans listed in the Planning and Zoning Department.

There were questions and discussions on posting of minutes, meeting date changes and salt shed status.

CHIEF OF POLICE – Chief J. Fisher submitted his report to the Board and announced the part-time Officer is leaving the department for a full-time position with another department. A new part-time Officer is coming on-board and is a Township resident. A full-time Officer will be accepting a position with another department and his last day with the Township is June 5th. The Chief anticipates by September he will have a list to fill a full-time Officer position. Testing is June 12th and the physical readiness test is July 10th. Thereafter he will conduct interviews and background checks. Chief Fisher thanked Officer Hanna for the excellent job he did on cleaning up the 2015 Ford Interceptor SUV which sold on Municibid for \$9,600.00.

PUBLIC WORKS FOREMAN – J. Bean submitted his report to the Board and highlighted items the crew has worked on. There was discussion about roadside mowing being neglected. Chief Fisher noted a new PennDOT regulation came out this year ruling a ‘chase car’ is needed when crews are mowing roadsides.

TOWNSHIP SOLICITOR – The Solicitor informed the Board that a five-year franchise agreement has been drafted and forwarded to the attorney for Verizon and he is awaiting comments back from them. The draft with comments should be coming to the Board later in the year.

The Commissioners authorized the Solicitor’s office to file an appeal from the County Court decision with respect to Artisan Construction. It has been filed with the PA Commonwealth Court and we are waiting for the Trial Court to issue its opinions to have a better idea of what the Trial Court based its decision on, in reversing the Zoning Hearing Board’s decision.

The Solicitor and Township Manager have been working with the pension consultant regarding a potential new pension plan for new hires. In order to offset future liabilities, a change is needed from what is typically considered a rich defined benefit plan in local government to something that is more manageable and less volatile called a Defined Contribution Plan. These are already being implemented in other local municipalities for new hires. It has a significant positive impact on the Township’s long-term liability about which most all are concerned. A draft ordinance and plan documents will be made available in the near future for the Board to consider moving forward.

TOWNSHIP ENGINEERING AND BUILDING & ZONING – T. Slinkerd noted the submitted reports for review. M. Reddick had no additional comments.

COMMITTEE CHAIR REPORTS

OPEN SPACE AND RECREATION – G. Churach submitted his report noting work on removing the ash trees will begin this week. He discussed the delay of cleanup of fallen trees and debris in the Sunset Park pond until the fall, the mowing plan for 2021 and assignment of Open Space areas to mow.

SEWER AND WATER – J. Bealer advised his report was submitted noting recorded treatment flows and normal plant operations along with joint meeting items. Chris Pelka advised all connections are completed on Ming Drive and Moyer Road and only paving of Ming Drive & property restorations are needed to finalize the project.

FIRE AND AMBULANCE – D. Raudenbush submitted his report noting the addition of the call numbers. He highlighted bullet points and reported all air packs were delivered and are in use stating they have a 15-year life. There are Duck Race \$5.00 tickets available to anyone interested in supporting the fire company. Ashley Rose and Lea Wunderlich completed all their Fire 1 classes and have successfully passed their “Burn” session. They are now qualified as Interior Firefighters.

OLD BUSINESS

CONSIDER AUTHORIZATION TO ADVERTISE SANITARY SEWER ORDINANCE RATE CHANGE – Solicitor Garner explained the draft ordinance has been on the table a number of months with some minor changes and he and the Township have worked through it with PA American Water on the language to make it clearer and to adjust and reduce the quarterly sewer rental rates. Once an established effect date is decided on the new rate will be \$195.00/quarter. A motion is needed to authorize the advertisement of the Ordinance so it can be adopted at the June Commissioner’s meeting. A specific effective date of the rate change needs to be included in the Ordinance and if the Board is inclined, July 1st would coincide with the second half of the year. Motion by R. Spaide, second by C. Paretti and unanimously carried to authorize the advertisement of the sanitary sewer ordinance rate change to be effective July 1, 2021. There was discussion on different quarterly cycles, billing issues and when the PUC will give approval for the sale of the sewer system.

DISCUSS & CONSIDER WAIVER OF FEE-IN-LIEU OF OPEN SPACE FOR KUMMERER PHASE 1 – Solicitor Garner explained the developer originally did not ask for a waiver of this provision upon approval of the plan. Later the developer did request a waiver after discussion with the Open Space Committee and this Board. It was determined the Township does not want dedication of any open space. The Ordinance has a provision that allows for a fee-in-lieu of dedication of open space and park and recreation land. The developer’s attorney submitted a letter requesting a waiver and offering a payment of \$76,860.00 as fee-in-lieu of dedication of open space. This amount is based upon the ordinance provision of how to calculate the amount of land that would be dedicated, 1300 sq. ft. per dwelling unit and they suggested a value of \$18,000 per acre. Solicitor Garner stated a motion is needed to grant the waiver request of Pottsgrove Hunt, for Section 310-38 of the Upper Pottsgrove Township SALDO and accept a fee-in-lieu of open space and park and recreation land in the amount of \$76,860.00 to be paid prior to the issue of any building permits. After some discussion of restrictions of the funds, there was a motion by M. Schreiber, second by D. Waldt and unanimously carried to approve the motion as stated by Solicitor Garner.

NEW BUSINESS

CONSIDER APPROVAL OF ANRICH PAY APPLICATION IN THE AMOUNT OF \$223,875.49 FOR THE MING DRIVE/MOYER ROAD SEWER PROJECT – Motion by R. Spaide, second by C. Paretti and unanimously carried to approve the Anrich pay application in the amount of \$223,875.49 for the Ming Drive/Moyer Road Sewer Project.

CONSIDER APPROVAL OF SCHOOL RESOURCE OFFICER CONTRACT – T. Slinkerd noted Chief Fisher and M. Reddick worked on the contract and it was reviewed by the Solicitor. Chief Fisher commented it is a valuable program which gives the Officer an opportunity to interact with students. The school worked with the staff in the process of making a few changes to the contract and are very pleased with having an Officer in the school. Motion by M. Schreiber, second by D. Waldt and unanimously carried to approve and authorize the execution of the school resource officer contract with the Pottsgrove School District for 2021-2024.

DISCUSS & CONSIDER APPROVAL OF RESOLUTION ADOPTING THE CHANGES TO THE CIVIL SERVICE RULES & REGULATIONS – T. Slinkerd noted Chief Fisher has worked on this for quite a while and it was reviewed by the Solicitor. The document and updated revisions list was provided to the Board for review. Chief Fisher explained the changes are to bring the department in line with the Montgomery County Consortium of Communities which is used for testing. He reviewed the list of changes for the Commissioners and with the Civil Service Commission who were in agreement with the changes. Solicitor Garner stated these are the Township's Civil Service rules and regulations under the First Class Township Code. This document is fluid and does change from time to time and the Chief indicated it will continue to be updated as the times change. He feels these changes are necessary and defers to the Chief and the Civil Service Commission who put the work into updating the document. The law requires that if the Board wishes to approve the changes it needs to be done through the submitted resolution.

Motion by R. Spaide, second by C. Paretti to accept the stated changes by the Chief of Police and approved by the Civil Service Commission and approve Resolution No. 731 amending the rules and regulation of the Civil Service Commission. M. Schreiber commented on the 70% or better written test score as acceptable for an applicant to move forward in the hiring process. He stated he cannot support this, that he wants higher scores and better applicants for the Police Department. Chief Fisher answered that this is the standard for most surrounding departments and it has been found that some applicants are excellent police officers, they just do not test well and should not be excluded. This allows them to get to the interview process. In his experience the past number of years with the tests, applicants do not get near that percentage to move forward. M. Schreiber asked if polygraphs are being removed completely. The Chief said the language is still "may" submit to a polygraph. There was further discussion on application submissions, part-time officer requirements and training and removing the non-competitive test for hiring of a police chief. Vote on the motion, aye: T. Slinkerd, R. Spaide, C. Paretti, D. Waldt; nay: M. Schreiber. Motion carries 4-1.

VORNDRAN CONDITIONAL USE HEARING – Solicitor Garner opened the hearing and provided background information on the conditional use application from Richard Vorndran, 15 Gilbert Drive, Boyertown, PA. The applicant is the authorized agent of property owned by Doris M. Vorndran Trust located on the South side of Mangers Mill Road at the intersection with Aspen Drive. The property is approximately 5.69 acres in size and undeveloped, located in an R-2 Residential District. The applicant proposes to construct a 2-lot subdivision using the existing driveway. The creation of the 2-lot subdivision is permitted by conditional use pursuant to Section 350-79.A(3) of the Township Zoning Ordinance and the applicant must satisfy conditions in Section 350-85. The Solicitor reminded the Commissioners this is a conditional use hearing in which one of the few times the Board would sit in a judicial capacity where it will hear evidence

much like a zoning hearing board hears evidence. Mr. Vorndran is present and he will provide information on what he is interested in doing with the property. The Solicitor provided a number of board exhibits to mark for the record one of which indicates the hearing was properly advertised. The attending court reporter swore in Mr. Vorndran and he presented his case to the Commissioners. After questions from the Solicitor and no questions from the Board or from any residents present, there was a motion by M. Schreiber, second by R. Spaide and unanimously carried to approve the Conditional Use application submitted by Richard Vorndran as stated.

PUBLIC COMMENTS


Mindy Lipsky, 1275 Pine Street introduced herself as a Township resident and the new Pottstown library coordinator and noted June 1st the library will be opened to the public without appointments. She explained they are reaching out to the Pottsgrove School District and offering resources to students, talked of their summer reading program and planned story walks at local parks including Sunset Park, which she commented is a lovely park. She thanked the Board for their contributions to the library.

COMMISSIONER COMMENTS – None

EXECUTIVE SESSION - The Board convened in Execution Session at 8:00 pm to discuss litigation, personnel and collective bargaining with no action to follow. The Board reconvened at 8:25 pm.

ADJOURNMENT – The meeting was adjourned at 8:26 pm.

Respectfully submitted,


Jeannie DiSante, Township Secretary