

**UPPER POTTS GROVE TOWNSHIP
BOARD OF COMMISSIONERS
June 21, 2021**

The regular meeting of the Upper Pottsgrove Township Board of Commissioners was held on Monday, June 21, 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 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 May 24, 2021 minutes were presented for approval. Motion by R. Spaide, second by C. Paretti and unanimously carried to approve the minutes of May 24, 2021.

PAYMENT OF BILLS – The June 21, 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 \$374,793.64.

REPORTS TOWNSHIP ADMINISTRATION/FINANCE – M. Reddick asked for a motion to submit a letter along with the ACT 537 Plan update stating the Commissioners do not have any comments or concerns on the ACT 537 Update. Motion by M. Schreiber, second by R. Spaide and unanimously approved to send a letter with the ACT 537 update.

M. Reddick advised her reports are included in the Commissioners' packets. She highlighted a personnel item concerning hiring the FT Planning & Zoning Administrator, the finalization of the 2022 budget and reviewed all the Funds in the May 31st financial reports. The Manager noted a sketch plan has been received from Master Ventures, Inc. for a seven-lot subdivision located off Farmington Avenue and the Township received an email that sketch plans will be submitted for a land development at 994 Commerce Drive.

A ZHB appeal has been filed by Artisan for the Age Qualified Ordinance amendments passed by the Board of Commissioners at their April meeting. Attorney Jeff Karver will be handling this matter as Bob Brant was a former attorney for Artisan. A hearing has been tentatively scheduled for June 29, 2021 but will probably be postponed.

There were questions and discussions on the payment of the vehicle fuel tax and the status of the crosswalk project at the Althouse Arboretum.

Barbara Akins was in attendance and provided copies of the final 2020 Audit Report to the Board and reviewed all statements and reports for the Commissioners. Her company filed the required DCED audit report in a timely manner. She noted the 'Letter to the Board' which indicated there were no problems or adjustments to the financial reports that the Manager provides to the Commissioners at each Board meeting. She stated it was a very clean audit. T. Slinkerd said to review especially the revenue/expense and pension funds

CHIEF OF POLICE – Chief J. Fisher submitted his report to the Board highlighting numerous identity and fraud thefts. He warned residents they should contact his department if they have been a victim and the police will help walk them through the process of recovering any losses. Chief Fisher noted the written testing was completed with 177 applicants present. Scores were 86% and higher and 79 applicants will move forward to agility tests.

PUBLIC WORKS FOREMAN – J. Bean was not in attendance however, he submitted his report to the Board. M. Reddick noted in the Fox Hill Trail repairs there were issues with the contractor and so public works stepped up to complete the repairs and did a great job.

TOWNSHIP SOLICITOR – The Solicitor informed the Board he has nothing to add to his report other than addressing items later in the agenda and in Executive Session. There were no questions for the Solicitor.

TOWNSHIP ENGINEERING AND BUILDING & ZONING – T. Slinkerd noted reports were submitted for review and highlighted that construction has begun for Kummerer Tract Phase 1 of which the Board gave conditional final plan approval. Kummerer Tract Phase 2A & B are listed and not yet approved. M. Reddick asked the Board to be aware of the issues and violations noted on page 3 of the Zoning Report.

COMMITTEE CHAIR REPORTS

OPEN SPACE AND RECREATION – G. Churach submitted his report noting a no-match \$25,000 grant opportunity through Giant Foods was discovered and the County regional recreation coordinator worked on the grant application for the Township. The funds would be for Sussell Park improvements and a pond health study. The application is ready to be submitted and the Township's contribution will be to have the public works crew help with the work to be done. Motion by M. Schreiber, second by R. Spade and unanimously carried to approve submitting the Giant Foods \$25,000 no-match grant application.

SEWER AND WATER – J. Bealer advised his report was submitted noting two manholes have been repaired which completes the list of items that were needed to be addressed in the Corrective Action Plan submitted to the Pottstown Borough to control inflow and infiltration of ground water to the sewer system. He informed the Commissioners that the joint meetings will continue via the Zoom application as all are in agreement this is working out fine for all parties.

FIRE AND AMBULANCE – D. Raudenbush submitted his report noting they average one call a day. M. Schreiber asked for the fire study report that was being prepared.

OLD BUSINESS

CONSIDER ADOPTION OF ORDINANCE NO. 513 AMENDING THE SANITARY SEWER ORDINANCE REQUIREMENTS – Solicitor Garner provided details on this ordinance noting it was vetted by PA American Water and advertised. Motion by R. Spade, seconded by C. Parette and unanimously carried to adopt Ordinance No. 513 Amending the Sanitary Sewer Ordinance Requirements. There was some discussion of Section 2.

CONSIDER APPROVAL OF CONTRACT WITH SPECIAL COUNSEL FOR PBA LITIGATION – T. Slinkerd explained the details of the contract noting it is in conjunction with the sewer sale and upcoming litigation and that this will be further discussed in Executive Session. Motion by R. Spaide, second by Dave Waldt and unanimously carried to accept the Contract with Special Counsel for PBA Litigation.

NEW BUSINESS

DISCUSS & CONSIDER WAIVER REQUEST RELATED TO TOPSOIL FOR KUMMERER PHASE 1 – Solicitor Garner explained a requirement in the SALDO does not allow for removal of excess topsoil. The developer is asking for a waiver of this requirement. There are protections in the developer agreements; if there was a shortage of topsoil on the site they would be required to add funds to the escrow to be sure there is adequate topsoil made available. The request has been reviewed by the Township Engineer and M. Reddick read his email with support for the waiver. Motion by Dave Waldt, second by R. Spaide and unanimously agreed to grant the waiver of Section 310.36B of the Township SALDO.

DISCUSS & CONSIDER APPROVAL OF RESOLUTION NO. 732 ADOPTING A TELECOMMUNICATIONS POLICY – T. Slinkerd explained if a Commissioner cannot attend an advertised meeting, this will allow for a phone call into the Board meeting in order to participate. Solicitor Garner noted this is now required by changes to the 1st Class Township Code that occurred earlier in 2021 to allow for remote participation in meetings. There has to be a physical quorum present at the advertised meeting place and the caller has to be heard by all in attendance at the meeting. There was discussion about ACT 15, part of the Emergency Declarations a year ago, being rescinded and remote meetings are no longer allowed without three members physically present. Motion by M. Schreiber, second by C. Paretti and unanimously carried to approve Resolution No. 932 Adopting a Telecommunications Policy.

DISCUSS & CONSIDER APPROVAL OF RESOLUTION NO. 733 FOR RFP PROCESS FOR PENSION PLANS – T. Slinkerd noted this is as a result of the recent pension audit of year 2017 and a finding that was not addressed by previous administrations. M. Reddick explained that ACT 44 requires certain procedures be followed concerning a Request for Proposal (RFP). Since this was not addressed as a result of the 2017 audit it is provided now for adoption. For the record, when the Board changed investment companies in 2020, ACT 44 procedures were followed even though this Ordinance was not in place at that time. Motion by R. Spaide, second by M. Schreiber and unanimously carried to approve Resolution No. 733 for RFP Processes for Pension Plans.

DISCUSS & CONSIDER APPROVAL OF HEALTH INSURANCE OPT-OUT BENEFIT FOR NEW FULL-TIME HIRE FOR ADMINISTRATION – As noted in M. Reddick administration report, an offer of full-time employment will be sent to the part-time planning & Zoning administrator effective as soon as conversion of the non-uniform pension plan from a defined benefit plan to a defined contribution plan is complete. She has been in conversations over the past months with the employee addressing what was best from a Township perspective and her perspective. Currently in the police contract, officers that opt-out of the health insurance are entitled to a \$500 quarterly benefit. This is not in the current non-uniform personnel policy which is in the process of being updated.

M. Reddick provided a spreadsheet to the Board showing the costs if an employee opts-in to the health insurance vs. opting-out. Even with the \$2,000 annual incentive for opting-out of the health insurance the Township is still saving over \$18,000 when an employee does not participate in the health insurance program. M. Reddick will include the option in the full-time employment offer with approval from the Board so there are no questions or concerns. The employee can opt-in at any time in the future and all details will be included in the offer of employment. Motion by R. Spaide, second by Dave Waldt and unanimously carried to approve the health insurance opt-out benefit of \$500 per quarter in the offer of full-time employment at the hourly rate approved in the 2021 budget for the Planning & Zoning administrator position.

Discuss Conversion to a Defined Benefit Contribution Pension Plan – T. Slinkerd explained the current defined benefit plan, where the Board defines what the benefit will be for the employee when they retire and described how the Township manages the investment and takes all the risk. A copy of the proposed Defined Contribution Pension Plan was provided to the Board for review and study to understand the difference in the two plans. Emails were provided with items that the Board will need to decide on to finalize the plan and Ordinance change. There was further discussion on this item and no action was taken.

PUBLIC COMMENTS

- Leigh Anne Hertzog, 312 Summer Grove Lane addressed the Commissioners with her concerns about the Kummerer Subdivision Phase 2A and 2B. She noted the impact on school districts, additional traffic and noise. She said other members of the community also have these concerns. T. Slinkerd answered that Phase 1 of 144 dwellings was approved at the end of 2019 and Phase 2 is not approved at this time. He explained where the Township's Board, engineers and solicitor are in the review process of plans 2A and 2B. He invited her to watch for the posted Commissioner's agendas to see when the discussions and reviews will be scheduled and plan to attend those meetings. Solicitor Garner added that typically the review process is lengthy, taking longer than most think and plans for both 2A and 2B have been submitted and are under review by various agencies. At this time it may be 60 days, and probably longer before anything comes before the Board for review. T. Slinkerd said at a Board meeting the public is given only a short time to speak on an issue and Ms. Hertzog was invited, as are all residents, to speak one-on-one with each of the Commissioners about their concerns by calling or emailing to make an appointment with them.

- Jim Crawford, 115 Autumn View Lane asked when he could see the plans. M. Reddick said the plans are public documents and they are available in the Township office anytime someone wants to come and look at them.

COMMISSIONER COMMENTS


- C. Paretti noted that the Board is doing its best to keep development under control and preserve the communities.

- D. Waldt thanked Leigh Anne Hertzog for coming to the meeting.

EXECUTIVE SESSION - The Board convened in Execution Session at 8:00 pm to discuss litigation with no action to follow. The Board reconvened at 9:12 pm.

ADJOURNMENT – The meeting was adjourned at 9:13 pm.

Respectfully submitted,


Jeannie DiSante, Township Secretary