

**UPPER POTTS GROVE TOWNSHIP
BOARD OF COMMISSIONERS
July 19, 2021**

The regular meeting of the Upper Pottsgrove Township Board of Commissioners was held on Monday, July 19, 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 June 21, 2021 minutes were presented for approval. Motion by D. Waldt, second by R. Spaide and unanimously carried to approve the minutes of June 21, 2021 with corrections.

PAYMENT OF BILLS – The July 19, 2021 bills list was presented for approval. Motion by C. Paretti, second by R. Spaide and unanimously carried to approve the payment of bills of \$466,552.40.

REPORTS TOWNSHIP ADMINISTRATION/FINANCE – M. Reddick advised her reports are included in the Commissioners' packets. She noted the staff is reviewing the final template for the new website. The Township received its first American Rescue Plan Act funding payment of \$301,237.99 which is ½ of the total available to the Township. There are restrictions on the use of the funds and the Manager will provide the Commissioners information on uses and proposed project recommendations. There has not been any significant impact to the EIT or real estate transfer tax revenues. The staff continually monitors the situations as Covid-19 remains to be a possible threat to government budgets. She reviewed the fund revenues and expenses. She submitted the updated Grant worksheet noting a new grant for Open Space has been applied for from Giant Grocery Store for \$25,000 and it is a no-match grant. She noted work completed and being done on various Open Space projects.

The 2022 draft budget was provided to the Board for review and items were explained by the Manager and discussed by the Commissioners.

CHIEF OF POLICE – Chief J. Fisher submitted his report to the Board highlighting numerous reports have come into the department for unemployment fraud claims and he explained residents should contact the police department for help. He noted applicants were invited to the interview process for a police officer position and they have until tomorrow to respond. The interviews will be held at the beginning of August. M. Schreiber asked if Officer Millard will be coming back to cover any outstanding court time he may have and what will be his pay rate? Chief Fisher said he may be back for some issues and he will look into the pay rate.

PUBLIC WORKS FOREMAN – J. Bean noted his report was submitted to the Board and explained the work on Fox Hill Trail has stopped due to a property line dispute. M. Reddick explained that in the process of the grant application and surveying, it was discovered that part of the trail is on private property. The property owner agreed the Township can have an easement as long as a fence is installed. The Manager is working to get an appraisal for the easement area. The road crew is also cleaning up Sussell Park trail and putting down wood chips. M. Reddick complimented the road crew for the work they are doing on the trails since the contractor was unable to do the job. She also thanked Greg Churach for overseeing the work being done.

TOWNSHIP SOLICITOR – The Solicitor reported in the process of the sewer sale, PA American Water asked for documentation of all the sewer easements. There was much time and effort by the Township staff put into researching recorded plans and agreements and in a meeting today it was noted they have five easements yet to be documented. The Solicitor believes the Township has those documents and he complimented the excellent record keeping efforts over the years by personnel that made it possible to find the needed documents.

On another item, the Sunshine Law ACT 65 was amended and passed late in the last term and will not become effective until August 29, 2021, however guidance on conducting virtual meetings was not addressed. The Solicitor explained the requirements that meeting agendas must be posted on the Township website at least 24 hours prior to a meeting. It must include a list of each item that may be the subject matter of deliberation or official action; it must be posted at the meeting location as well as the municipality's principal office and must have copies of the agenda available to the public in attendance. The Township has generally followed all these rules which are now a part of the Sunshine Act. There are other rules on how to modify an agenda during the course of a meeting and how to add items to the agenda at the meeting.

TOWNSHIP ENGINEERING AND BUILDING & ZONING – T. Slinkerd noted reports were submitted for review and M. Reddick asked the Board to be aware of the issues and violations noted on page three of the Zoning Report.

COMMITTEE CHAIR REPORTS

OPEN SPACE AND RECREATION – G. Churach submitted his report noting the Committee's request that the Board designate the archery hunt as an annual event open to Upper Pottsgrove Township residents only.

SEWER AND WATER – J. Bealer advised his report was submitted noting the metered flow reflect 51% of the Township's purchased capacity at the treatment facility. He noted revenues and expenses are on target YTD. The Authority's 2020 audit is complete and resulted in an additional billing, of which payment was received July 2, 2021, to Upper Pottsgrove of \$72,636.00 for O&M of the facility. He announced the residents of Ming Drive were notified of the scheduled restoration of the driveways and resurfacing of the roadway starting Wednesday.

FIRE AND AMBULANCE – D. Raudenbush submitted his report noting the calls for the month. J. Bealer commented on the seemingly high number of accidents on northbound Rt. 100 and Moyer Road where, curiously the line-of-sight travel is greater northbound.

OLD BUSINESS

CONSIDER APPROVAL OF FINAL PAY APP FOR DOLI CONSTRUCTION IN THE AMOUNT OF \$11,035.50 FOR THE REGAL OAKS PHASE IIA SEWER PROJECT –

Motion by R. Spaide, second by C. Paretti and unanimously carried to approve the final payment to Doli Construction in the amount of \$11,035.50 for the Regal Oaks Phase IIA sewer project. T. Slinkerd noted this is the final payment from monies held for restorations.

DISCUSS CONVERSION TO A DEFINED CONTRIBUTION PENSION PLAN – T.

Slinkerd noted there will be future discussions on converting the current Non-Uniform Defined Benefit Pension Plan to a Defined Contribution Pension Plan. There were some explanations and discussions among the Commissioners of the plan features however, this meeting item tonight is to approve advertising the plan document for adoption. Motion by R. Spaide, second by M. Schreiber and unanimously carried to authorize the Solicitor to prepare and advertise the defined contribution pension plan document to be adopted.

DISCUSS & CONSIDER CREDIT OF ONE YEAR OF SERVICE FOR PENSION FOR NON-UNIFORM EMPLOYEE – M.

Reddick explained that due to miscommunication with the Township Actuary, the Township Secretary was eligible and certified in the pension plan however, unknowingly was not contributing to the pension plan in 2020. She does want to participate in the pension plan and in discussions with the pension auditor she is entitled to one year of credit. She will contribute the required contribution amount for that year of service in additional payroll deductions for the next 18 months. A motion is needed to allow for her to get the one year of credit for service and the Township has already received one unit from the State for her 2020 participation. Motion by R. Spaide, second by D. Waldt and unanimously carried to approve one year of service credit for 2020 in the Non-Uniform Pension Plan for Jeannie DiSante.

DISCUSS & CONSIDER DENIAL OF WILLOW STREET SUBDIVISION #04-2020 SUBJECT TO RECEIPT OF EXTENSION – M.

Reddick explained the Township typically will get an extension for review of a plan from the developer prior to the Board's meeting before an extension expires. The current review extension for the Willow Street plan does not expire until July 29th however, we did not get an extension request for tonight's meeting. Since the Board does not have a meeting before the current review extension expires, M. Reddick requested the Board consider denial subject to receiving the extension request which she fully expects to be delivered to the Township prior to the expiration of the current review extension. Motion by M. Schreiber, second by C. Paretti and unanimously carried to deny the Willow Street Subdivision #04-2020 subject to receiving an extension of time for review request letter prior to July 29, 2021.

NEW BUSINESS

CONSIDER APPROVAL OF RESOLUTION NO. 734 ADOPTING THE ACT 537 PLAN

UPDATE – T. Slinkerd explained as the Township moves through the sewer sale process one of the items needed was to have the Township's ACT 537 Plan reviewed for the PUC. This has been discussed at prior meetings. Motion by M. Schreiber, second by R. Spaide and unanimously carried to approve Resolution No. 734 adopting the ACT 537 Plan Update.

CONSIDER ESCROW RELEASE NO. 1 FOR POTTS GROVE HUNT (KUMMERER) PHASE 1 – M. Reddick explained what an escrow release is and that this is the first escrow release request for Kummerer Phase 1 by Pottsgrove Hunt Associates in the amount of \$447,858.47. The Township Engineer P. Eisenbrown has reviewed and recommends the release of funds as requested. Motion by D. Waldt, second by C. Paretti and unanimously carried to approve escrow release No. 1 of \$447,858.47 for Pottsgrove Hunt (Kummerer) Phase 1 as recommended by the Township Engineer. There was further discussion concerning phases of the development.

DISCUSS RESULTS OF RECENT 2017-2020 PENSION AUDIT & AUTHORIZE REPAYMENT OF STATE AID – M. Reddick explained the Township annually submits Form AG385 to the State which certifies which employees are eligible for State aid. During the pension audit it was discovered former administrations certified employees that were not eligible resulting in an over payment of State aid to the Township in 2017 and 2018. The Manager requested authorization for repayment of \$ 25,166.00 of State aid. She was advised by the Auditor General if the over payments are not repaid it would hold up the State aid to the Township in the current year. A copy of the exit interviews with the auditor was provided to the Board. The audit report will be provided when it is received. Motion by R. Spaide, second by C. Paretti and unanimously carried to authorize the Township Manager to issue the repayment of State aid, when the final audit report is received, in the amount calculated by the State auditor as confirmed in the final audit report.

DISCUSS & CONSIDER THREE-YEAR CONTRACT WITH BARBARA AKINS FOR AUDITING SERVICES – The Commissioners discussed the three-year auditing services proposal submitted by Barbara Akins. M. Reddick noted there was only one other auditing company that responded to the RFP and their costs were much higher. The Commissioners were very pleased with the 2020 audit performed by Ms. Akins and her team. Motion by R. Spaide, second by M. Schreiber and unanimously carried to approve a three-year contract with Barbara Akins for auditing the Township's funds in 2021, 2022 and 2023.

DISCUSS & CONSIDER THE RECOMMENDATION FROM OS&R BOARD TO MAKE THE ARCHERY HUNT AN ANNUAL EVENT – T. Slinkerd noted the Open Space committee requested approval for this event. Motion by M. Schreiber, second by D. Waldt and unanimously carried to approve the archery hunt as an annual event for Upper Pottsgrove Township residents only.

PUBLIC COMMENTS

- Julie Kovach – 1674 Farmington Avenue, her property located about half way between Rt. 100 and Evans Road on the west side of Rt. 100, read her comments about traffic on Farmington Avenue. Traffic issues are not new and the posted speed limit is 40 mph traveling east on Evans Road toward Rt. 100 and reduced to 35 mph approaching Rt. 100. She noted as a property owner on Farmington Avenue no one slows approaching Rt. 100. She estimates drivers traveling 50-60 mph on that stretch of roadway and there is increased traffic as it can be an alternate route from Rt. 562 in Berks County to Rt. 100. Rush hour begins at 4:00 AM and noise does wake residents from speeding cars and trucks of all types and sizes. The rush hour starts again at 4:00 PM with blatant disregard for the speed limits.

It is Ms. Kovach's and neighbor's opinions that this will only get worse as development is increasing in this area. She and other neighbors are hoping there is a plan in place to deal with this issue. She previously spoke to the police chief about this issue and asks for support from the Board and police in dealing with the speeding drivers. She had questions for the Board and T. Slinkerd asked that she contact the Manager to set up a meeting with her, other residents, the police chief and two of the Board members to address these issue. She thanked the Board for their time and appreciated the invitation to meet with them.

COMMISSIONER COMMENTS – there were no comments at this time.

EXECUTIVE SESSION - The Board convened in Execution Session at 8:10 pm to discuss litigation, personnel and possible collective bargaining with no action to follow. The Board reconvened at 9:15 pm.

ADJOURNMENT – The meeting was adjourned at 9:16 pm.

Respectfully submitted,


Jeannie DiSante, Township Secretary