

**UPPER POTTS GROVE TOWNSHIP  
BOARD OF COMMISSIONERS  
August 16, 2021**

The regular meeting of the Upper Pottsgrove Township Board of Commissioners was held on Monday, August 16, 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, Police Chief James Fisher, Public Works Road Foreman Justin Bean and Township Secretary Jeannie DiSante. Solicitor Charles Garner joined the meeting via phone.

**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 July 19, 2021 minutes were presented for approval. Motion by M. Schreiber, second by R. Spaide and unanimously carried to approve the minutes of July 19, 2021.

**PAYMENT OF BILLS** – The August 16, 2021 bills list was presented for approval. Motion by D. Waldt, second by C. Paretti and unanimously carried to approve the payment of bills of \$221,495.49.

T. Slinkerd informed the public that item C. under Old Business is removed from the agenda as the Township received and accepted a 60-day extension request from the developer. Attorney Joan London asked if the extension is accepted and T. Slinkerd affirmed.

**REPORTS TOWNSHIP ADMINISTRATION/FINANCE** – M. Reddick advised her reports are included in the Commissioners' packets. She announced that Sherri Griffith has accepted the full-time position of Planning and Zoning Administrator as of September 1, 2021. The July 31, 2021 financial report is included in your packet and again, there has not been any significant impact on our earned income tax or real estate transfer tax revenues resulting from the pandemic. The staff continues to monitor this situation. She advised the Board there is a lot of new planning activity in the planning department and asked that they review all details provided in the packet. M. Schreiber asked about the salt shed and M. Reddick said the public works crew is working to secure the structure.

**CHIEF OF POLICE** – Chief J. Fisher submitted his report to the Board and there were no questions from the Board.

**PUBLIC WORKS FOREMAN** – J. Bean noted his report was submitted to the Board. M. Schreiber commented he was glad to see flagger training on their schedule and asked if their sewer classes are up to date. J. Bean said he needs to speak with the Township Manager concerning the timing of their license renewals with the sale of the sewer system. M. Schreiber noted residents of Turnberry development are complaining about the road conditions deteriorating and wanted to bring it to the public works attention.

**TOWNSHIP SOLICITOR** – The Solicitor thanked the Commissioners for accommodating his schedule and allowing him to phone in to be part of the meeting. He did not have a formal report, all of the legal issues will be addressed through old and new business and executive session.

**TOWNSHIP ENGINEERING AND BUILDING & ZONING** – T. Slinkerd noted reports from LTL Consultants were submitted for review and there were no questions from the Board.

### **COMMITTEE CHAIR REPORTS**

**OPEN SPACE AND RECREATION** – G. Churach submitted his report noting the Committee asks that the Board consider approving a request from PAL for construction of additional amenities at their complex. M. Schreiber asked about damage to a resident's property from a fallen tree that was on Open Space property. M. Reddick noted the Township has taken down 43 dead ash trees from Township properties so far this year. If other dead trees are reported, the Township will have them removed. If dead trees are not reported and the Township is not made aware they are not addressed. She was not made aware that there was a dead tree at that location.

**SEWER AND WATER** – J. Bealer was not in attendance though he submitted his report to the Board and asked M. Reddick to note that they have mostly completed the Ming Drive/Moyer Road sewer project and submitted the final payout. It was just received today and therefore not on tonight's agenda. Funds will be held and a maintenance bond posted to guarantee restoration of driveways and landscapes.

**FIRE AND AMBULANCE** – D. Raudenbush submitted his report and informed the Commissioners that Fire Chief Chuck Ritschard resigned and Deputy Chief TJ Wojton is the acting OIC until an election in August. State Grant money was deposited into the bank and the entire \$15,000 will be used to purchase five sets of firefighter gear.

### **OLD BUSINESS**

**DISCUSS & CONSIDER APPROVAL OF REVISIONS TO FIRE SERVICE AGREEMENT** – T. Slinkerd spoke on the agreement that was passed in 2019 explaining the minimal revisions that this will formalize, one being that the fire committee has been written out of the agreement. Also, the position of President of the fire company has been written back to the agreement as the person is the liaison with the Township. Motion by D. Waldt, second by C. Paretti to accept the new fire services agreement. M. Schreiber commented he is dissatisfied with the removal of the fire committee. Aye votes: T. Slinkerd, R. Spaide, C. Paretti, D. Waldt. Nay vote: M. Schreiber. Motion carries 4-1.

**DISCUSS & CONSIDER APPROVAL OF CHANGES TO FIRE COMPANY BY-LAWS** – T. Slinkerd explained this incorporates what was approved for revisions to the fire services agreement. Motion by M. Schreiber, second by R. Spaide and unanimously carried to approve the changes to the fire company by-laws.

**DISCUSS & CONSIDER APPROVAL OF RESOLUTION NO. 735 FOR THE WINTER TRAFFIC SERVICES AGREEMENT WITH PENNDOT** – T. Slinkerd explained this is a reoccurring traffic resolution with PennDOT and a standard contract providing reimbursement for snow removal by the Township's public works department including products necessary to keep highways clear during winter events on designated state routes of specific miles. M. Schreiber made a motion then withdrew his motion. Motion by D. Waldt, second by C. Paretti and unanimously carried to approve Resolution No. 735 for the Winter Traffic Services Agreement with PennDOT.

### **NEW BUSINESS**

**CONSIDER ESCROW RELEASE NO. 2 FOR POTTS GROVE HUNT (KUMMERER) PHASE 1** – T. Slinkerd stated this is a standard development item and it has been reviewed and recommended for release by LTL engineer P. Eisenbrown. Motion by R. Spaide, second by D. Waldt and unanimously carried to approve Escrow Release No. 2 in the amount of \$451,201.73 for Pottsgrove Hunt (Kummerer) Phase 1.

### **PUBLIC COMMENT**

Chuck Note, 2137 E. Horseshoe Drive spoke on the safety of Moyer Road from Gilbertsville Road to SR 100 and suggested the need for sidewalks.

Jim Capinski, 1958 Yarnall Rd spoke on his business requirements to take courses on ethics and a Commissioners' requirement to take an oath of office and then read the Upper Pottsgrove Township Oath of Office to all in attendance. He asked the Commissioners to do what they know is right. Mike Smithson, 572 Pine Ford Road voiced his concerns his property value will decline with the Kummerer Phase 2B development if townhomes are built and he is dismayed to see old farmsteads torn down.

Karen Rohrbach, 1499 Chestnut Grove Road, asked to know how much all the court litigations are costing the Township. Manager Reddick noted she spoke to Ms. Rohrbach today and explained the reason for the lawsuit over Kummerer phase 2B is because the Commissioners are upholding the Township ordinances. Ms. Rohrbach was informed she should submit a right-to-know request for information on legal costs.

Jim Crawford, 1115 Autumnview Lane, commented he is not in favor of the Kummerer 2A or 2B development. Amanda Martin, 1428 Farview Lane, commented she is not in favor of the Kummerer 2A or 2B development. Leonard Scarnato, 338 Summer Grove Lane, spoke on his opposition to the Kummerer 2B development.

Leighanne Hertzog, 312 Summer Grove Lane, commented she has a list of 37 names who are against Kummerer 2A and 2B development. Dennis Elliott, 576 Evans Road, spoke on his opposition to Kummerer 2A and 2B development.

At 7:30 PM Solicitor Garner announced this is the opening of a public hearing that has been scheduled and advertised by the Board of Commissioners to inform and obtain public comment

with respect to a proposed ordinance amending the official zoning ordinance and map in order to rezone a certain portion of property located at or near the intersection of Mulberry Street & Hawthorne Street. The parcel in question consists of approximately 8,400 sq. ft. and the request is to rezone from its current zoning of R-3 Residential District to RO-Retail Office District. Anytime a township wishes to amend its zoning ordinance a legislative hearing of this nature is required prior to adopting any change to the ordinance. For the record, some procedural items that occurred prior to this hearing were, first, the ordinance and hearing notice was provided to Montgomery County Planning Commission on July 1, 2021 which is required by the Township zoning ordinance and the Municipality's planning code. Second, the notice to three impacted property owners was mailed to them on July 23, 2021 which is required anytime the Township zoning map is amended. The public hearing notice and the ordinance to change the zoning map was advertised in the Mercury on July 29 to August 5, 2021. The subject property of the map change was posted with a notice of the hearing on August 3, 2021. The Solicitor asked for comments from the audience. Jennifer Ridgeway, 23 E. 6<sup>th</sup> Street, Pottstown, PA addressed the Board on behalf of CMD Services to thank the Board for considering their application. There were no other comments and Solicitor Garner closed the public hearing at 7:35 PM. He then noted the following ordinance was advertised for the Commissioners' consideration at this meeting and with no other comments the Board is legally permitted to make a motion to pass the ordinance change that would revise the zoning map.

**CONSIDER APPROVAL OF ORDINANCE NO. 514 AMENDING CERTAIN SECTIONS OF THE ZONING ORDINANCE TO REVISE THE OFFICIAL ZONING MAP IN ORDER TO REZONE CERTAIN PROPERTY LOCATED AT OR NEAR THE INTERSECTION OF MULBERRY STREET & HAWTHORNE STREET FROM ITS CURRENT ZONING OF R-3 TO THAT OF RO-RETAIL OFFICE DISTRICT** – Motion by

R. Spaide, second by M. Schreiber and unanimously carried to approve Ordinance No. 514 amending certain sections of the zoning ordinance to revise the official zoning map in order to rezone a certain property located at or near the intersection of Mulberry Street & Hawthorne Street from its current zoning of R-3 to that of RO-retail office district.

**COMMISSIONER COMMENTS** – Motion by R. Spaide, second by C. Paretti and unanimously carried to authorize Manager Reddick to prepare and advertise a special Board of Commissioners meeting on August 30, 2021 for purposes of amending the pension ordinance. T. Slinkerd announced there will not be a Commissioners meeting on November 1, 2021.

**EXECUTIVE SESSION** - The Board convened in Execution Session at 7:50 pm to discuss litigation, threatened litigation and collective bargaining with no action to follow. The Board reconvened at 8:45 pm.

**ADJOURNMENT** – The meeting was adjourned at 8:47 pm.

Respectfully submitted,

  
Jeannie DiSante, Township Secretary