

**UPPER POTTS GROVE TOWNSHIP  
BOARD OF COMMISSIONERS  
November 15, 2021**

The regular meeting of the Upper Pottsgrove Township Board of Commissioners was held on Monday, November 15, 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 October 18, 2021 minutes were presented for approval. Motion by C. Paretti, second by D. Waldt to approve the minutes of October 18, 2021. Aye votes: C. Paretti, D. Waldt, T. Slinkerd. Nay vote: M. Schreiber. Abstained: R. Spaide. Motion carries.

**PAYMENT OF BILLS** – The November 15, 2021 bill list was presented for approval. Motion by C. Paretti, second by R. Spaide and unanimously carried to approve the payment of bills of \$703,188.86.

**REPORTS TOWNSHIP ADMINISTRATION/FINANCE** – M. Reddick advised her reports are included in the Commissioners' packets. She noted the new website launched on November 3, 2021. Additionally, Michelle Reddick signed a Writ of Execution for sheriff's sale for properties that are in collection at Portnoff for delinquent sewer rentals. This is part of the normal collection process. Typically, the mortgage companies have a vested interest in the properties, and they come through to pay the debt. The 2022 budget has been finalized and presented to the Board for authorization to advertise. The 4-year budget plan, which will be used for planning purposes, is near completion. The October 31, 2021 financial report was submitted along with a report from Berkheimer for 2021 year-end and 2022 projections. M. Reddick noted much activity in the Planning Department and also pointed out ongoing staff and management training.

**CHIEF OF POLICE** – Chief J. Fisher submitted his report to the Board and there were no questions. A conditional offer of employment was made to a candidate for Police Officer and medical and psychological examinations are scheduled with a tentative start date of January 1, 2022. There was a question as to the need for a motion to hire the candidate. Solicitor Garner explained this is a replacement and as the department is not being expanded no motion is needed.

**PUBLIC WORKS FOREMAN** – J. Bean submitted his report and informed the Board that the 35 mph speed limit signs have been ordered for Farmington Avenue. He reported the dome for the salt shed is ordered, will be delivered in 4-6 weeks and installed once received.

**TOWNSHIP SOLICITOR** – Solicitor C. Garner will address agenda items later in the meeting. At 7:07 pm he reconvened the public hearing that was opened on October 18<sup>th</sup> regarding the proposed cable franchise agreement with Verizon. The purpose of the hearing is to allow residents to make any public comments on the proposed agreement.

The Solicitor gave historical information as to when the Township and other municipalities first contracted with Verizon in 2006 with long-term agreements. Most agreements are coming due the past 2-3 years and Verizon has changed their business model and only seeking short-term renewals or extensions of the existing franchises. Many municipalities have joined consortiums in order to negotiate new agreements; Upper Pottsgrove did not join one. However, the agreement provided by the Solicitor is the same as those developed by the consortiums. Uniformly these are five-year extensions. Verizon would provide a franchise grant if the Township's Comcast agreement provided for a franchise grant, and it does. Based on that, Verizon has offered a \$2,440.00 franchise grant as part of the new agreement for a five-year term. It provides for cable franchise fees of 5%, the maximum allowed by federal law. A provision has been added that speaks to auditing if the Township feels it is being under paid by more than 5%; Verizon will pay up to \$3000.00 towards the audit, which was suggested by M. Schreiber at the beginning of the renewal process. However, if the audit shows the Township is being paid the correct fees, the Township will then have to pay the \$3,000.00.

The Solicitor asked for any comments and Jim Capinski, 1958 Yarnell Road asked about similarities between the Comcast and Verizon agreements and their fees and asked for clarification of the Township's public right-of-way. Solicitor Garner said the languages are identical and offered to meet with him to show what the agreement states. There were no other comments and at 7:12 pm the Solicitor recommended the hearing be closed and noted the agreement is on the agenda for the Board to adopt through the ordinance that was advertised. Motion by M. Schreiber, second by C. Paretti and unanimously carried to adopt Ordinance No. 516 approving the Verizon Cable Franchise Agreement.

**TOWNSHIP ENGINEERING AND BUILDING & ZONING** – T. Slinkerd noted reports from LTL Consultants were submitted for review and there were no questions from the Board. M. Reddick asked the Board to be aware of the zoning issues.

### **COMMITTEE CHAIR REPORTS**

**OPEN SPACE AND RECREATION** – G. Churach submitted his report and there were no questions or comments.

**SEWER AND WATER** – J. Bealer submitted a report and spreadsheet of the UPT purchased capacity status. He explained in detail the status with the Board noting the total capacity purchased since 1990 of 670,100 EDUs and 106,300 EDUs remaining capacity available to purchase from the Borough authority.

**FIRE AND AMBULANCE** – D. Raudenbush submitted his reports and noted the calls report and the administrative elections on November 10<sup>th</sup> for two-year terms. There were no questions or comments.

### **OLD BUSINESS**

**Discuss & Consider Authorizing Advertisement of the Tax Millage Ordinance** – Motion by R. Spaide, second by C. Paretti and unanimously carried to authorize advertising the Tax Millage Ordinance.

**Discuss & Consider Authorizing Advertisement of the 2022 Budget** – M. Reddick highlighted the changes from the previous draft to the health insurance costs as those rates have increased and the Township will not receive a surplus distribution in 2022 due to higher claims in 2021. There were changes to the EIT in General Fund and Open Space Fund based on estimates received from Berkheimer. T. Slinkerd reviewed numerous items in the budget with the Board. M. Schreiber questioned why there is over-time in the budget in the administration department when the Township just hired a full-time employee. M. Reddick explained that the new employee will be attending Open Space meetings and taking minutes therefore, she is entitled to over-time compensation. Motion by C. Paretti, second by R. Spaide and unanimously carried to authorize advertising the 2022 Budget.

**Discuss & Consider Approval of Joint Paving Project for Nagle Road** – T. Slinkerd noted this agenda item is for discussion at this time and explained the project is with West Pottsgrove. He briefly reviewed the submitted cost estimates for the initial concept layout and two options. M. Reddick said the project is grant dependent; West Pottsgrove is applying for a low dirt and gravel road grant. If the grant is not awarded, the project will not go forward.

**Discuss & Consider Approval of Escrow Release No. 5 for Pottsgrove Hunt (Kummerer)**  
**Phase 1** – Motion by D. Waldt, second by C. Paretti and unanimously carried to approve, per LTL Engineer's recommendation letter of November 10, 2021, the Escrow Release No. 5 of \$358,636.44 for Pottsgrove Hunt (Kummerer) Phase 1.

#### **NEW BUSINESS**

**Consider Approval of Resolution No. 737 Designating an Agent for PEMA Disaster Assistance** – Chief Fisher explain that due to damages from TD Ida, Montgomery County and FEMA declared an emergency. The Township is then entitled to attempt to get reimbursement for some of the expenses it incurred and may incur going forward. To maintain the sewer system the cost that day was ~ \$27,000. It may be close to \$20,000 to repair Farmington Avenue. This resolution is a formality to begin the process. Motion by M. Schreiber, second by R. Spaide and unanimously carried to approve Resolution No. 737 Designating James Fisher as agent for PEMA Disaster Assistance.

#### **COMMISSIONER COMMENTS**

M. Schreiber commented that he would like to have on the next agenda for the Board to consider a library donation of up to \$15,000. He also congratulated the Pottsgrove football team as the runner-up district champions.

**EXECUTIVE SESSION** - The Board convened in Execution Session at 7:33 pm to discuss matters of real estate, litigation, and potentially collective bargaining with no 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