

**UPPER POTTS GROVE TOWNSHIP
BOARD OF COMMISSIONERS
January 18, 2022**

The regular meeting of the Upper Pottsgrove Township Board of Commissioners was held on Tuesday, January 18, 2022 at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Commissioners Trace Slinkerd, Cathy Paretti, Dave Waldt, Hank Llewellyn and Don Read 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 remotely via telephone.

PLEDGE OF ALLEGIANCE - Those assembled pledged allegiance to the flag.

INTRODUCTION OF NEW POLICE OFFICER & BADGE PRESENTATION – Chief Fisher introduced Taylor Mack, the newly hired officer to the Upper Pottsgrove Police department. He spoke of her qualifications and welcomed her to the department. T. Slinkerd presented Officer Mack with her police officer badge and she thanked everyone noting she is looking forward to working in this department.

APPROVAL OF MINUTES – The December 20, 2021 minutes were presented for approval. Motion by C. Paretti, second by D. Waldt and unanimously carried to approve the minutes of December 20, 2021. The January 3, 2022 minutes were presented for approval. Motion by C. Paretti, second by H. Llewellyn and unanimously carried to approve the minutes of January 3, 2022.

PAYMENT OF BILLS – The January 18, 2022 bill list, which included the bill list from December 21 through December 31, 2021 was presented for approval. Motion by D. Waldt, second by H. Llewellyn and unanimously carried to approve the payment of bills of \$694,857.46.

REPORTS TOWNSHIP ADMINISTRATION/FINANCE – M. Reddick advised her reports are included in the Commissioners' packets and informed the Board The Township has moved from a block contract to an annual maintenance contract for IT services. The money for the annual maintenance contract was included in the 2022 approved budget. The Township has received one of the two new trucks for public works. The trucks were approved by the Board for purchase and monies were included as part of the 2021 budget. The total costs for the trucks were an additional \$9,178.88 over what was originally anticipated. In the end, the total costs for two (2) trucks to the Township after a State rebate is \$64,610.88. There are on-going issues with the IRS concerning employees' W-2s from 2019. If you recall, these issues stemmed from how prior management and finance had payroll deductions coded in QuickBooks software. The finance assistant has spent countless hours trying to resolve this, there are issues which are still not resolved. Therefore, we are moving forward with hiring a tax accountant to resolve these matters and will be proceeding accordingly.

M. Reddick suggested the Board be up-to-date with all the issues in the planning department. M. Reddick noted the December financial report is not the final report as it needs a review of any adjustments that may need to be done before the audit. A final December 31, 2021 financial report will be submitted with the January 2022 financial report at the Commissioner's February meeting.

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

PUBLIC WORKS FOREMAN – J. Bean submitted his report and informed the Board that the first new truck was on the premises in the parking lot if the Board would like to see it. He thanked the Commissioners for their approval to purchase the two trucks. He said with the grant they had to decommission the two trucks that were being replaced and explained how that proceeded and provided photos.

TOWNSHIP SOLICITOR – Solicitor Garner thanked the Board for allowing him to join the meeting remotely and said his report are items already on the agenda under old or new business and executive session. If there are any questions they will be discussed at that time.

TOWNSHIP ENGINEERING AND BUILDING & ZONING – T. Slinkerd noted that LTL Consultants submitted their reports and at each meeting there are two documents, the first covers the engineer's report of ongoing developments in the Township. The second is the zoning officer's report on building and zoning permits and issues.

COMMITTEE CHAIR REPORTS

OPEN SPACE AND RECREATION – G. Churach submitted his report to the Board and extended an invitation to all the Commissioners to attend any of the Open Space meetings to see what the committee does and the activities they are working on. T. Slinkerd noted the committee is requesting action from the Board later in the meeting concerning trail paving.

SEWER AND WATER – J. Bealer submitted a report and there were no issues to report affecting efficient operations at the treatment plant. There were no questions.

FIRE AND AMBULANCE – D. Raudenbush was not in attendance however, his reports were submitted for review. T. Slinkerd said there is to be a discussion with the fire company president and the Board to decide what reports they wish to see going forward.

OLD BUSINESS

Discuss & Consider Approval of Escrow Release No. 7 for Pottsgrove Hunt (Kummerer) Phase 1 – Motion by D. Waldt, second by H. Llewellyn and unanimously carried to approve Escrow Release No. 7 in the amount of \$481,844.48 as per the letter request dated January 13, 2022 for Pottsgrove Hunt (Kummerer) Phase 1.

Discuss & Consider Approval of Resolution No. 740 Authorizing the Solicitor to Prepare and File a Declaration of Taking for Sanitary Sewer Easements and Improvements - T. Slinkerd explained this resolution was passed before and now additional litigation details have been added with regard to the sale of the sewer system easements and improvements. Motion by D. Read, second by C. Paretti and unanimously carried to approve Resolution No. 740 Authorizing the Solicitor to Prepare and File a Declaration of Taking for Sanitary Sewer Easements and Improvements. C. Garner added this is required in order to allow filing of the declaration and is subject to an Executive Session discussion.

Discuss & Consider Approval & Authorization to Execute the Assignment & Assumptions Agreement, Support Agreement & Settlement Agreement & Release for Sale of Sewer System

– T. Slinkerd noted the three documents have to do with the sewer sale and he presented a slide presentation and explained the time-line to-date. To complete the closing of the sewer sale he showed sales documents currently in force; a 2004 service treatment agreement with the Pottstown Borough Authority and the asset purchase agreement approved in April 2020 to sell the sewer system. The assignment & assumptions agreement provides for the Borough to give their consent and it assigns the sewer system to PA American Water (PAW) and PAW assumes the system. The settlement agreement & release is relative to the Township's case in Common Pleas Court, the Township's injunctive release was refused, and a settlement was negotiated with the Board taking no position on what the disagreement concerned. This is to release the Township from the conflict which goes along with the assignment & assumptions agreement. The support agreement is between the three parties where the Borough requires confirmation of the Township upholding the ordinances in place that support the sewer system. All three documents will be approved as a group. On the support agreement C. Garner said even though once the sale is consummated and the Township no longer owns the system, the support agreement says there are certain inherent things that a regulated utility cannot do that a government entity is still obliged support even if it would not own the system which the Township will not. Therefore, the support agreement describes the Township's ongoing obligations whether related to Act 537 or sanitary sewer planning or coordinating enforcement which PAW could not legally undertake. The documents have been under negotiation for several months and the Borough Authority and Pottstown Borough have approved all these documents. Motion by T. Slinkerd, second by C. Paretti and unanimously carried to approve and execute the Assignment & Assumptions Agreement, Support Agreement and the Settlement Agreement & Release for Sale of Sewer System. D. Read questioned that there are still some unresolved issues. T Slinkerd said the Board will discuss those issues and what the options are in executive session.

NEW BUSINESS

Artisan Presentation ~ Kummerer Phase 2A – Joan London, Attorney from Kozloff Stoudt in Wyomissing addressed the Board along with Jackie Erixxson from Artisan Construction and Adam Brower from Edward B. Walsh Engineering. She reviewed a waiver request letter dated December 21, 2021 for the Kummerer Parcel Phase 2A for preliminary plans drawn by ED Walsh & Associated dated June 10, 2020 with a last revised date of October 21, 2021 that was submitted to the Township in early January 2022. Mr. Brower discussed the waivers in the letter that deal with the roads, the utilities and sanitary in the roads, basins and landscaping specs. They are interested in knowing where the Township stands on these waivers in order to move forward with plans that are consistent. Ms. London said they are at preliminary plan level, want plan approval as soon as possible and are anxious to work with the Township to get through this phase. T. Slinkerd recognized Artisan requested to be on the Township agendas for January, February and March 2022 and said going forward the Township has a review staff system of the Township Manager, Solicitor and Engineer. Any type of action requested of the Board needs to be presented to the staff for their recommendation to the Commissioners well in advance of meeting with the Board to give the Commissioners time for extensive review. Ms. London confirmed they will be meeting with the staff on January 28th. Ms. Erixxson asked if the engineer could give them an indication in advance of the 28th that this waiver letter is appropriate for what he is requesting in format and totality. T. Slinkerd said she can coordinate that through M. Reddick to the engineer.

Discuss & Consider Committee Appointments/Reappointments – T. Slinkerd reviewed the submitted appointment list for 2022 announcing the highlighted names of those being appointed tonight. He said the Zoning Hearing Board will be approved by resolution. Motion by H. Llewellyn, second by D. Read and unanimously carried to approve the 2022 Committee Appointments and Reappointments for Upper Pottsgrove Township as presented and a part of these meeting minutes.

Appointed Position	Term	Current Position Holder	Date Appointed	Term Ends
Civil Service Commission (CSC, § 12-1 UPT Ord)				
Civil Service Commission	6 yrs.	Ken Reber	Jan 2022	Dec 2027
Civil Service Commission	6 yrs.	Earl Metzger (Chairman)	Jan 2020	Dec 2025
Civil Service Commission	6 yrs.	Tyrone Parker	Jan 2017	Dec 2023
Civil Service Commission Alternate	6 yrs.	Pending Nomination	Jun 2022	Dec 2027
Open Space & Recreation Board (OS&R, §38-2 UPT Ord)				
Open Space & Recreation Board	4 yrs.	Dennis Elliott	Jan 2019	Dec 2022
Open Space & Recreation Board	4 yrs.	Pending Nomination	Jan 2022	Dec 2025
Open Space & Recreation Board	4 yrs.	Chuck Note	Jan 2021	Dec 2024
Open Space & Recreation Board	4 yrs.	Sherry Paup	Jan 2020	Dec 2023
Open Space & Recreation Board	4 yrs.	Greg Churach (Chairman)	Jan 2022	Dec 2025

Sewer Committee				
Sewer Committee	3 yrs.	John Bealer (Chairman)	Jan 2022	Dec 2024
Sewer Committee	3 yrs.	Vacant		Dec 2022
Sewer Committee	3 yrs.	Vacant		Dec 2020
Property Maintenance Code of Appeals Board				
Property Maintenance Code of Appeals Board	3 yrs.	Greg Churach, (Chairman)	Jan 2021	Dec 2023

Property Maintenance Code of Appeals Board	3 yrs.	Earl Wagner	Jan 2020	Dec 2022
Property Maintenance Code of Appeals Board	3 yrs.	Vacant		Dec 2021
Property Maintenance Code of Appeals Board Alternate	3 yrs.	Vacant		
Appointed Position	Term	Current Position Holder	Date Appointed	Term Ends
Zoning Hearing Board				
Zoning Hearing Board	3 yrs.	John P. DahDah, (Chairman)	Jan 2020	Dec 2022
Zoning Hearing Board	3 yrs.	Robert Anthony	Jan 2021	Dec 2023
Zoning Hearing Board	3 yrs.	Ken Iatesta	Jan 2022	Dec 2024
Zoning Hearing Board Alternate	3 yrs.	Herbert C. Miller, Jr. , Alternate	Jan 2021	Dec 2023
Zoning Hearing Board Alternate	3 yrs.	Alternate (optional)		
External Appointments				
Pottstown Area Regional Recreation Committee	2 Yrs.	Cathy Paretti	Jan 2022	Dec 2023
Pottstown Area Regional Recreation Committee Alternate	2 Yrs.	Greg Churach	Jan 2022	Dec 2023
Pottsgrove Regional Recreation Board	2 yrs.	Cathy Paretti	Jan 2022	Dec 2023
Pottsgrove Regional Recreation Board	2 yrs.	Michelle Thompson	Jan 2022	Dec 2023
Pottstown Metropolitan Regional Planning Committee	2 yrs.	Dave Waldt	Jan 2022	Dec 2023
Pottstown Metropolitan Regional Planning Committee	2 yrs.	Bill Hewitt	Jan 2022	Dec 2023

Appointed Position	Term	Current Position Holder	Date Appointed	Term Ends
Special Township Appointments				
Vacancy Board	1 yr.	Dennis Elliott	Jan 2022	Dec 2022
Emergency Management Coordinator	At Will	Jim Fisher	Jan 2020	Indef
Fire Marshal	At Will	Charles Ritschard	Oct 2019	Indef
Township Secretary	At Will	Jeannie DiSante	Jun 2019	Indef
Township Treasurer	At Will	Michelle Reddick	Dec 2019	Indef
Flood Plain Administrator	At Will	Michelle Reddick	Jan 2019	Indef
Pension Fund Administrator	At Will	Michelle Reddick	Jan 2019	Indef
Deputy Tax Collector	At Will	Dave DeLong	Apr 2019	Indef
Professional Services (Appointments or Validated)				
Solicitor	At Will	Wolf, Baldwin & Associates	Jan 2022	Indef
Auditor	At Will	Akins Accounting	Jan 2022	Contractual
Engineer	At Will	LTL	Jan 2022	Indef
Pension Fund Investment Advisor	At Will	CBIZ	Feb 2022	Indef
Actuarial	At Will	Foster & Foster	Jan 2022	Indef
Animal Control Officer	At Will	Jon Daywalt	Jan 2022	Indef

Motion by D. Waldt, second by C. Paretti and unanimously carried to adopt Resolution No. 741 appointing Kenneth Iatesta to serve as a member of the Upper Pottsgrove Township Zoning Hearing Board for a term of three (3) years.

COMMISSIONER COMMENTS

D. Read commented years ago he was appointed to the sewer committee along with Jack Layne for a short time and the job is not the most exciting at times. He complimented John Bealer on his running that committee at the highest level of professionalism and he wanted to thank John for his leadership as the work is important to the people it effects. He thanked Chief Fisher for the tour of the police station and praised the job the police do with what they have to work with. He hopes the Board looks at resourcing the police as much as they can for some of the things that need real improvement. He also thanked J. Bean for the tour of the public works.


C. Paretti welcomed Commissioners Read and Llewellyn to the Board and looks forward to working together with them. She thanked the public works crew for all the snow removal throughout the Township and for all the open space work G. Churach has persevered through the past weeks.

T. Slinkerd commented that he too is looking forward to the unity effort working with the new members of the Board.

EXECUTIVE SESSION - The Board convened in Execution Session at 8:40 pm to discuss matters of litigation, contract negotiations, real estate, possible two items of personnel and action to follow. The Board reconvened at 9:36 pm. Motion by C. Paretti, second by D. Waldt and unanimously carried to approve a 2% merit raise for planning and zoning administration Sherri Griffith retroactive to January 1, 2022.

ADJOURNMENT – The meeting was adjourned at 9:37 pm.

Respectfully submitted,


Jeannie DiSante, Township Secretary