

**UPPER POTTS GROVE TOWNSHIP
BOARD OF COMMISSIONERS
August 15, 2022**

The regular meeting of the Upper Pottsgrove Township Board of Commissioners was held on Monday August 15, 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, Solicitor Eric Frey, Attorney Celso Leite, Jr. and Township Secretary Jeannie DiSante.

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

APPROVAL OF MINUTES – The July 18, 2022 minutes were presented for approval. Motion by H. Llewellyn, second by C. Paretti and unanimously carried to approve the minutes of July 18, 2022 as presented.

PAYMENT OF BILLS – The August 15, 2022 bill list was presented for approval. Motion by D. Reed, second by H. Llewellyn and unanimously carried to approve the bill list payment of bills, minus the Eckert-Seamans invoice.

TAX COLLECTOR PRESENTATION – M. Reddick noted there was no response from the tax collector.

REPORTS TOWNSHIP ADMINISTRATION/FINANCE – M. Reddick advised her reports are included in the Commissioners' packets. She informed the Board of an additional ARPA payment of \$952.44 in funding which came from monies returned from businesses and churches that had to be re-distributed. The second ARPA payment in the amount of \$301,237.99 is expected by the end of this year. Barbara Akins will be at the September meeting to present the 2021 audit report. Please email M. Reddick any questions you may have on the final audit report from Ms. Akins, provided in your packet.

M. Reddick advised the paving will begin on Mervine Street in about three weeks. The contractor is waiting on delivery of the replacement storm box. Residents and the bus company will be notified of the start date as there will be a temporary road closure. Tree trimming and dead ash tree removal is on-going.

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

TOWNSHIP SOLICITOR – Solicitor Frey had no formal report at this time and will discuss items later on the agenda. There were no questions for the Solicitor at this time.

TOWNSHIP ENGINEERING AND BUILDING & ZONING – T. Slinkerd noted that LTL Consultants submitted their reports with the standard updates within the Township and pointed out the zoning issues.

COMMITTEE CHAIR REPORTS

OPEN SPACE AND RECREATION – G. Churach submitted his report along with the Public Works report and there were no questions or comments.

FIRE AND AMBULANCE – D. Raudenbush was not in attendance however, he submitted his reports to the Board and there were no comments or questions.

OLD BUSINESS

DISCUSS & CONSIDER APPROVAL TO SUBSTITUTE/ELIMINATE THE SWIMMING POOL IN KUMMERER PHASE 1, POTTS GROVE HUNT – Solicitor Frey explained the request from the developers to eliminate the planned swimming pool. Gabe Clark, Pottsgrove Hunt & Attorney Greg Adelman were present to discuss suggested alternatives. Solicitor Frey suggested tabling this item until the September meeting to allow the developer to meet with staff to provide recommendations. D. Reed asked

if this is the developer who sent a draft lawsuit and M. Reddick said no. D. Wald asked if there are agreements of sale on any of the properties and Mr. Clark said yes, a few. M. Reddick recommended making a trail connection to the proposed municipal complex. Trace asked for Board agreement to table this discussion and all Commissioners concurred.

DISCUSS & CONSIDER APPROVAL OF ESCROW RELEASE NO. 12 FOR POTTS GROVE HUNT – T. Slinkerd advised of the escrow release request and M. Reddick confirmed that the engineer reviewed the request and recommends the escrow release of \$68,821.80. Motion by D. Reed, second by H. Llewellyn and unanimously carried to approve Escrow Release No. 12 For Pottsgrove Hunt in the amount of \$68,821.80.

DISCUSS & CONSIDER APPROVAL OF RESOLUTION NO. 748 AUTHORIZING THE CONDEMNATION OF AN EASEMENT THROUGH THE LAVERTY PROPERTY – T. Slinkerd explained this request for an easement for a trail extension has been discussed for some time with the property owner to no avail. Solicitor Frey explained the only option in acquiring the property is through eminent domain since discussions with the property owner have failed. Motion by C. Paretti, second by H. Llewellyn to approve Resolution No. 748 Authorizing the Condemnation of an Easement through the Laverty Property. There was discussing on when the trail can be used, offering compensation to the owners and costs to the Township. Motion unanimously carried.

DISCUSS AND CONSIDER RESOLUTION NO. 749 REGARDING THE NEW MUNICIPAL COMPLEX – Solicitor Frey explained in detail each section of the resolution. D. Waldt recommended the Board hold a public meeting with residents and Alloy 5. He referenced Section 6 in the Resolution and noted that he is not comfortable with releasing any of his voting powers as a Commissioner. D. Reed noted the resolution starts the process to move forward with the project. C. Paretti suggested waiting to see the contract from Alloy 5 and waiting for engineering costs. T. Slinkerd noted this project has been talked about for over 2 years as part of the sewer sale and communications were always provided to residents. D. Reed suggested establishing a committee to keep project moving forward. Motion by D. Reed, second by H. Llewellyn to approve Resolution No. 749 regarding the new Municipal Complex. Aye votes: D. Reed, H. Llewellyn and T. Slinkerd. Nay votes: C. Paretti and D. Waldt. Motion carried 3 to 2.

DISCUSS & CONSIDER RESOLUTION NO. 750 DISSOLVING THE SEWER COMMITTEE – D. Reed complimented on John Bealer's professionalism and expertise while serving on the Sewer Committee and thanked him for his service. Motion by C. Paretti, second by D. Reed and unanimously carried to approve Resolution No. 750 dissolving the Sewer Committee.

DISCUSS & CONSIDER RELEASE OF THE \$5,000 FINANCIAL SECURITY FOR STORMWATER FOR THE BORTZ PROPERTY – M. Reddick explained residents are required to post a financial security to guarantee that a stormwater facility gets built according to the plans. Once the stormwater facility is completed and the Township Engineer verifies the facility is complete and the Township has final plans along with a stormwater agreement for recording, the financial security can be released. The Township Engineer confirmed that the facility is complete at this location and plans have been received and will be recorded. He recommends release of the financial security. Motion by H. Llewellyn, second by C. Paretti and unanimously carried to approve the release of the \$5,000 Financial Security for stormwater for the Bortz property.

CONSIDER DENIAL OF THE EVANS ROAD TRACT SUBDIVISION (FORMERLY KUMMERER PHASE 2A) SUBJECT TO RECEIPT OF EXTENSION – Solicitor Frey advised that no extension has been received and suggested the Board table this matter for further discussion in Executive Session. All Commissioners concurred.

CONSIDER DENIAL OF THE CHESTNUT GROVE ROAD TRACT SUBDIVISION (FORMERLY KUMMERER PHASE 2B) SUBJECT TO RECEIPT OF EXTENSION - Solicitor Frey advised that no extension has been received and suggested the Board table this matter for further discussion in Executive Session. All Commissioners concurred.

NEW BUSINESS

DISCUSS & CONSIDER APPROVAL FOR POTTS GROVE HS MARCHING BAND TO HAVE MOVIE NIGHT AT THE ALTHOUSE ARBORETUM – M. Reddick explained the details of the event, as a fundraiser for the marching band, to be held on September 25, 2022 from 6:00 PM to 10:00 PM. They are asking permission from the Township as the property is Township owned open space. The Township will require a certificate of insurance from the school district. Solicitor Frey explained the risks involved. G. Churach suggested the school provide traffic control and be responsible to assure children do not wander onto the trails and all remain in the meadow. All agreed these should be conditions. Motion by C. Paretti, second by H. Llewellyn and unanimously carried to approve Pottsgrove HS Marching Band to have Movie Night at the Althouse Arboretum, with conditions.

DISCUSS & CONSIDER RECOMMENDATION ON ZHB #04-2022, DAVID NEWMANN & LAURA WARD, 2086 DETWEILER ROAD – M. Reddick explained this is a variance to the permitted height of an accessory structure. She introduced Attorney Rowan Keenan and applicants David Newmann and Laura Ward who were present to answer any questions concerning their application. Solicitor Frey outlined the application. D. Waldt asked if the height of the proposed structure will impair any line of sight of any neighbors. Mr. Newmann answered no. D. Waldt noted a bathroom on the proposed plan and expressed concerns whether the current septic could accommodate. Mr. Newmann stated they will need to install a new septic system. H. Llewellyn asked if the elevation of new building is higher or lower than the existing house. Mr. Newman stated it will be higher. Motion by D. Reed, second by C. Paretti and unanimously agreed to recommend support of the application to the Zoning Hearing Board.

TAX COLLECTOR – Diane DeLong asked to make a statement: As you know, I am an elected independent tax collector subject to an audit which is done yearly by the Township. You also know that I did not agree to give a presentation or answer questions at the meeting. Any questions you may have I suggest you put them in writing to me. Thank you.

PUBLIC COMMENTS – Solicitor Frey clarified what can and cannot be addressed in public comment. By law the minutes simply have to include the actions of the Board, what motions happened and what occurred. Concerning questions and answers, you are allowed to ask questions, what is not required is that answers will be forthcoming. This is not a time for debate. The more appropriate way to ask questions is to put them in writing to the Board.

Jim Capinski, 1958 Yarnall Road made a comment about the Board room setup.

G. Churach informed residents and Commissioners that there will be a public meeting on Wednesday, August 17, 2022 at 7:00 pm to take input on the proposed Master Plan for Hollenbach Park.

Leighanne Hertzog, Summer Grove Lane, suggested the items be shown on the screen for the audience to see. T. Slinkerd advised they will make sure this is working for the next meeting as we have had some technical difficulties.

Mindy Lipsky, Pine Street, introduced herself as the new Executive Director of the Pottstown Public Library. They are under new leadership and have many new programs and look forward to working with the Township to serve the community as best they can.

COMMISSIONER COMMENTS

H. Llewellyn commented that residents are concerned about asking questions at our meetings. He advised that he believes residents should be able to ask questions but there should be a time limit of three (3) minutes per individual and a total of fifteen (15) for all comments. He also suggested that if there are matters which cannot be resolved, the Board should consider a special meeting for further discussion.

T. Slinkerd commented that the best way to engage with the Commissioners is to contact any of them one-on-one to discuss the issues and can bring other people into the discussion. He agrees with the three minute time limit at a meeting and the Board has always taken comments from all who wished to be heard.

D. Reed commented that questions have been raised in several board meetings and outside this venue that the Board is not engaging the public enough and he feels that is true. It is because most of the business is executive and it is unfortunate however, the Board is getting things done.

Motion by H. Llewellyn, second by D. Reed that during the Commissioners Comments portion of the Board meetings allow residents three (3) minutes to ask general questions at the meetings. All aye votes.

Motion by C. Paretti, second by H. Llewellyn and unanimously carried to add time for resident's questions to future Board agendas.

EXECUTIVE SESSION – The Board convened in Execution Session at 8:06 PM to discuss matters of litigation, personal and collective bargaining with possible action to follow. Executive Session concluded at 9:13 PM.

There was a motion by C. Paretti, second by H. Llewellyn to approve the Eckert-Seaman invoice, earlier by motion removed from the Bill List, for payment in the amount of \$10,000. Aye votes: C. Paretti, H. Llewellyn and D. Waldt. Nay votes: D. Reed and T. Slinkerd. Motion carried 3 to 2.

The Board voted to deny the Evans Road Tract Subdivision (formerly Kummerer Phase 2A) and the Chestnut Grove Road Tract Subdivision (formerly Kummerer Phase 2B) if the applicant does not provide a valid written extension by August 27, 2022. The reasons for denials are: (1) the Township's time period to act will expire on August 28, 2022; and (2) the failure of the plans to meet the requirements of the Upper Pottsgrove Township Subdivision and Land Development Ordinance as set forth in the most recent review letters.

The Board convened again into Executive Session at 9:20 pm to discuss a personnel matter with no action to follow.

ADJOURNMENT – Executive Session concluded, and the meeting was adjourned at 9:45 PM.

Respectfully submitted,


Jeannie DiSante
Township Secretary