

**UPPER POTTS GROVE TOWNSHIP
BOARD OF COMMISSIONERS
February 21, 2023**

The regular meeting of the Upper Pottsgrove Township Board of Commissioners was held on Tuesday February 21, 2023 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 Director Chad Davis, Solicitor Jon Young, Attorney Celso Leite, Jr. and Township Secretary Jeannie DiSante.

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

BOARD REORGANIZATION, VICE PRESIDENT – D. Reed nominated H. Llewellyn for Vice President. There were no other nominations. H. Llewellyn accepted the nomination and the vote was unanimous to appoint H. Llewellyn to the position of Vice President of the Upper Pottsgrove Township Board of Commissioners.

APPROVAL OF MINUTES – The January 17, 2023 minutes were presented for approval. Motion by D. Read, second by H. Llewellyn and unanimously carried to approve the minutes of January 17, 2023 as presented.

PAYMENT OF BILLS – The February 21, 2023 bill list was presented for approval. Motion by D. Waldt, second by H. Llewellyn and unanimously carried to approve the payment of bills list of \$239,882.91.

REPORTS TOWNSHIP ADMINISTRATION/FINANCE – Manager M. Reddick advised her reports are included in the Commissioners' packets. The January 31, 2023 financial report was submitted. A final 12/31/2022 report will be submitted when the final audit is complete.

CHIEF OF POLICE – Chief J. Fisher submitted his report to the Board and there will be interviews coming up the first week of March for applicants for police officer positions.

PUBLIC WORKS – Director C. Davis advised his report was submitted to the Board and informed the Board that the Vale Circle storm water project is complete.

TOWNSHIP SOLICITOR – Solicitor Young had no formal report noting there will be executive session items on litigation among other issues.

TOWNSHIP ENGINEERING AND BUILDING & ZONING – T. Slinkerd acknowledged LTL Consultants submitted their reports with the standard updates and M. Reddick pointed to numerous zoning violations.

TAX COLLECTOR - T. Slinkerd acknowledged the Tax Collector's report in their packets.

COMMITTEE CHAIR REPORTS

OPEN SPACE AND RECREATION – G. Churach advised his report is in the packets and the committee is asking approval on two items later on the agenda.

FIRE AND AMBULANCE – D. Raudenbush submitted his reports and there were no comments.

OLD BUSINESS

DISCUSS & CONSIDER RESOLUTION NO. 757 APPROVING THE POLICE CONTRACT – Motion by C. Paretti, second by H. Llewellyn and unanimously carried to approve Resolution No. 757 approving the police contract.

DISCUSS & CONSIDER APPROVAL OF ESCROW RELEASE NO. 17 FOR POTTS GROVE HUNT – Due to a conflict between Artisan Development Co. and Pottsgrove Hunt, M. Reddick recommended withholding two payments totaling \$82,500.00 made to the Township per Resolution No. 705 from the developer for Pottsgrove Hunt. She recommends a release of \$134,121.00. Motion by C. Paretti, second by H. Llewellyn to approve an escrow release of \$134,121.00 for Pottsgrove Hunt. D. Read said a few months ago the developer asked to meet with the Commissioners two at a time to help get approval for Phase II so Phase I can be completed in a financially responsible way. He wants to be sure the Township is not returning funds that it will need to ask for later in the development approval process. Votes on the motion, ayes: T. Slinkerd, C. Paretti, D. Waldt, H. Llewellyn. Nays: D. Read. Motion carried 4-1.

DISCUSS & CONSIDER APPROVAL OF CONTRACT WITH POND WORKS FOR MAINTENANCE OF SUNSET PARK POND – Motion by H. Llewellyn, second by C. Paretti and unanimously carried to approve a contract with Pond Works in the amount of \$4,287.50 for maintenance of the Sunset Park pond.

NEW BUSINESS

DISCUSS & CONSIDER APPOINTMENT TO VACANCY BOARD – T. Slinkerd explained the nominee is David Stockman for a term of one year. Motion by H. Llewellyn, second by D. Read to appoint David Stockman to the Vacancy Board for a term of one year. C. Paretti asked if the Commissioners should have a chance to interview nominees. T. Slinkerd said Commissioners should ask for an interview and the nominee's information were provided in the Board's packets. Motion unanimously carried.

DISCUSS & CONSIDER APPROVAL OF THE INTERGOVERNMENTAL AGREEMENT WITH POTTS GROVE SCHOOL DISTRICT FOR THE FALCON TRAIL – M. Reddick explained the Township received a donation from Tri-County Community Network. The Township has been working with the school district to build a trail on the middle school property that will connect Hollenbach Park to the Coddington View Development. The agreement has been approved by the school district and they will be responsible for the ongoing maintenance of the trail on their property. Motion by C. Paretti, second by D. Read and unanimously carried to approve the intergovernmental agreement with Pottsgrove school district for the Falcon Trail.

DISCUSS & CONSIDER RESOLUTION NO. 758 AUTHORIZING THE SUBMISSION OF A MONTCO 2040 GRANT APPLICATION FOR HOLLENBACH PARK – M. Reddick said this is for Phase I of the recently approved Master Plan. Motion by C. Paretti, second by H. Llewellyn and unanimously carried to approve Resolution No. 758 authorizing the submission of a Montco 2040 grant application for Hollenbach Park.

DISCUSS & CONSIDER APPROVAL OF THE DESIGN WORK FOR THE PINE FORD ROAD STORM WATER PROJECT & AUTHORIZE THE UTILIZATION OF \$300,000 IN ARPA FUNDING FOR THE PROJECT

– M. Reddick explained the concept plan submitted for the storm water improvements on Pine Ford Road where the Kummerer developer is obligated to pave the road. Prior to the final paving coat later this year or early next year, the Township needs to improve the storm water issues along the roadway. The approval request is for items B & C of which the cost will be approximately \$400,000.00 and to authorize LTL to prepare the design for the project. The Township will use \$41,250.00 from Pottsgrove Hunt per Resolution No. 705 which must be used for storm water reduction, along with asking for authorization to utilize \$300,000.00 of the American Rescue Plan Act (ARPA) funds for this project. Motion by H. Llewellyn, second by D. Waldt and unanimously carried to approve the engineering design work for the Pine Ford Road storm water project & authorize the utilization of \$300,000 in ARPA funding for the project.

PUBLIC COMMENTS

Herbert C. Miller, Jr., 184 Mangers Mill Road commented on the use of open space.

Michael Clouser, 390 Evans Road commented on preserving open space and farming.

Dave DeLong, 1527 Schwenk Road referenced the Mercury newspaper article from Dave Smola.

Jim Capinski, 1958 Yarnall Road takes offense to information posted on the website.

Liz Bedell, 1461 Farmington Avenue commented on preserving open space and suggests building on the 1420 Heather Place property.

Robert Sloss, 2097 Needhammer Road tried convincing voters at the polls not to vote for open space taxes; cost for litigation should be borne by Commissioners who voted for it.

Tom Ziegler, 297 Continental Drive concerned that public sewer will not be installed.

Barbara Borger, 265 Concord Drive commented on using 1420 Heather Place for municipal complex.

Joe McNichols, 203 Mangers Mill Road thanked the Commissioners for their hard work in a thankless job and would want open space preserved and former owner's wishes honored.

Al Leach, 1466 Sweetwater Way is concerned the Board does not care about the residents and questions who they represent.

Martin Schreiber, 138 Rose Valley Road commented that when he was on the Board but did not know which property the Township would be using for the municipal complex.

Jonathan Bortz, Gross Road thanked the Board and asked that they be mindful of the money that will be spent on the new municipal complex.

Michelle D'Alessandra, 1530 Aspen Drive asked why the Board is using taxpayer dollars to build on open space and for legal fees.

COMMISSIONER COMMENTS

T. Slinkerd said the Commissioners will try to answer questions presented. Letters were sent out as to what the Township was planning, to residents in October 2022 following up on letters sent in 2020 when the sewer system was approved to be sold. A building study in 2018 showed it would cost more to repair existing buildings than to build new. The sewer system was sold to eliminate risks of the main system breakdowns & continual pump issues due to the age of the system. The pension funds were severely underfunded and the Township was carrying 8M in total debt including four bonds, one of which was used to purchase open space. The Township currently has approximately three hundred acres of open space. Finally, part of the sewer sale funds was for replacing the aged municipal buildings. After paying the debts and funding the pensions, the Board has invested the remaining funds and is earning interest. During Board Chairman, Trace Slinkerd's comments, Matt Murray of 1530 Aspen Drive, spoke without recognition and was out of order. After Mr. Murray's statement, T. Slinkerd asked Mr. Murray if he had any knowledge of an anonymous letter mailing campaign that had no return address or identification of who the sender or senders was or were. The letter campaign erroneously conveyed that the Township was going to build a complex on 35 acres; a second enclosure stated the Township was using 10 acres. The Township is using approximately 1.2 acres as of the last statement from the engineers. In response to T. Slinkerd's question, Mr. Murray denied in public that he had any knowledge of the letter campaign. Mr. Murray is a plaintiff in a law suit against the Township regarding the municipal building plan.

D. Read commented the 2018 building study is public information and an easy fifty page read for anyone interested. The Township not only needed to be remodeled but also expanded. Heather Place is too small for Township needs and too costly to build up rather than out. The Smola parcel is NOT deed restricted or permanently preserved open space. It is currently being leased to farmers for business purposes; 29 of the 35 acres for \$1,500.00 a year. There is no real access to the property however, building the complex will create access and possible use as park or trails other than growing soybeans.

C. Paretti commented on open space uses as active, passive and private. She would have no issue with trails going through and a nice building that fits with the landscape. It was the process that is the issue that got us to this point without having public meetings specifically concerning the building location.

D. Waldt commented that he was originally in agreement with building on the location however, now that residents have voiced their disapproval, he agrees with them.


H. Llewellyn commented he has only been on the Board for a year and understands this has been ongoing for many years, since Commissioner Taylor was on the Board. His first question to the attorneys, and asked twice again, can the Township legally build there and the answer was yes. He has asked about 70 or 80 people, who do not know he is a Commissioner if they are agreeable to the new municipal building on public land and only a handful were against it. He is in favor of moving forward with the plan.

T. Slinkerd thanked the residents and encouraged them if they want more time, to reach out to plan with two Commissioners to sit down and discuss this issue.

EXECUTIVE SESSION – The Board convened in Execution Session at 8:29 PM to discuss the litigation and contracts with no action to follow. The Board reconvened at 9:09 PM.

ADJOURNMENT – The meeting was adjourned at 9:10 PM.

Respectfully submitted,


Jeannie DiSante, Township Secretary