

**UPPER POTTS GROVE TOWNSHIP  
BOARD OF COMMISSIONERS  
July 17, 2023**

A regular meeting of the Upper Pottsgrove Township Board of Commissioners was held on Monday July 17, 2023 at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Commissioners Trace Slinkerd, Hank Llewellyn Cathy Paretti, Dave Waldt, and Don Read present. Also present were Township Manager Michelle Reddick, Police Chief James Fisher, Solicitor Eric Frey, Attorney Celso Leite, Jr., Township Secretary Jeannie DiSante. Public Works Director Chad Davis was not in attendance.

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

Solicitor Frey announced there was an Executive Session held on May 18, 2023. The Board discussed real estate and litigation matters.

**PUBLIC COMMENT ON AGENDA ITEMS** – Solicitor Frey addressed the audience requesting respect and restraint asking that they direct their comments to the Commissioners. Comments are welcomed from residents and taxpayers and are limited to three (3) minutes.

Jim Capinski, 1958 Yarnall Rd requested a correction in the June 19, 2023 minutes. He was not criticizing elected officials for changing their minds. He found a letter wherein an elected official was criticizing a Board member for changing their mind.

Commissioner Waldt questioned why the minutes were changed with regard to the building site selection committee. The Solicitor explained a second version was submitted to the Board to clarify the discussion on voting on Resolution 703 with reference to a Board majority.

**APPROVAL OF MINUTES** – The June 19, 2023 minutes were presented for approval. Motion by H. Llewellyn, second by T. Slinkerd to approve the second version of the minutes of June 19, 2023 with a change to Mr. Capinski's comment. Aye votes: T. Slinkerd, D. Read, H. Llewellyn. Nay votes: C. Paretti, D. Waldt. Motion carries 3-2.

**PAYMENT OF BILLS** – The June 19, 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 \$342,959.17.

**REPORTS TOWNSHIP ADMINISTRATION/FINANCE** – Along with the reports submitted to the Board, Manager Reddick clarified for the Board that contrary to what was stated on social media, Linda Coleman retired from Upper Pottsgrove Township. She did not resign. The Board was advised, as a member of the Pennsylvania Municipal Health Insurance Cooperative for medical, dental and vision care, that some years the Township receives part of their surplus. None was received last year; this year the Township received \$24,407.00 for the first surplus claim fund distribution.

**CHIEF OF POLICE** – Chief J. Fisher wished to recognize Officers Farrell and Zoski for their response to a residence on Fallbrook Lane for an individual in cardiac arrest. Upon arrival Officer Farrell placed the person on the ground and started CPR while Officer Zoski retrieved the AED. A shock was administered and the individual regained a pulse and began labored breathing. After several minutes the individual was talking and was transported to the hospital. There will be formal recognition of these officers in the future.

The Department is utilizing the current eligibility list with the goal of filling current vacancies by August 2023. Chief Fisher is hopeful that late August or September he will be able to do a badge presentation for two new officers.

**PUBLIC WORKS** – Director Davis was on vacation though he submitted his report to the Board.

**TOWNSHIP SOLICITOR** – Solicitor Frey had no formal report noting there will be executive session items on real estate matters, litigation and personnel issues.

**TOWNSHIP ENGINEERING AND BUILDING & ZONING** – T. Slinkerd acknowledged LTL Consultants submitted their reports and M. Reddick noted the amount of permits being processed vs. previous years.

**TAX COLLECTOR** – T. Slinkerd noted the Tax Collector report was submitted to the Board.

### **COMMITTEE CHAIR REPORTS**

**OPEN SPACE AND RECREATION** – G. Churach submitted his report to the Board noting that the committee discussed a sign proposal from Tower Health for Prout Farm Gardens. He wanted to recognize the public works department for their outstanding work.

**FIRE AND AMBULANCE** – D. Raudenbush, though not in attendance, submitted his reports to the Board. M. Reddick noted she is working with Don to rectify the issues in the firehouse including getting quotes to repair the roof and installing air conditioning. Fire Chief Matt Galamba also announced the department is waiting for a grant/donation for smoke detectors from various manufacturers. Once received, the department will be doing a Smoke Detector Blitz going door-to-door supplying smoke detectors to those homes that do not have any.

**PRESENTATION BY MASTER VENTURES OF A SKETCH PLAN FOR POPLAR STREET & FARMINGTON AVENUE** – Dan Rowley, representing Master Ventures and Roger Lehman and Peter Castanza from All County explained the details of the sketch plan and proposed zoning change for their project. The developer has been working on this for two years. There was discussion with the Solicitor and Board and no action was taken.

**PRESENTATION BY STEEL SAFE FOR LAND DEVELOPMENT PLANS FOR 1178 COMMERCE DRIVE** – Attorney Richard Almquist, representing Steel Safe Storage Solutions addressed the Board explaining the personal site storage facility proposed for this location. Their intent is to repurpose 20' and 40' shipping containers placed side by side in rows rather than building storage structures. There was discussion on the details, LTL's review letter, sanitary facilities and security along with other issues. No action was taken by the Commissioners.

### **OLD BUSINESS**

**DISCUSS & CONSIDER RESOLUTION NO. 760 FOR STERN NESTER SUBDIVISION APPROVAL** – M. Reddick explained this is a two-lot subdivision off of Mock Road that has been reviewed by the Township engineer and the County. Motion by D. Read, second by C. Paretti and unanimously carried to approve Resolution No. 760 for the Stern Nester Subdivision.

**DISCUSS & CONSIDER RESOLUTION NO. 761 FOR HOFFMAN SUBDIVISION**

**APPROVAL** – M. Reddick explained the minor subdivision on Pine Ford Road is for the pump station property the Township has to acquire, which was previously an easement, in order to convey the property to PA American Water. This is needed to finalize the purchase of the land. It was reviewed by the County and Township engineer. Motion by D. Waldt, second by H. Llewellyn and unanimously carried to approve Resolution No. 761 for the Hoffman Subdivision.

**DISCUSS & CONSIDER AMENDED ZHB APPLICATION #04-2023 FOR CARMELLO EDWARD PICONE, JR. FOR 0 YARNALL ROAD**

– M. Reddick reminded the Commissioners they reviewed this application in June for parcel 600001397001. The applicant has amended their application and is asking for a special exception and a variance. The hearing is scheduled for Tuesday July 18<sup>th</sup> at 7:00 PM. The Board can decide to take no action, oppose the application, or make a recommendation to the ZHB to approve the application.

- Commissioner Read commented his decision is no to the 35' right-of-way and asked the solicitor to send a letter of opposition to the ZHB
- Josephine Klass, 2086 Yarnall Road expressed concern for the water runoff, animal habits and neighbor's concern who could not attend
- Paul Gerhart, 2048 Yarnall Road commented on water runoff and the location of the proposed septic system
- Joe Gangi, 1998 Yarnall Road commented on stormwater runoff, the history of the tract developments and self-created hardship, the plan shows underground transformer located where stormwater flows off the property.

Solicitor Frey reminded the audience that Commissioners can only make a recommendation. The Zoning Hearing Board, meeting tomorrow night, will make the decision and he encouraged the people commenting to attend that hearing to voice their concerns.

- Danni Malinski, 1998 Yarnall Road commented on the spray septic system run off, the noise and the smell, endangered species of animals, loss of more trees that take up water.
- Carmelo Piccione, Jr., owner of 0 Yarnall Road thanked everyone for their comments. He is trying to build everything the right way using engineers and contractors professional in their fields. He spoke on the placement of the septic and stormwater drains, natural habits and is available to speak to anyone further on this.
- D. Read spoke on the NPDES permitting process and a longer driveway.

After a discussion there was a motion by D. Read, second by H. Llewellyn and unanimously carried to authorize the Solicitor to write a letter to the Zoning Hearing Board in opposition to the application.

**NEW BUSINESS**

**DISCUSS & CONSIDER APPOINTMENT OF LITIGATION COUNSEL** – Solicitor Frey explained Board has expressed desire to have special counsel appointed for the development of the municipal complex on the Smola farm. There has been discussion with Attorney Bellwoar who already provides services to the Township to take over the litigation matter. C. Paretti and D. Waldt said they knew nothing about this change in legal counsel. The Solicitor said Attorney Bellwoar contacted his office. D. Read wants to move this along faster to get to the legal truth. D. Waldt merely wants to be included in discussions. C. Paretti said to pick another location to avoid all litigation. H. Llewellyn wants a second opinion.

Motion by H. Llewellyn, second by D. Read to appoint Attorney Bellwoar as special counsel for litigation on the municipal complex location on the Smola farm parcel. Ayes: T. Slinkerd, D. Read, H. Llewellyn. Nays: C. Paretti, D. Waldt. Motion carried 3-2.

**DISCUSS & CONSIDER RATIFYING GRANT APPLICATION TO PENNDOT FOR ARLE FUNDING FOR GILBERTSVILLE ROAD PEDESTRIAN CROSSING** – M. Reddick explained the grant from PennDOT is the ARLE Grant for funding the Gilbertsville Road Pedestrian crossing at the Althouse Arboretum. Due to timing deadlines, the application had to be submitted before authorization from the Board. If approved there will be minimal cost to the Township. Motion by C. Paretti, second by H. Llewellyn and unanimously carried to ratify the grant application to PennDOT for ARLE funding for Gilbertsville Road pedestrian crossing.

**DISCUSS & CONSIDER APPROVAL OF THE PLANNING MODULE FOR 0 YARNALL ROAD** – T. Slinkerd noted this is the same property as previously discussed however, this is only on the sewer planning module. He noted the County agreed to the planning module.  
- Joe Gangi – commented you cannot read the plan due to small print and could not get a copy. He read a petition signed by area residents to have the engineers go to each of their properties to see the stormwater runoff and he wanted to give to the Commissioners. Solicitor Frey explained the Commissioners are not approving the plan, they recommend merely moving it along to the County. He also said the plan is copyrighted and not available to the public. Ms. Malitzke suggested contacting Mack Engineering and they will provide a full copy free of charge.

Motion by C. Paretti, second by H. Llewellyn and unanimously carried to authorize the execution of the sewage facilities planning module for 0 Yarnall Road for submission to the PADEP. D. Read commented on Section F that this was subdivided as a non-building lot. Also, Section G3C no individual residence spray irrigation systems are proposed to serve this property.

**DISCUSS & CONSIDER PURCHASE OF NEW POLICE VEHICLE** – Police Chief Fisher offered that he is asking approval to retire the 2013 Dodge Charger with 110,000 miles on it and approval to spend up to \$42,250.00 to replace it with another Dodge Durango. He looked for a hybrid and there are none available and no one knows when they might be made available. Once the 2013 is stripped, it will be put up for sale on Municibid. Motion by H. Llewellyn, second by D. Waldt and unanimously carried to approve the purchase of a new police vehicle not to exceed \$42,250.00.

**DISCUSS & CONSIDER APPROVAL OF RETENTION BONUS FOR POLICE OFFICERS** – Police Chief Fisher thanked the Board for the police vehicle approval. As part of the PCCD grant, a portion of it was for a retention bonus for police officers. If an officer accepts the bonus, they commit to staying with the Township for one year. The grant is available for up to ten officers. It is processed through payroll then reimbursed through PCCD at no cost to the Township. Motion by H. Llewellyn second by D. Read and unanimously carried to approve the retention bonus for police officers.

**DISCUSS & CONSIDER ZHB APPLICATION NO. 05-2023 FOR BENJAMIN F. CARTWRIGHT, 823 FARMINGTON AVENUE** – M. Reddick explained the property owner is looking for a variance to permit the single-family dwelling to be converted into a 2-unit dwelling. The Commissioners concurred to take no action and allow the zoning hearing board to make the decision.

**DISCUSS & CONSIDER APPROVAL OF RESOLUTION NO. 762 REGARDING 168 MAUGERS MILL ROAD**

– Solicitor Frey explained the Township is attempting to obtain an easement to connect two areas of Township property where use had previously existed. The efforts to get that done without moving forward with eminent domain have stalled. To bring this to a conclusion this resolution has been prepared which will allow the Township to proceed with eminent domain if the property owner does not sign the necessary documents by 09-01-2023. The property owner addressed the Solicitor and the Board stating he had never received the documents. He further argued with the Solicitor and was escorted out of the meeting room. Solicitor Frey said the owner was sent papers to sign numerous times, refused, made changes at least four times and still refuses. The Township has the right to take the property for Township purposes and he will be compensated for it. C. Paretti explained talking to him numerous times and was given several offers. The Fox Hill Trail would have to be shut down without this easement. D. Read said the offers were very generous and he commended everyone who worked to bring this to the table. Motion by H. Llewellyn, second by D. Read and unanimously carried to approve Resolution No. 762 regarding 168 Maugers Mill Road. The Board instructed the Solicitor to send a registered letter with all the changes once more, giving the owner the deadline of 09-01-2023 to sign.

**OTHER PUBLIC COMMENT** – The following residents commented their various opinions and concerns on building the Municipal Complex on open space and other items:

- Robert Sloss, 2097 Yarnall Road expressed concern about abundance of land development.
- Rich Kummerer, 1306 Farmington Avenue expressed concern about the proposed container business and stormwater issue as well as the proposed development off Farmington Avenue and traffic issues.
- Nancy Baker, 2019 Mimosa Lane spoke on their group formed to keep open space open asking everyone to speak kindly and work together to move forward on the municipal complex.
- Jim Capinski, 1958 Yarnall Road commented on not seeing questions added to the meeting agenda. Concerning development behind the Citadel bank, he thought the Board promised residents on State Street there would be no through traffic into Upland shopping center. He asked are storage units taxable real estate.
- Martin Schreiber, 138 Rose Valley Road thanked Linda Coleman for her service.
- Patti Grimm, 1477 Heather Place asking for everyone to work together for the betterment of the community.
- Richard Williams, 296 Continental Drive spoke on a representative republic government vs. an oligarchy. T. Slinkerd defended Upper Pottsgrove's type of government rule as stated previously.

**COMMISSIONER COMMENTS**

The Commissioners continued to debate the issue of forming a building site selection committee with no agreement reached.

**EXECUTIVE SESSION** – The Board convened in Execution Session at 9:29 PM to discuss real estate, litigation and personnel with no action to follow.

**ADJOURNMENT** – The meeting was adjourned at 9:29 PM.

Respectfully submitted,

  
Jeannie DiSante, Township Secretary