

**UPPER POTTS GROVE TOWNSHIP
BOARD OF COMMISSIONERS
June 19, 2023**

A regular meeting of the Upper Pottsgrove Township Board of Commissioners was held on Monday June 19, 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, Public Works Director Chad Davis, Solicitor Eric Frey, Attorney Celso Leite, Jr., Township Secretary Jeannie DiSante.

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

PUBLIC COMMENT ON AGENDA ITEMS – Solicitor Frey addressed the audience requesting respect and restraint asking that they direct their comments to the Commissioners. Martin Schreiber 138 Rose Valley Road commented on Township Resolution No. 760.

APPROVAL OF MINUTES – The May 22, 2023 minutes were presented for approval. Motion by D. Read, second by H. Llewellyn and unanimously carried to approve the minutes of May 22, 2023 as presented.

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 \$299,103.26. C. Paretti questioned details on certain bills. M. Reddick noted there is no room to input many details on memo lines and invited her to review any bills at the Township office.

REPORTS TOWNSHIP ADMINISTRATION/FINANCE – Along with the reports submitted to the Board, Manager Reddick advised the Commissioners that a part-time summer employee was hired for the public works department. Noted in her report, there are many activities in planning and zoning and the staff is reviewing some sketch plans that were recently submitted.

CHIEF OF POLICE – Chief J. Fisher announced he and Manager Reddick attended the Civil Service meeting and the list for eligible police officers was approved. He will work from this list to fill the current vacancy and testing was approved for this fall.

PUBLIC WORKS – Director C. Davis advised there are road projects to be considered for approval later on the agenda. There were no questions at this time.

TOWNSHIP SOLICITOR – Solicitor Frey had no formal report noting there will be executive session items on real estate matters and litigation. D. Read ask questions concerning the right-to-know (RTK) rules.

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 advised there is no report since the Board did not meet last month.

FIRE AND AMBULANCE – D. Raudenbush submitted his reports to the Board noting they are sponsoring a car show at the Middle school in September.

PRESENTATION OF THE 2022 AUDITED FINANCIAL STATEMENT – Auditor Barbara Akins was unable to attend the meeting. The item was tabled.

PRESENTATION BY GAMBONE DEVELOPMENT OF A SKETCH PLAN FOR 1097 N. STATE STREET – Stephen Kalis, an attorney for the Gambone Development Company addressed the Board with details of a proposed land development project, located across from Upland Square mall, that received approval in 2017 however, that plan was put on hold. There are now new ideas and concepts for this project. Joseph Gambone and his project engineer presented an overview of the proposed project that is approximately 23 acres of which 17 acres are in West Pottsgrove Township. Several “users” in place are a church, coffee shop, automotive repair business, car wash, upscale grocer, and Taco Bell. The engineer spoke to the cohesiveness between West and Upper Pottsgrove and their respective ordinances in making it a unified center. He reviewed a request to amend the Route 100 overlay district, zoning uses and regulations, stormwater issues and building setbacks for each user.

OLD BUSINESS

DISCUSS & CONSIDER APPROVAL TO ADVERTISE HEARING ON ZONING CHANGE REQUEST SUBMITTED BY D & D COLLISION – Solicitor Frey explained the request is to change the existing zoning to match their current use. An ordinance needs to be drafted and sent for review to the County Planning Commission, have a public hearing then the Board would decide on adopting the zoning change. Motion by H. Llewellyn, seconded by C. Paretti and unanimously carried to approve drafting an ordinance amendment and advertising a hearing on the zoning change request by D & D Collision.

NEW BUSINESS

DISCUSS & CONSIDER AWARDING BID FOR THE 2023 ROAD PROJECTS – M. Reddick stated public works Director C. Davis wrote the bid specifications and put the packages together for advertising. They were advertised on PennBid and she and the Director attended the bid opening on June 16, 2023 at 1:00 PM. Martin Paving was the low bidder on the oil & chip project. Motion by D. Read, second by H. Llewellyn and unanimously carried to award the 2023 Oil & Chip Road Project to the low bidder Martin Paving for the bid price of \$70,548.41 subject to review of the bids by the Solicitor. Motion by C. Paretti, second by D. Waldt and unanimously carried to award the 2023 Road Paving Project to low bidder Sacks & Sons for the bid price of \$178,726.94 subject to review of the bids by the Solicitor.

DISCUSS & CONSIDER AWARDING BID FOR THE SPROGEL’S RUN TRAIL PROJECT – M. Reddick read a letter from the Open Space Board concerning the benefits of paving some trails. The Township received three bids on this project and the lowest bidder was Construction Master Services, LLC for \$63,037.60. She noted the Township received a \$32,000 grant from Pottstown Area Health & Wellness and a \$25,000 grant from David Yeck Foundation so the final cost to the Township is \$6,037.00. Motion by H. Llewellyn, second by C. Paretti to award the Sprogel’s Run Trail project to Construction Master Services, LLC for the low bidder price of \$63,037.60 subject to review of the bids by the Solicitor. Aye votes were T. Slinkerd, D. Waldt, C. Paretti, H. Llewellyn. D. Read abstained. Motion carries.

DISCUSS & CONSIDER APPROVAL TO HIRE DRUMHELLER CONSTRUCTION FOR THE FALCON TRAIL PROJECT – M. Reddick noted the Township received a grant for \$12,500 to provide a loop trail on the Pottsgrove Middle School property that would connect to Hollenbach Park. Drumheller Construction submitted the lowest quote of \$12,300 on this project. The Township has an agreement with the school district that they will maintain this trail. Motion by C. Paretti, second by H. Llewellyn and unanimously carried to hire Drumheller Construction for the Falcon Trail Project for the lowest quote price of \$12,300.

DISCUSS & CONSIDER APPROVAL OF RESOLUTION NO. 760 APPROVING THE MONTGOMERY COUNTY HAZARD MITIGATION PLAN – T. Slinkerd gave a brief summary of the resolution. Motion by D. Read, second by H. Llewellyn to table the vote for more time to read the 100+ pages of the mitigation plan. Motion unanimously carries.

DISCUSS & CONSIDER APPROVAL TO PURCHASE CAMERAS & NETWORK HARDWARE FOR THE FIRE COMPANY – M. Reddick explained the President of the Fire Company garnered three quotes to purchase and install a cloud-based camera system with WIFI upgrades. The lowest quote was from Top Tech Integrators is \$14,850. This would be paid out of the Fire Fund account for which there are budgeted funds. Motion by D. Walddt, second by C. Paretti and unanimously carried to approve the purchase of cameras & network hardware by the fire company for \$14,850.00 from Top Tech Integrators.

DISCUSS & CONSIDER RECOMMENDATION ON ZONING HEARING BOARD APPLICATION NO. 04-2023 FOR CARMELO EDWARD PICONE AT 0 YARNALL ROAD – M. Reddick explained this application is before the zoning hearing board (ZHB) for a vacant property on Yarnall Road located in the R-1 zoning district. The owners are asking for a special exception to permit the construction of a single-family dwelling on a flag lot. The Board has the option of making a recommendation to the ZHB for approval, express any concerns or take no action. The Hearing is scheduled for July 18, 2023 at 7:00 PM in the Township meeting room. Joseph Gangi, 1998 Yarnall Road commented there was improper notice given for the hearing and he presented a ravaged piece of paper that was the posted notice. He picked it up out of the road gutter seeing clerical errors stating 2022 and #0 Yarnall Road which doesn't exist and neighbors do not know parcel numbers. He wishes to apply for an extension for the hearing. M. Reddick explained how to apply for an extension for correct notification of the hearing. Additionally, there are issues with water runoff from this property effecting multiple adjoining neighbors, and septic issues. Commission Read commented that he is aware of these issues as his property borders this property. M. Reddick commented that the owners have a sewer planning module which will be submitted to the Board for approval and a stormwater and grading plan being reviewed by the Township Engineer. Josephine Klass, 2086 Yarnall Road commented on the severe water runoff onto her property. Solicitor Frey strongly urged the residents effected by the issues of this property to attend the ZHB meeting on July 18th to express their concerns. The Commissioners concurred to take no official action however they want to compel the ZHB to listen to the residents' concerns.

DISCUSS & CONSIDER APPROVAL OF RESOLUTION TO ESTABLISH THE BUILDING SITE SELECTION COMMITTEE – DISCUSS & CONSIDER APPROVAL OF RESOLUTION TO ESTABLISH THE BUILDING SITE SELECTION COMMITTEE – Solicitor Frey spoke to the legalities of Board members serving on committees with reference to a Township Resolution prohibiting the same. A Resolution was drafted so the Committee will be in compliance with the Township codes. This is a temporary committee for the purpose of doing property searches for building sites that were not available prior to the selection of the Evans Road

property. He reviewed each section of the Resolution with the Board. The Commissioners discussed the items listed in the Resolution and what changes would be acceptable to everyone regarding what was originally agreed upon when setting up the building site selection committee. There was discussion as to what has already been accomplished by the two appointed committee members along with the Township Manager and an engineer and what they want to do going forward. Suggested changes to the Resolution were discussed including that C. Paretti and D. Waldt will not be voting members of the committee but would act as liaisons and an application for prospective candidates for the committee would be completed. Motion by D. Waldt, second by H. Llewellyn and unanimously approved to adopt Resolution No. 760 to establish a building site selection committee with changes reflecting the comments as discussed. The Board was further advised that the resolution would only be effective if a majority of the commissioners agree with the proposed adjustments as drafted and circulated by the solicitor. If the draft is not approved, then the motion to approve the resolution would be void.

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

- Renee Spaide, 1979 Yarnall Rd. commented concerning the municipal complex on the actions and reactions of the residents being more about hatred for Board members than about the Smola property. Personal attacks on current and past Commissioners are unacceptable. The leadership on this Board is exemplary with a proven winning track record.

- Greg Delp, 2164 Horseshoe Dr. commented in support of the Smola property location for the municipal complex pointing out the abundance of open space available vs. spending taxpayer dollars to purchase property. The negative behavior of residents attacking the character and military career of Board members is unconscionable .

- Mark Mullen, 1443 Meadowview Dr. thanked the Board and their families for the work they do and time put in, for the balanced budget and debt paid off. New buildings are sorely needed and he encouraged residents to show respect and civility with no personal attacks during this process.

- Kyle Laverty, 144 Maugers Mill Rd. commented on the inconsistency in the size of the footprint of the proposed municipal complex and suggested the Fox Hill Trail head park for the complex.

- Tyrone Robinson, 1488 Heather Pl. commented before any development or using open space, it should first be discussed with the public. The letter sent two years ago announcing the use of open space for the complex somehow got lost in time resulting in this conflict. The use of the website for information is a better choice. We are wasting taxpayer money fighting each other. We need to come to an agreement before more action is taken on the complex. Keep the public informed of what and when action is being considered.

- Rich Kummerer, 1303 Farmington Ave. commented on the highest number of lawsuits the Township has ever been involved in and the balance of the funds from the sale of the sewer system is going to be used up and wasted very soon.

- Jim Capinski, 1958 Yarnall Rd. commented everyone changes their mind yet, in “The Upper Pottsgrove Journal” he found a letter wherein an elected official was criticizing a Board member for changing their mind. He also commented on copyright laws.

- Richard Williams, 296 Continental Dr. commented that this uproar is definitely not a land issue. He made available booklets of the Constitution of the US quoting some laws concerning governing.

- Dennis Elliott, 576 Evans Rd. commented on the legality of elected commissioners serving on any other committee.

COMMISSIONER COMMENTS

C. Paretti commented concerning the arguing over the Resolution to establish a building site selection committee. She wants to take on the job and does not shirk her responsibilities. She wants to be more open with the public as much as possible though certain things cannot be discussed until additional details come in. This is not a well-functioning government. She and D. Waldt do not want to be voting members of the committee, they want to oversee the process and collect whatever data is needed.


D. Read commented on the acreage of the proposed complex and always understood this to be a 3-acre complex. Seeing the original plans, it is 1.3 - 1.8 acres of land disturbance which includes a long sewer line. The 3-acre size includes the buffer zones. He believes this is a well-functioning government and have proven that through the return to the taxpayers, for their \$2.1M from their paychecks every year in real estate and earned income taxes, in public safety and keeping the roads open, the two main functions of government. The Board also reduced the Township debt to zero, properly funded the pension fund which would have increased resident's taxes if not fully funded and overhauled the public works department. This Board was honored on the State Senate floor for their accomplishments the past five years.

T. Slinkerd reminded everyone that we have a Representative form of Government with Commissioners who were elected to represent nearly 6000 members of the Township, many of whom do not or cannot attend these meetings. The Board needs to determine what is the best from where we are and move forward for the benefit of all, not just the Commissioners and those who show up at meetings. The Board will work on the committee process moving forward.

EXECUTIVE SESSION – The Board convened in Execution Session at 9:17 PM to discuss real estate and litigation with no action to follow. The Board reconvened at 11:29 PM and took no action.

ADJOURNMENT – The meeting was adjourned at 11:30 PM.

Respectfully submitted,



Jeannie DiSante, Township Secretary