

**UPPER POTTS GROVE TOWNSHIP
BOARD OF COMMISSIONERS
October 16, 2023**

A regular meeting of the Upper Pottsgrove Township Board of Commissioners was held on Monday October 16, 2023 at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Commissioners Trace Slinkerd, Hank Llewellyn, Dave Waldt and Don Read present. Cathy Paretti was not in attendance. Also present were Township Manager Michelle Reddick, Solicitor Eric Frey, Attorney Celso Leite, Jr., Police Chief James Fisher, Public Works Director Chad Davis and Township Secretary Jeannie DiSante.

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

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.

PUBLIC COMMENT ON AGENDA ITEMS

APPROVAL OF MINUTES – The September 18, 2023 minutes were presented for approval. Motion by H. Llewellyn, second by D. Read and unanimously carries to approve the minutes of September 18, 2023 as printed.

PAYMENT OF BILLS – The October 16, 2023 bill list was presented for approval. Motion by D. Waldt, second by H. Llewellyn and unanimously carries to approve the payment of bills list of \$163,242.03.

REPORTS TOWNSHIP ADMINISTRATION/FINANCE –Manager Reddick submitted her reports for the Board and announced the recent hiring of Lisa Dunn in the finance department in a temp-to-permanent position. After the six-month trial period, there is the opportunity to hire her full-time. J. DiSante is training L. Dunn and transitioning to the position of Administrative Assistant. Township Manager handles RTK requests as the interim RTK Officer and when fully transitioned, J. DiSante will become the RTK Officer. The Financial Report as of September 30, 2023 was submitted and the 2024 draft budget will be provided later this week.

CHIEF OF POLICE – Chief J. Fisher wanted to acknowledge three of our officers involved in the manhunt that occurred in Chester County, helping with the perimeter. One officer is a member of the SWAT team and joined them on his shift. The fiscal agility was held this weekend and after no-shows and failures, our current list before interviews stands at 30 applicants. The Chief thanked all the Township personnel who participated in the Limerick Generating Station drill. The EOC was activated for the drill, and everyone did a great job. M. Reddick commented that Chief Fisher is the Township's Emergency Management Coordinator and he did an excellent job during the drill. He attended all the training and input many hours in this position.

PUBLIC WORKS – Director C. Davis submitted his report and was available for questions. There were no comments.

TOWNSHIP SOLICITOR – Solicitor Frey had no formal report, will have comments on agenda items and noted there will be executive session items on real estate matters, potential litigation and personnel issues.

TOWNSHIP ENGINEERING AND BUILDING & ZONING – T. Slinkerd acknowledged LTL Consultants submitted their reports and M. Reddick asked the Board to take note of the zoning items as the Township is working with residents to avoid issuing citations.

TAX COLLECTOR – Tax Collector reports were submitted to the Board.

COMMITTEE CHAIR REPORTS

OPEN SPACE AND RECREATION – C. Note spoke in G. Churach's absence and reviewed their meeting discussions along with requests for approval of items later on the agenda.

FIRE AND AMBULANCE – D. Raudenbush submitted reports though not in attendance.

OLD BUSINESS

DISCUSS & CONSIDER APPROVAL OF PAYMENT TO CONSTRUCTION MASTER SERVICES FOR SPROGEL'S RUN TRAIL PROJECT – M. Reddick explained the small cost overrun due to constructing a wider and longer trail. The final project cost for approval is \$64,957.48. Motion by H. Llewellyn, second by D. Waldt and unanimously carries to approve payment of \$64,957.48 to Construction Master Services for Sprogel's Run Trail project.

DISCUSS & CONSIDER DENIAL OF THE STEEL SAFE LAND DEVELOPMENT PLANS SUBJECT TO RECEIPT OF EXTENSION – Extension received; no action required.

DISCUSS & CONSIDER DENIAL OF THE VORNDRAN SUBDIVISION PLANS SUBJECT TO RECEIPT OF EXTENSION – Extension received; no action required.

DISCUSS & CONSIDER APPROVAL OF RESOLUTION NO. 764 ADOPTING THE MONTGOMERY COUNTY HAZARD MITIGATION PLAN – T. Slinkerd noted this was on a previous agenda and the Commissioners took time to read the 330+ page document. M. Reddick noted it is important to consider this plan in the event that the Township would need to apply for County hazard mitigation funds. Motion by H. Llewellyn, second by T. Slinkerd. D. Read commented on minor changes from the previous plan. The plan now references "climate change" and "gun violence". While the County identifies what could be, they do not identify the remedies in detail for these perceived hazards. T. Slinkerd offered that the Board could adopt the plan and provide comments. Motion unanimously carries to approve Resolution No. 764 adopting the Montgomery County Hazard Mitigation Plan, with comments to be provided with the submission.

NEW BUSINESS

DISCUSS & CONSIDER APPLICATION TO ZHB #07-2023, ELWOOD TAYLOR, 77 SNYDER ROAD – T. Slinkerd explained the application and the Commissioners concurred to take no action and defer to the Zoning Hearing Board.

DISCUSS & CONSIDER RESOLUTION NO. 765 FOR CONDITIONAL APPROVAL OF THE P.A.L. LAND DEVELOPMENT PLANS – M. Reddick explained the plan to expand the Police Athletic League (P.A.L.) fields on Chestnut Grove Road. Motion by D. Waldt, second by H. Llewellyn and unanimously carries to adopt Resolution No. 765 for Conditional Approval of the P.A.L. Land Development Plans.

DISCUSS & CONSIDER APPROVAL OF RESOLUTION NO. 766 AUTHORIZING A PECO GREEN REGION GRANT APPLICATION FOR ENGINEERING FOR HOLLENBACH PHASE 1A IMPROVEMENTS

– M. Reddick explained this was recommended by the Open Space Board for a \$10,000 no-match grant. Motion by D. Read, second by D. Waldt and unanimously carries to adopt Resolution No. 766 authorizing a PECO Green Region Grant Application for engineering for Hollenbach Phase 1A Improvements.

DISCUSS & CONSIDER APPROVAL OF RESOLUTION NO. 767 TO APPROVE FEE SCHEDULE FOR CRIME VICTIMS RIGHT OF ACCESS REQUESTS

– Chief Fisher explained in May 2023 legislation passed that allows victims access to certain criminal investigative records under specific circumstances. Prior to this legislation becoming effective, the departments were not unable to release certain criminal reports especially without subpoenas from the courts. Victims must sign an affidavit and there must be pending litigation that is about to occur. A recommendation for the fees in the resolution came from County-wide departments who concurred. Motion by D. Read, second by H. Llewellyn and unanimously carries to adopt Resolution No. 767 to approve the recommended fee schedule for Crime Victims Right of Access Requests.

DISCUSS & CONSIDER APPROVAL OF RESOLUTION NO. 768 FOR SUPPORT OF THE POTTSTOWN AREA REGIONAL RECREATION COMMITTEE (PARRC) PROGRAM

– D. Read commented concerning the Township having representation on the PARRC Board and a conflict with Resolution No. 703. He would like the Board to be mindful of the issue and address it before the new funding term commences September 1, 2024. Motion by H. Llewellyn, second by T. Slinkerd and unanimously carries to adopt Resolution No. 768 for support of the Pottstown Area Regional Recreation Committee (PARRC) Program.

DISCUSS & CONSIDER APPROVAL OF RESOLUTION NO. 769 APPROVING THE PENNDOT WINTER MAINTENANCE AGREEMENT

– Motion by D. Read, second by D. Waldt and unanimously carries to adopt Resolution No. 769 approving the PennDOT Winter Maintenance Agreement.

DISCUSS & CONSIDER APPROVAL TO SEND THANK YOU LETTER TO DAVID YECK FOR DONATION

– T. Slinkerd explained this letter is from G. Churach and the Board of Commissioners for a donation for the Sprogel's Run trail. M. Reddick said the \$25,000 donation from the William and Dorothy Yeck Foundation, along with a grant of \$35,000 from PMRPC was used for paving the trail. The Open Space Board recommended sending a letter of appreciation. Motion by H. Llewellyn, second by D. Read and unanimously carries to approve sending a thank-you letter to the William and Dorothy Yeck Foundation.

DISCUSS & CONSIDER APPROVAL OF THE STORMWATER AGREEMENT FOR RB ASHLEY CUSTOMS, LLC

– Solicitor Frey explained this is a typical agreement for any land development plan however, this agreement is for a single-family dwelling lot that allows the Township to require ongoing maintenance and access to the property to inspect the improvements. If the owner does not maintain the improvements, the Township has the right to make the repairs and charge the homeowner. Motion by D. Read, second by H. Llewellyn. D. Read questioned do the residents get charged for inspections. There was discussion as to when the resident is charged and how long the inspections continue. The motion unanimously carries to approve the Stormwater Agreement for RB Ashley Customs, LLC.

OTHER PUBLIC COMMENT

- Jackie Erixxson, Artisan Construction, LLC. proposed a motion to authorize the Township Solicitor to enter into a formal settlement agreement of the Kummerer Tract Validity Challenge and related litigation to be before the Board of Commissioners at the November 8th 2023 meeting in accordance with the terms and timelines of the letter of October 10, 2023 from Kozloff Stout, PC. She thanked the Board for their consideration.

Commissioners Read and Slinkerd responded to Artisan Construction's statement:

- D. Read commented that since this is brought up in public, he asked Ms. Erixxson if the Board can now share with the residents, as he would like to hear from them on offers discussed. She agreed. Solicitor Frey said this is litigation and will be further discussed in executive session as the Board's motion is slightly different than what was proposed concerning the number of lots.

- T. Slinkerd commented, as this is a large land area to consider, he would like to share and hear comments from the residents before anything is decided in executive session.

- Renee Spade, 1989 Yarnall Road commented on the Smole Farm controversy and as the Judge of Elections, on Election Day November 7th she will ensure that the poll workers are not harassed. She warned poll watchers to abide by the rules or they will be escorted from the building. She encouraged all to come out, vote and stay positive.

- Leighann Hertzog, 312 Summer Grove Lane expressed concerns for the proposed building of 400 homes in her area effecting traffic, resources, education and increased taxes.

- Jim Capinski, 1958 Yarnall Road commented on the proposed new Municipal Complex

- Karen Baum, 144 N. State Street expressed concern with traffic on N. State Street when the street is opened, referencing an anonymous political letter. Solicitor Frey corrected her in that the Commissioners have not made a decision on opening the street, they are in discussions with the developer on various options. D. Read commented on a 2008 agreement in which options are suggested by the author of the mentioned letter.

- Juli Schneeweis, 330 Summer Grove Lane expressed concern for the proposed development behind her home, the constant noise from the current ongoing project and the future effect on infrastructure, traffic, water runoff, flora, fauna, insects and light saturation.

- John Bush, 1256 N. State Street commented on his opposition to opening N. State Street and the amount of traffic it will create.

- Rich Kummerer, 1303 Farmington Avenue thanked Chief Fisher, Corporal Al Werner and Officer Brock Morgan for the great job they do every day and their response three weeks ago to the accident in which he was involved.

- Wayne Moffett, 1208 N. State is opposed to opening N. State Street which would create an increase in speeding vehicle traffic. Many families and children are on this street walking to the bus stop and to the playground at Heather place.

- Steve Leader, 1134 N. State Street expressed concern about the foot traffic on N. State Street with children riding bikes, adults and children walking to the shopping center and theater. He suggested the developer consider sidewalks & pedestrian crossings in the planning.

COMMISSIONER COMMENTS – There were no comments at this time.

EXECUTIVE SESSION – The Board convened in Execution Session at 7:56 PM to discuss real estate, possible litigation and personnel. The Board reconvened at 9:00 PM and took no action.

ADJOURNMENT – The meeting was adjourned at 9:01 PM.

Respectfully submitted,


Jeannie DiSante, Township Secretary