

**UPPER POTTS GROVE TOWNSHIP
BOARD OF COMMISSIONERS
February 20, 2024**

A regular meeting of the Upper Pottsgrove Township Board of Commissioners was held on Tuesday February 20, 2024 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, Solicitor Celso Leite, 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 Leite 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 January 16, 2024 minutes were presented for approval. Motion by D. Read second by H. Llewellyn to approve the minutes of January 16, 2024. C. Paretti said she wanted to add to the minutes her question to the Solicitor concerning open space as it relates to the zoning ordinance amendments as well as add more of her comments in the Commissioners Comments section. She will provide her draft comments to the Township Secretary. D. Read rescinded his motion and the Commissioners tabled the approval of the minutes.

PAYMENT OF BILLS – The February 20, 2024 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 \$290,112.46.

REPORTS TOWNSHIP ADMINISTRATION/FINANCE –Manager Reddick submitted her reports for the Board noting auditor Barbara Akins submitted the completed 2023 audit and reports were provided to the Board. The final December 31, 2023 financial report and the January 31, 2024 financial report were provided to the Board. She highlighted the abundance of activity in planning and zoning and said the Pine Ford Road stormwater project is complete. C. Paretti noted the date of the scheduled zoning hearing for the Gambone Development project off N. State Street is a Saturday in March. M. Reddick will correct the date to March 18, 2024.

D. Read asked if the Board is accepting the audit report as he has not yet reviewed it. T. Slinkerd explained the auditor reviews all financial documents then submits a letter confirming that everything meets the general auditing procedures. Ms. Akins is available for all calls with questions on the audit.

CHIEF OF POLICE – Chief J. Fisher submitted his report and said the department continues to receive identity theft and fraud. He stressed again the importance that if anyone knows of someone who has been a victim of these crimes to contact the police. They will help to find out if it is fraud and explain how not to become a target for fraud by not giving out any personal information. The Chief announced a pancake breakfast held at Hopewell Church on March 23rd from 8:00 AM to 11:00 AM. Breakfast is free and an opportunity to meet the officers of the department and there will be a donation jar for the veterans memorial. Tickets are available at the police department and the Township office or Hopewell church.

PUBLIC WORKS – Director Davis’ report was submitted to the Board and he thanked the residents for their patience and kindness to the crew during the recent snow events.

TOWNSHIP SOLICITOR – Attorney Leite had no formal report. He will ask for an Executive Session at the end of the meeting for personnel and litigation. There may be action taken by the Board at that time.

TOWNSHIP ENGINEERING AND BUILDING & ZONING – M. Reddick asked the Board to take note of the zoning items as the Township may need to issue citations, at which time they would be notified of such action.

TAX COLLECTOR – Tax Collector reports were submitted and there were no questions.

COMMITTEE CHAIR REPORTS

OPEN SPACE AND RECREATION – G. Churach submitted his report noting there are two actionable items under New Business requesting approval from the Board.

FIRE AND AMBULANCE – D. Raudenbush submitted the fire company reports and announced there will be an Easter egg hunt at the Pottsgrove Middle School on Saturday March 30th.

OLD BUSINESS

DISCUSS & CONSIDER APPROVAL OF PAYMENT APPLICATION #3 FROM SCHLOUCH, INC. FOR THE PINE FORD ROAD STORMWATER PROJECT – Motion by C. Paretti, second by H. Llewellyn and unanimously carries to approve Payment Application #3 from Schlouch, Inc. in the amount of \$38,644.46 for the Pine Ford Road Stormwater Project. This is the final payment for the project.

DISCUSS & CONSIDER APPROVAL TO POSTPONE POSTING OF FINANCIAL SECURITY FOR THE VORNDRAN SUBDIVISION TO THE BUILDING PERMIT STAGE – T. Slinkerd said this will be discussed in Executive Session.

PUBLIC HEARING ON KEHL PROPERTY ACQUISITION

T. Slinkerd opened the Public Hearing. Solicitor Leite said the Hearing is being held pursuant to Section 5006 of the Pennsylvania Open Space Act in regard to the Township acquisition of 1772 Gilbertsville Road, Upper Pottsgrove Township, Montgomery County, Pennsylvania, parcel # 60-00-01072-00-2. This Hearing was advertised by legal notice in the Mercury newspaper and written notices were provided to the homeowner and their counsel. The property consists of approximately 2.83 acres along with some improvements, most of which have been demolished. The Township intends to acquire the property for \$250,000.00 with funds from the Township Open Space Fund along with grant funds from the Pennsylvania Department of Conservation and Natural Resources (DCNR). Pursuant to the grant agreement between the Township and DCNR the deed will contain restrictive language set forth by DCNR. The Township believes the acquisition of the property will yield open space benefits which include expansion of the Althouse Arboretum, an existing public recreation site, and the promotion of sound, cohesive and efficient land development by preserving open space between communities.

The Township believes the acquisition of this property is consistent with the following plans:

1. The Upper Pottsgrove Township Open Space Plan, prepared by the Township Open Space and Recreation Board, adopted by the Township on April 2, 2020 and adopted by the Montgomery County Planning Commission on April 2, 2020.
2. The Pottstown Metropolitan Regional Comprehensive Plan Update which was drafted by the Pottstown Metropolitan Regional Planning Commission and adopted by the Township on June 8, 2015.
3. MONTCO 2040, a comprehensive plan for Montgomery County last revised July 15, 2021.

The Solicitor opened the floor for public comment.

- Keith Kehl, 1941 Gilbertsville Road stated his concerns about the maintenance of the public road to this property.
- Martin Schreiber, 138 Rose Valley Road asked why there was not a court stenographer at this Hearing. The Solicitor said it is not required.
- Joe Gangi, 1998 Yarnall Road asked about the permanent property category according to the Township Open Space Plan.

The Solicitor explained, the language promulgated by DCNR pursuant to the agreement creates deed restrictions, making it permanent. He read the deed restrictions document for the public record. "This property or interest in property was either acquired with or donated as a match for funds provided by the Pennsylvania Department of Conservation and Natural Resources (DCNR) Department. The source of the funds is the Keystone Recreation Park and Conservation Fund Act of July 2, 1993 EL359 #50, the Act. This property or any portion of it may not be converted to purposes other than those authorized under the Act for the property acquired with department funds. No change of use and no transfer of ownership, control or interest in this property may occur and no encumbrance may be placed on this property without the written consent of the Department or its successors. The restriction in this paragraph applies to both the surface and subsurface of the property. This restriction has the effect of a covenant running in perpetuity with the land and is binding upon the owners of the property and upon all subsequent owners, successors and assigns. This restriction is enforceable by the Department and its successors".

There being no other comments or evidence to be presented the Solicitor asked T. Slinkerd to call for a vote to approve Resolution No. 774 Authorizing Purchase of Real Estate, for the Township to purchase the property, and also to confirm that the proposed acquisition will, in the opinion of the Board, yield open space benefits.

D. Waldt asked for a copy of the final deed with restrictions and asked when settlement was scheduled. The Solicitor said settlement will be this Thursday in the morning and he will provide a copy of the deed. Motion by C. Paretti, second by H. Llewellyn and unanimously carries to approve Resolution No. 774 Authorizing Purchase of Real Estate. T. Slinkerd closed the Hearing.

NEW BUSINESS

DISCUSS & CONSIDER APPROVAL OF CONTRACT WITH POND WORKS FOR SUNSET PARK POND - G. Churach explained, going forward the Public Works will revisit the need for this contract. Motion by H. Llewellyn, second by D. Waldt and unanimously carries to approve the 2024 Pond Management Contract for Sunset Park.

DISCUSS & CONSIDER APPROVAL TO PURCHASE A 2023 POLICE VEHICLE Chief Fisher read Quote # 2-14-24-1 of \$40,495.00 for a 2023 Ford Interceptor, replacing a 2016 Ford Interceptor with 102,000 miles on it. There are funds in the budget for this purchase. By purchasing the vehicle now it is saving the Township approximately \$4,000.00. Motion by D. Waldt, seconded by D. Read and unanimously carries to approve the purchase of a 2023 police vehicle at the price of \$40, 495.00.

DISCUSS & CONSIDER APPROVAL OF RESOLUTION NO. 776 AUTHORIZING DCNR GRANT APPLICATION FOR HOLLENBACH PARK PHASE 1A – M. Reddick said this is for Phase 1A of the Hollenbach Park Master Plan for a pedestrian trail. The Township is looking to obtain the grant as a match to another grant which, if approved will result in the Township's contribution of \$5,000. vs. \$575,000. received from grants. Motion by H. Llewellyn, second by C. Paretti and unanimously carries to approve Resolution No. 776 Authorizing DCNR Grant Application for Hollenbach Park Phase 1A.

OTHER PUBLIC COMMENTS

Jim Capinski, 1958 Yarnall Road remarked on a certified letter he received from the Police Chief.

Albert Leach, 1466 Sweetwater Way commented on the Smola farm litigation expenses and suggested a referendum.

Mike Clouser, 390 Evans Road commented on Smola farm and leasing the land for farming.

Keith Kehl, 1941 Gilbertsville Road read a post in the Mercury newspaper and commented on farming in the Township.

Martin Schreiber, 138 Rose Valley Road announced he obtained 400 to 500 signatures to save the Smola farm and asked what number of signatures the Board would require.

Rich Kummerer, 1303 Farmington Avenue asked the Board to consider changing the three minute comment period to five minutes.

COMMISSIONER COMMENTS

D. Waldt told the residents that he was neither informed nor invited to the Injunction Hearing that took place last week in Montgomery County. He wished I could have attended for the people he represents in this Township.

D. Read told G. Churach he really appreciates his on-going work on the Steel property, the time seen and unseen put in on open space and efforts on getting grant funds. T. Slinkerd dittoed the compliment.

T. Slinkerd announced the Board going into Execution Session for litigation and personnel issues with the possibility of action taken.

EXECUTIVE SESSION

The Board convened in Execution Session at 7:45 PM. The Board reconvened at 8:35 PM.

Motion by C. Paretti, second by D. Waldt to approve a waiver of SALDO Section 310-50, to defer posting the financial security for the Vorndran Minor Subdivision to the building permit stage with conditions, Aye: C. Paretti, D. Waldt. Nay: D. Read, H. Llewellyn, T. Slinkerd. Motion failed due to a lack of majority vote.

Motion by D. Read, second by H. Llewellyn to deny a waiver of SALDO Section 310-50, to defer posting the financial security for the Vorndran Minor Subdivision to the building permit stage, Aye: D. Read, H. Llewellyn, T. Slinkerd. Nay: C. Paretti, D. Waldt. Motion carries.

ADJOURNMENT – The meeting was adjourned at 8:38 PM.

Respectfully submitted,



Jeannie DiSante, Township Secretary