

**UPPER POTTS GROVE TOWNSHIP
BOARD OF COMMISSIONERS
March 18, 2024**

A regular meeting of the Upper Pottsgrove Township Board of Commissioners was held on Monday, March 18, 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 Eric Frey, Police Chief James Fisher and 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 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. The Solicitor announced the consideration of an ordinance this evening has been rescheduled. Changes are being made and the process of the County Planning Commission review, advertising the hearing and letters sent out about the hearing needs to start over. The changes are a clarification of the municipal use section with what already exists in the draft ordinance and in accordance with the law and consistent with other municipalities in the region.

PUBLIC COMMENT ON AGENDA ITEMS – there were none.

APPROVAL OF MINUTES – The January 16, 2024 minutes, including C. Paretti’s amended comments, were presented for approval. Motion by H. Llewellyn, second by C. Paretti and unanimously carries to approve the amended minutes of January 16, 2024. The February 20, 2024 minutes were presented for approval. Motion by D. Waldt, second by H. Llewellyn and unanimously carries to approve the minutes of February 20, 2024.

Solicitor Frey announced the Board held an executive session on March 4, 2024 regarding real estate.

PAYMENT OF BILLS – The March 18, 2024 bill list was presented for approval. Motion by D. Read, second by H. Llewellyn and unanimously carries to approve the payment of bills list of \$651,156.29.

REPORTS TOWNSHIP ADMINISTRATION/FINANCE –Manager Reddick submitted her reports for the Board and she asked the Commissioners to take note of the abundance of activity in planning and zoning department. In the finance report she noted the CRIM entries are included.

CHIEF OF POLICE – Chief J. Fisher submitted his report and said the department will be participating in the Montgomery County Consortium Testing for police officers on April 27th. He asked if anyone knows of someone interested in a career in law enforcement, 16 municipalities are participating in this testing cycle. Interested people can google ‘Montgomery County Consortium police testing’ and they will find a link to follow for more information.

Chief Fisher also announced a pancake breakfast will be 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 – In Director Davis’ absence M. Reddick noted his report is in the Board’s packet and if there are any questions she will forward them to him and relay his responses.

TOWNSHIP SOLICITOR – Solicitor Frey had no formal report. He will ask for a brief executive session at the end of the meeting for litigation, real estate and legal matters.

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 THE AGREEMENT TO AMEND AND UPDATE THE FINANCIAL SECURITY AGREEMENT WITH POTTS GROVE HUNT FOR KUMMERER PHASE 1 – Solicitor Frey explained for the Board the details of this second amendment to the financial security agreement with Pottsgrove Hunt for Kummerer Phase 1. After questions and discussion there was a motion by C. Paretti, second by H. Llewellyn and unanimously carries to approve the agreement conditioned on Pottsgrove Hunt producing the amended bond, signed agreement and \$50,000.00 cash escrow.

DISCUSS & CONSIDER HIRING LISA DUNN AS FINANCE ASSISTANT – M. Reddick explained Lisa was hired as a temporary employee through an agency contract previously approved by the Commissioners. She completed the terms of the 6-month contract, M. Reddick, pleased with Lisa’s performance, asked for approval to hire her with an effective start date of March 25, 2024. Motion by D. Read, second by H. Llewellyn and unanimously carries to approve hiring Lisa Dunn with an effective start date of March 25, 2024.

NEW BUSINESS

DISCUSS & CONSIDER RECOMMENDATION ON ZONING HEARING BOARD APPLICATION NO. 01-2024 FOR HOMETIME PROPERTIES FOR 933 N. HANOVER STREET – M. Reddick explained the applicant rented two existing first floor apartments after purchasing the building in May 2022, not knowing the zoning code prohibits residential use in designated Retail Office areas. Applicant wishes to continue to rent the apartments. After expending significant funds and effort to upgrade the units he would suffer hardship if a variance were not granted. After discussions, the Commissioners concurred to take no action and defer to the Zoning Hearing Board.

DISCUSS & CONSIDER RECOMMENDATION ON ZONING HEARING BOARD APPLICATION NO. 02-2024 FOR FENIX CAPITAL GROUP, LLC FOR 1308-1320 FARMINGTON AVENUE – The applicant’s attorney requested a staff meeting to supply the information requested by the zoning officer. He would like to resolve the interpretation of the use of a canine care facility under the ordinance without going to the zoning hearing. The Commissioners concurred to defer to the Zoning Hearing Board conditioned on feedback first from a staff meeting to review additional information.

DISCUSS & CONSIDER RECOMMENDATION ON ZONING HEARING BOARD APPLICATION NO. 03-2024 FOR THE SAVE ALLIANCE FOUNDATION FOR 1794 GILBERTSVILLE ROAD – M. Reddick explained the Save Alliance Foundation submitted a building permit application to build a 1000 sq. ft. building space for student and community members’ meetings. It was determined by the zoning officer that they would need a special exception and a variance for some setback issues. The Commissioners concurred to take no action and defer to the Zoning Hearing Board

DISCUSS & CONSIDER REQUEST FOR WAIVER FROM LAND DEVELOPMENT FROM GREEN ALLIES FOR 1794 GILBERTSVILLE ROAD - Solicitor Frey explained the request for the waiver, the letter from LTL Consultants dated March 14, 2024 stating the request is reasonable and no stormwater review is required. The Open Space Board submitted a letter of recommendation. The Solicitor agreed it would be appropriate to waive the Land Development requirement. Joan Stevens, the owner of 1720 Gilbertsville Road commented on the use of single lane Mickletz Road to access the building. M. Reddick replied that the Public Works Director is looking into widening the road. Motion by D. Read, second by C. Paretti and unanimously carries to waive the land development for Green Allies.

DISCUSS & CONSIDER AUTHORIZING ADVERTISEMENT OF BID FOR THE 2024 ROAD PROJECT FOR W. MOYER ROAD - M. Reddick explained C. Davis searched out different options for road improvements on W. Moyer Road and he recommends Option #2. Motion by H. Llewellyn, second by D. Waldt and unanimously carries to approve advertising for bids for the 2024 Road Project, Option #2 for W. Moyer Road.

DISCUSS & CONSIDER HIRING R & S SWEEPING CO., LLC FOR STREET SWEEPING - C. Davis obtained three quotes for street sweeping and developed a prioritized list of areas that will be swept. He recommends hiring R & S Street Sweeping Co., LLC at \$1,200.00 per day not to exceed \$7,000.00, which was budgeted for 2024. A motion by H. Llewellyn, second by D. Waldt unanimously carries to hire R & S Street Sweeping Co., LLC at \$1,200.00 per day not to exceed \$7,000.00 for street sweeping. R. Kummerer inquired if public works would add Steinmetz Road to the list to get rid of the large rocks as that road is very rough,. M. Reddick will consult with C. Davis.

DISCUSS & CONSIDER APPROVAL OF PAVILION RESERVATION APPLICATION FOR HEATHER PLACE PARK FROM HOPEWELL COMMUNITY CHURCH FOR COMMUNITY DAY – M. Reddick noted the church submitted a pavilion reservation application to use Heather Place Park for their Community Day Saturday September 28th. As part of the application, if certain questions are answered in the affirmative, approval must come from the Open Space Board and Board of Commissioners. The Open Space Board has given their approval. A motion by C. Paretti, second by D. Read unanimously carries to approve the Hopewell Church application for use of Heather Place Park September 28, 2024.

DISCUSS & CONSIDER APPROVAL OF THE CONCEPTUAL PLAN FROM GREEN ALLIES FOR THE KEHL PROPERTY - T. Slinkerd noted the concept plan for the newly acquired open space on the Kehl Property and the highlights of the improvements. A motion by D. Read, second by C. Paretti unanimously carries to approve the conceptual plan from Green Allies for the Kehl Property.

DISCUSS & CONSIDER APPROVAL TO SUBMIT A GRANT APPLICATION TO POTTSWOWN AREA HEALTH & WELLNESS FOUNDATION FOR THE ENGINEERING STUDY FOR TRAIL CONNECTIONS – M. Reddick asked authorization to apply for a \$30,000.00 grant from Pottstown Area Health and Wellness Foundation with a \$5,000.00 Township match which has a potential to be reimbursed from another grant. It is for an engineering study of a trail connection plan for the Township. There was discussion on item #4 of the project description. A motion by C. Paretti, second by H. Llewellyn unanimously carries to authorize the Township to submit a grant application to Pottstown Area Health & Wellness Foundation for an Engineering Study for Township Trail Connections.

PUBLIC HEARING ON PURCHASE OF THE PROPERTY AT 2290 GILBERTSVILLE ROAD – Solicitor Frey opened the hearing and recited the hearing documents noting the hearing was advertised and written notice was provided to the property owners. He opened the floor for public comments regarding the use of open space funds to purchase the property.

Jim Kapinski, 1958 Yarnall Road commented he is against using open space tax money to buy the land. Joe Gangi, 1998 Yarnall Road asked why there is a ‘sold’ sign on the property. The Solicitor said it is not yet sold. Keith Kehl, 1941 Gilbertsville Road asked if the Township is using County funds, grant funds or anything similar. The Solicitor said no. Mr. Kehl commented that is wrong.

There being no other comments, Solicitor Frey closed the public comment portion of the hearing and asked for a motion. A motion by H. Llewellyn, second by D. Read to approve the purchase, the use of open space funds for the purchase, the execution of the agreement of sale and authorize the Board of Commissioners President, Vice President or Township Secretary to sign the documents necessary for closing.

C. Paretti commented this was one of the alternative sites selected in the site survey, it was never discussed and should be the place for the municipal buildings; open space funds should not be used for the purchase as it will deplete the fund while the open space fund is reimbursing the general fund for paying off its debt.

D. Read offered his thanks to previous Board members including T. Slinkers, D. Waldt and C. Paretti for getting the Township in a financial position where this Board could move fast on a property on which a sale was originally pending then fell through. Having these funds in reserve for targets of opportunity like this was a piece of good fortune as it pairs well with the Township owned property across Gilbertsville Road.

T. Slinkerd reviewed the balance sheet of the open space fund stating the finances are well in place for the purchase.

Roll call for the vote on the motion as stated: ayes – T. Slinkerd, H. Llewellyn, D. Read; nays – D. Waldt, C. Paretti. Motion carries 5 – 2. Solicitor Frey closed the hearing.

OTHER PUBLIC COMMENTS

Keith Kehl, 1941 Gilbertsville Road commented on being unable to hear the people stating their reports, on open space being reimbursed for land being taken for the W. Moyer Road project, drainage issues at Prout Farm Road/Moyer Road, sewer sale money should go back to residents.

Heidi Stem, 1723 Farmington Avenue commented on being tired of the fight and on the signatures gathered against the municipal complex proposed at the Smola farm.

Rich Kummerer, 1303 Farmington Avenue commented on New Business B, 1308-1320 Farmington Avenue, and the issue of the conditions of the outbuildings and property and concern for the number of businesses there now and that may develop in the future.

Josephine Klass, 2086 Yarnall Road – expressed concerns over the zoning hearing board decision on 0 Yarnall Road.

Jim Capinski, 1958 Yarnall Road commented on his previous comments and behavior at the meetings.

Leighanne Hertzog, 312 Summer Grove Lane expressed her concern with the use of Mickletz Road and the homeowner dealing with traffic.

Albert Leach, 1466 Sweetwater Way commented on motions made after an executive session and concerns about the fighting over the Smola farm.

Regina Gadomski, 1019 Willow Street expressed concern over the rezoning of properties.

Martin Schreiber, 138 Rose Valley Road expressed concern about the process of postponing the zoning ordinance amendments and changes being made to the document.

Denise Morris, 111 Rose Valley Road commented on no eye contact from the Commissioners.

COMMISSIONER COMMENTS


D. Read complimented Attorney Celso Leite, though not present at this meeting as he is moving on in his career, on the great work he has done for this Township. Also, he expressed his concern that residents should beware of the misinformation about the current municipal complex site selection. He spoke on title to the land, deed restrictions and litigation.

EXECUTIVE SESSION

The Board convened in Execution Session at 8:20 PM to discuss litigation, real estate and legal matters. No action will be taken.

ADJOURNMENT – The meeting was adjourned at 8:54 PM.

Respectfully submitted,



Jeannie DiSante, Township Secretary