

**UPPER POTTS GROVE TOWNSHIP
BOARD OF COMMISSIONERS
September 15, 2025**

A regular meeting of the Upper Pottsgrove Township Board of Commissioners was held on Monday, September 15, 2025 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 Manager Michelle L. Reddick, Solicitor Eric Frey, Attorney Themis Galanos, Police Sergeant Al Werner, Public Works Acting Director Jeremy Fenyus and Township Secretary Jeannie DiSante.

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

Solicitor Frey addressed the audience concerning rules of conduct in the Public Comment portions of the meeting. Comments are welcomed from residents and taxpayers of the Township, raise your hand to be recognized, you have three (3) minutes to make your comment and will be asked to complete your comments when there are 15 seconds remaining. Be seated at the microphone facing the Commissioners, speak close to and clearly into the microphone, state your name & address and make your comment stating which agenda item you are addressing. Understand this is not a debate session and not a place for abusive language or profanity. The Attorney requested respect and restraint with no shouting out and being disruptive. You will be asked to leave if you refuse to follow the stated conduct or disrupt the meeting.

APPROVAL OF MINUTES – The July 21, 2025 minutes were presented for approval. A motion by H. Llewellyn, second by D. Read unanimously carries to approve the July 21, 2025 meeting minutes as printed. The August 1, 2025 minutes were presented for approval. A motion by D. Waldt, second by H. Llewellyn unanimously carries to approve the August 1, 2025 meeting minutes with one grammatical correction.

PAYMENT OF BILLS – The August 18, 2025 bills list was presented for approval. There was a motion by D. Read, second by H. Llewellyn to approve the payment of bills list of \$188,286.75. C. Paretti is not in favor of the Dilworth Paxton \$9,000 retainer for the defamation case, Bellwoar Kelly two special counsel invoices \$4,871.25 and \$3,672.00 and Chester Valley Engineers invoices \$2,119.55 and \$15,396.57 as they are not in the Capital Improvements budget. T. Slinkerd explained that Boyle provided budget for the building project. D. Waldt is not in favor of the two Bellwoar Kelly special counsel invoices. T. Slinkerd ask D. Waldt if he could help explain why he voted in July to approve Bellwoar Kelly as special counsel for the Gilbertsville defense and now votes not to pay the bill. D. Waldt said that's his vote. Roll call votes: aye D. Read, H. Llewellyn, T. Slinkerd; nay C. Paretti, D. Waldt. Motion carries 3-2.

The September 15, 2025 bills list was presented for approval. There was a motion by H. Llewellyn, second by D. Read to approve the payment of bills list of \$251,391.46. C. Paretti is not in favor of the Bellwoar Kelly invoice for the Smola appeal, contractor payments for the construction of the municipal complex and questioned when the Montgomery County Conservation District did the technical review of the complex and when they were paid to review it. D. Read explained what the consequences potentially will be for the taxpayers if the township losses the lawsuit brought by the three democrats running for commissioner positions in the township. If this project gets stopped or cancelled, the contracts will create a \$5,000,000.00+ crushing burden on the taxpayers equal to a 100% tax increase for five years or a 50% tax increase for ten years. M. Reddick, commenting on commissioners feeling they are not being informed of the building processes, stated that she emailed all the commissioners telling them that they are always welcome to come into the office and look at any plans and documents related to the new municipal complex.

Solicitor Frey said at the hearing the Judge did not issue an injunction, rather the order includes a clause that there be no substantial construction started. It was explained to him that there still needed to be studies, permitting and grading, things of that nature and he agreed the Township could move on until the court date set for October 17, 2025.

T. Slinkerd reiterated that 2290 Gilbertsville Road was always an option and explained the use of funds between the general fund and open space fund to purchase that property. All this was necessary due to the Evans (Smola) lawsuit. He noted this now is a political stunt by the three democrats to stop the building on Gilbertsville Road. He asked if C. Paretti and D. Waldt want the building stopped. Neither did, C. Paretti is merely against the process the Board took. D. Waldt agrees the Township needs a new building and Gilbertsville Road is a good choice, he disagrees how the funds were used. Roll call votes: aye D. Read, H. Llewellyn, T. Slinkerd; nay C. Paretti, D. Waldt. Motion carries 3-2.

REPORTS

TOWNSHIP ADMINISTRATION/FINANCE – Manager Reddick submitted her admin report. She reminded everyone of the Community Day event on Saturday September 27th held at Heather Place Park from 10 AM to 3 PM. The August 31, 2025 financial report was provided to the Board and includes updated entries for the CRIM (Cash Reserve Investment Management) account. She pointed out on the general fund balance sheet that some entries need to be corrected and the same is true in open space fund. Entries were shown on one side but not the other which was a matter of a missed entry. They will be updated and new reports provided to the Board. T. Slinkerd noted on the general fund balance sheet, the township is approaching ten million dollars in the CRIM account. Those are short term, 4 year T-bills along with money markets a few basis points lower than T-bills. Also in the open space fund there still is \$700,000 in outstanding debt owed to general fund.

M. Reddick brought to the Commissioners' attention the additional spreadsheets outlining the legal fees for the new lawsuits received.

CHIEF OF POLICE – Sergeant Werner noted Chief Fisher's submitted report. He informed the Board that the personnel from the department along with numerous surrounding departments participated in Cop Camp on August 19th. Also, he announced that a new patrolman was hired in mid-August, Officer Ortega comes from the academy and is handling the job well.

PUBLIC WORKS – J. Fenyus submitted his report noting they are working to catch up on neglected maintenance throughout the township. D. Read commented on all the potholes that have been patched and he thanked the department for the great work they are doing.

TOWNSHIP SOLICITOR – Solicitor Frey stated he wants to have an executive session to discuss the Steel Safe appeal and the Artisans 2A and 2B appeals, and no action is expected. D. Read asked the solicitor to explain the timeline of the new lawsuit. Solicitor Frey said the township voted to move forward with the municipal complex on Gilbertsville Road, the project went out to bid, they were awarded in June 2025 and contracts were signed. A complaint was filed in July to stop the complex from being built on Gilbertsville Road, similar to what was previously done on the Smola property. A hearing was held because the three plaintiffs requested an injunction to stop the building. The Court did not issue an injunction however the order did three things as discussed earlier in this meeting. D. Read added that the whole issue is around a bookkeeping adjusting entry from ten months ago that was approved in a public meeting. No one has come forward to say they do not want this building built on Gilbertsville Road.

The plaintiffs themselves, in the hearing stated they are not against it being built there. The property was purchased a year and a half ago for two reasons, to stop the development of houses and as an alternate site for the municipal complex.

Eight months after this Board approved the site, after the projects was advertised, after a lot of money was spent preparing the bids, after binding agreements were awarded and locked in, putting five million dollars in equity into this project, that is when the plaintiffs filed their complaint. No warning letter, no emails, no phone call. They waited too long to file the complaint and it harmed the taxpayers. This is a political stunt and D. Read invited the plaintiffs to prove him wrong.

T. Slinkerd commented that one of the plaintiffs brought up that the complaint was a process issue with the purchase of the property and the adjusting entry. The Open Space Act requires a public hearing before purchases in relation to the Act. In researching, no hearings were held before 2018; does this mean that all the ground we have is not open space. These plaintiffs are running for office, claiming to save taxpayers money yet brought a suit that is costing the Township money with the need for special counsel to defend itself.

D. Read thanked the Solicitor for all the work he took on with this project and thanked T. Slinkerd for letting him take the lead in the beginning.

TOWNSHIP ENGINEERING AND BUILDING & ZONING – T. Slinkerd noted the standard engineering reports in the packets. M. Reddick asked the Board to review the zoning issues.

TAX COLLECTOR –The Tax Collector was called on to present the collector’s report. There was no reply.

COMMITTEE CHAIR REPORTS

OPEN SPACE AND RECREATION –G. Churach submitted his report and highlighted that they ask the Board to consider item F in New Business later in the meeting. There were no questions.

FIRE AND AMBULANCE – D. Raudenbush submitted his reports however, was not in attendance.

OLD BUSINESS

DISCUSS & CONSIDER RATIFYING THE ASPHALT CURBING PROJECT FOR GROSS ROAD & OLD ORCHARD DRIVE – M. Reddick explained the reasons for ratifying the curbing project for the 2025 Road Projects. Because the curbing had to be done before the road project started, she individually polled the Commissioners and all approved the project with Sacks and Sons Inc. at the cost of \$14,580.00. A motion by D. Waldt, second by H. Llewellyn unanimously carries to ratify the Asphalt Curbing Project for Gross Road & Old Orchard Drive with Sacks and Sons Inc. at the cost of \$14,580.00.

DISCUSS & CONSIDER APPROVING A PAY INCREASE FOR JEREMY FENYUS – M. Reddick explained the prior public works director, Kevin Snyder was released from his position and Jeremy Fenyus was asked to step up and run the department and would be provided with a \$4,000.00 increase in pay affective August 11, 2025. She reported that Jeremy has been doing a fantastic job leading the department and getting work completed, responding to citizen’s requests and respectfully meeting with citizens.

She appreciates his effort on catching up on work that has been neglected. D. Read asked if the bump in pay is for a temporary position. M. Reddick explained Jeremy has agreed to run the department on a temporary basis. If the Board and she feel he is deserving in a few months then he would be promoted to Public Works Director with a commensurate pay increase.

D. Read would like to see that happen sooner because he has already witnessed that Jeremy is a problem solver as he leads his team. It was impressive to see how quickly they cleaned up trees and clear the streets all around the township after a huge storm. He thanked Jeremy again and looks forward to his directorship for a long time. M. Reddick said she feels, if the Board agrees, that his promotion may happen by the end of this year. A motion by H. Llewellyn, second by C. Paretti unanimously carries to approve a pay increase of \$4,000.00 for Jeremy Fenysus.

DISCUSS & CONSIDER PROMOTION WITHIN THE POLICE DEPARTMENT - Sergeant Werner explained the officers work 12 hour shifts, 2 platoons with one corporal and they would like to have more supervision to cover the shifts. The department would like to promote Officer Farrell as he has already taken the test and passed. A motion by C. Paretti, second by H. Llewellyn unanimously carries to promote Officer Farrell to the position of Corporal.

DISCUSS & CONSIDER TRAFFIC PATTERNS RELATED TO THE GAMBONE LAND DEVELOPMENT PROJECT #01-2024 – Ted Kochen, the inside engineer for the Gambone Land Development Company with Steve McCreaty, land development engineer and Sandy Koza, traffic engineer appeared to answer any question concerning a cul-de-sac, one-way traffic or two-way traffic on N. State Street. M. Reddick offered information concerning the loss of State revenue if a cul-de-sac is installed along with issues for the public works to plow the roadway. Part of it is a private drive for the bank and is gated. Who will be responsible to maintain the road? After discussing these issues the Board concurred on moving forward with the cul-de-sac. The representatives thanked the Board for their decision so they can move forward with the project.

DISCUSS & CONSIDER HIRING CONTRACTOR TO COMPLETE THE CHERRYTREE FARMS STORMWATER PROJECT – M. Reddick explained this has been an issue for many years and Chester Valley Engineers have designed a solution. Jeremy went out and got two bids as did Al Gryga from CVE and in his letter he recommends hiring James R. Kenny Contracting for this project in the amount of \$20,800.00 which includes the township public works doing some of the work. A motion by H. Llewellyn, second by D. Waldt unanimously carries to hire James R. Kenny Contracting for the Cherrytree Farms Stormwater project in the amount of \$20,800.00.

NEW BUSINESS

DISCUSS & CONSIDER RECOMMENDATION FROM PLANNING COMMISSION ON CONNECTION TO MING DRIVE FOR THE PROPOSED DEVELOPMENT IN DOUGLASS/MONTGOMERY TOWNSHIP – Solicitor Frey explained Ming Drive is a cul-de-sac that goes to the Douglass Township property line with a “bulb” at the end as a turnaround. Douglass Township has gone through the subdivision process with a planned connecting roadway to Ming Drive. There is a deed restriction that the cul-de-sac must be opened if the Douglass Township property is developed. The developer came to the township asking how it wants to handle this and it was requested that they remove the portion of the cul-de-sac that is the bulb as it is no longer needed.

The driveways of the two homes that will be affected will need to be extended to the new roadway along with grading and seeding. Also, they need to connect the stormwater to their new stormwater system so all water is captured in their township. The Planning Commission agrees to all these conditions and recommends approval of the connection to Ming Drive. M. Reddick recommended the solicitor prepare an agreement that our township will only plow snow and maintain the road up to where the bulb was originally located. D. Read questioned any benefit to our township residents. Solicitor Frey explained it is deed restricted and has to be opened to Douglass Township. The developer is required to follow the deed restriction. He feels it would be hard to defend in a court.

D. Read made a motion to table the discussion in order to research options that would benefit the Ming Drive residents. There was no second to his motion. There was a motion by H. Llewellyn, second by D. Waldt to follow the planning commission's recommendation to open Ming Drive to Douglass Township with conditions set forth in an email dated September 22, 2025 from Solicitor Frey to the developer in Douglass Township. Motion roll call: aye – H. Llewellyn, D. Waldt, C. Paretti, T. Slinkerd; nay – D. Read. Motion carries 4-1.

DISCUSS & CONSIDER APPROVAL OF THE 2026 MMO FOR THE NON-UNIFORM DEFINED BENEFIT PENSION PLAN – T. Slinkerd explained this and the next to items are the minimum obligation the township pays into the pensions, depending on number of employees, along with calculations from the actuarial. A motion by H. Llewellyn, second by C. Paretti unanimously carries to approve the 2026 MMO of \$41,555.00 for the Non-Uniform Defined Benefit Pension Plan.

DISCUSS & CONSIDER APPROVAL OF THE 2026 MMO FOR THE NON-UNIFORM DEFINED CONTRIBUTION PENSION PLAN - A motion by H. Llewellyn, second by D. Waldt unanimously carries to the approve the 2026 MMO of \$12,123.00 for the Non-Uniform Defined Contribution Pension Plan.

DISCUSS & CONSIDER APPROVAL OF THE 2026 MMO FOR THE UNIFORM DEFINED BENEFIT PENSION PLAN - A motion by C. Paretti, second by H. Llewellyn unanimously carries to the approve the 2026 MMO of \$279,130.00 for the Uniform Defined Benefit Pension Plan.

DISCUSS & CONSIDER APPROVAL OF ESCROW RELEASE FOR RALPH CHIDO – M. Reddick explained this stormwater project at 212 Pine Ford Road was owned by Platinum 4 Properties, LLC. and recently sold the property to a new owner. They are asking for a release of their funds that are in their escrow in the amount of \$2,355.55. D. Waldt asked about an escrow from the new owners. M. Reddick said yes, the township will require an escrow for review and inspections when they submit their plans for grading/stormwater permits. A motion by C. Paretti, second by D. Waldt unanimously carries to approve the escrow release of \$2,355.55 to Ralph Chiodo the new owners of 212 Pine Ford Road.

DISCUSS & CONSIDER ADOPTING THE TURF MANAGEMENT PLAN AS RECOMMENDED BY THE OS&R BOARD – T. Slinkerd explained the open space committee asked the Board to review their plan for a comprehensive turf management and mowing plan for all township parks and open space. A motion by H. Llewellyn, second by D. Read unanimously carries to adopt the Turf Management Plan as recommended by the Open Space & Recreation Board.

PUBLIC COMMENTS ON AGENDA ITEMS

Keith Kehl, 1941 Gilbertsville Road, on New Business A, the proposed Ming Drive connection.

Rich Kummerer, 1303 Farmington Avenue, on Old Business B, expressed his delight on the recent road improvements.

John Bush, 1256 N. State Street on Old Business D, keep the promises made to not open State Street for the proposed commercial development.

Erik Meddelson, 1183 N. State Street on Old Business D, concern for the additional traffic and safety of children.

Steve Leader, 1134 N. State Street on Old Business D, concern for the through traffic from the commercial development.

Charles Liss, 1197 N. State Street on Old Business D, concern for the traffic from the apartments proposed across from Upland Square Center.

Rodica Ifrim, 1176 N. State Street on Old Business D, concern for the traffic and effect of residents pulling out of their driveways.

OTHER PUBLIC COMMENTS

Jim Capinski, 1958 Yarnall Rd, on the Evans appeal.

Keith Kehl, 1941 Gilbertsville Road, on 2290 Gilbertsville Road.

Rodica Ifrim, 1176 N. State Street, on an ambulance on her street.

John Bush, 1256 N. State Street, on the original two gates for Upland Square.

Charles Liss, 1197 N. State Street, on the cul-de-sac at the north end.

Albert Leach, 1476 Sweetwater Way, in response to D. Read's invitation to Albert Leach, Elwood Taylor, and Tyrone Robinson's to prove him wrong that their lawsuit is political stunt, only Leach came forward. He simply attacked the commissioners. D. Read explained the great risk he and his co-plaintiffs put the Township in and highlighted the malicious timing of their action.

Steve Leader, 1134 N. State Street, on the Township litigation.

Rich Kummerer, 1303 Farmington Avenue, on whether his family will be able to afford to live in this township.

Leighanne Hertzog, 312 Summer Grove Road, on the disapproved of candidates running for office and their lawsuit.

COMMISSIONER COMMENTS

C. Paretti stated that for the remainder of this year anything she objects to will turn into a circus and she apologizes for it. It's her vote and that is what she was elected for, to vote her conscience.

D. Read replied he thought they were a debating body. It is not out of the ordinary to ask why someone is voting their way. He wants to keep talking. He gave an update on the building. The project will be turned over to the contractor soon. There will be activity at the site. The house on the property was wired for electricity and it will be used as a construction trailer at a saving of about \$30,000.00 from renting two trailers for a year. It was a strategic thought to put a little money into the house, get some electricity in, thanks to Jeremy for the work, and save some money.

T. Slinkerd explained to the Board that the Evans (Smola) appeal is in Commonwealth Court. He stated that the appeal is not only important for the Evans case but for all of the Township's property. He further said that regardless of where the Township builds, the appellate decision affects all of the 338 acres Township owns and how it can be used. As for process used to buy ground through the Open Space Act prior to 2018, many of those purchases did not have a hearing as the Act requires. Are those purchases void as it relates to the Act, he asked.


T. Slinkerd announced that the Board will go into Executive Session to discuss the Artisan case. He reminded the Board that this case involves a company that is suing the Township over the Township denying this company's request to build 400 houses in the Township. He further stated that no commissioners on this Board voted for this project and that Township has been involved in this case for quite some time and it is important to know who the past commissioners were that voted for this project.

T. Slinkerd ask C. Paretti and D. Walt why, if they don't support the appeal of Evans, didn't they drop their names from the suit when the Township's special counsel offered them that option. C. Paretti said she wanted to know the strategy. T. Slinkerd asked, to pass on the strategy to the opposition. T Slinkerd asked them both why they didn't they show up for their deposition. They both said talk to their lawyer. D. Read asked why would you cancel the day before the scheduled deposition—what are you afraid of.

The Board convened in Executive Session at 9:00 PM to discuss two legal items with no action to be taken. They reconvened at 9:12 PM.

ADJOURNMENT – The meeting was adjourned at 9:13 PM.

Respectfully submitted,


Jeannie DiSante, Township Secretary