

Upper Pottsgrove Moves Ahead on Construction on the Smola Farm Despite the Citizens' Pleas

By Kate Harper and endorsed by Matt Murray and Nathaniel Guest

And so, it begins. Bulldozers, asphalt, and paving appeared this week on what the residents of Upper Pottsgrove Township thought was *their* land—the “permanently preserved” Smola Farm, purchased with their money paid to the Upper Pottsgrove Tax Collector and designated for “open space.” Three Upper Pottsgrove Commissioners (Commissioners Trace Slinkard, Hank Llewellyn and Don Read) don’t care.

The Township Commissioners are so sure they are right and everybody else is wrong they bragged about the construction on the Township website: “The Township will begin work this week on the first stage of the municipal complex that the Board of Commissioners approved in August of 2022.” Construction has started.

They are talking about a multimillion-dollar project that includes several buildings totaling more than 20,000 square feet and parking lots and storage for public works supplies which will consume acres of ground, require water and sewer utilities as well as ruin the open space values of land that was, until recently, used as a farm, and land the Smola Family was promised would stay permanently preserved as they wanted. They trusted the Township because the then Township Commissioners negotiated the purchase directly with them and promised they wanted to preserve the land. The current Upper Pottsgrove Township Commissioners don’t care.

The Township’s residents and taxpayers have come to many public meetings trying to explain to the Commissioners they want the land to remain open and the municipal complex to be built somewhere else. The Township Commissioners don’t care. In fact, they had the Chief of Police send letters warning people NOT to speak out at public meetings. What?!

Nevertheless, two publicly spirited citizens with nothing to gain but the continued preservation of what they thought was “permanently preserved open space,” (yes, look that up, it’s in the Township’s own Open Space plan) went to Court seeking a “higher authority” to protect the land from the destruction of its

open space values, since the Upper Pottsgrove Commissioners did not believe the land was protected (!).

These citizens, Matt Murray, and Nathaniel Guest are within their legal rights to ask for help—since the land was purchased with open space taxes approved in a voter referendum, the Township must preserve its “open space values” or seek voter approval for the change. The Upper Pottsgrove Commissioners don’t care. They think they are “winning” when the Court did not enter an injunction to stop the construction until the case can be heard later this year. And they refused to wait for a decision at the trial. They just don’t care.

They don’t care that the Open Space Lands Act, a state law, says that if your voters agree to tax themselves for open space, that’s what they get. Land with the “open space values” preserved—whether that’s a nature preserve, a farm, trails and recreation or land that preserves natural or scenic resources. They don’t care. And it’s the taxpayers’ money they are spending to construct the municipal complex and to fight the public-spirited citizens who just want them to “do the right thing.”

The Commissioners first claimed the land *wasn’t* purchased with open space tax revenues when two former commissioners and their own records proved that it was. OK, then, they claimed they paid off the Open Space Bond that helped fund the purchase (although the citizens are still paying the open space tax and now the Commissioners are using it to pay the general fund back for the payment on the bond). But none of that changed the character of the land as being purchased and dedicated to “permanent open space.” This information is in the Township’s own financial records obtained by the taxpayers with Right to Know law requests for public information. So, are they lying? Under oath? They don’t care.

Since this land was dedicated in their own Open Space Plan and publicly in their newsletter as “permanent open space,” they can’t legally change its use without asking the Orphan’s Court for permission. They haven’t done this. Maybe we need to get Pennsylvania’s Attorney General involved? The people of Upper Pottsgrove, sorry to say, need to be protected from their own local government. And the Commissioners? They don’t care.

When these three Commissioners took office, they swore to uphold the Constitution and laws of the state. Is it too much to ask that they live up to that oath?