

January 11, 2016

## POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, January 11, 2016 at 7:00 p.m. in the Council Meeting Room, Pottstown Borough Hall, 100 East High Street, Pottstown, Pennsylvania, with President Weand in the Chair.

### CALL TO ORDER

### INVOCATION

President Weand requested a moment of silence.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

Councilors present were Ryan Procsal, Carol Kulp, Sheryl Miller, Dennis Arms, Dan Weand, Rita Paez and Joseph Kirkland. Also present were Borough Manager Mark Flanders, Assistant Borough Manager Erica Batdorf, Attorney Matthew Hovey, Mayor Sharon Valentine-Thomas and Borough Secretary Virginia Takach.

### APPROVAL OF MINUTES

Motion by Councilor Miller, seconded by Councilor Kulp to approve the December 14, 2015 Council meeting minutes as presented. Motion carried: 7 ayes.

### COMMENTS FROM CITIZENS PRESENT

a. Charlie Pierce, 260 West Beech Street – provided the monthly report for the Phillies Fire Company. He highlighted the Santa Run and toy delivery events that occurred in December. Mr. Pierce advised that six new Junior Firefighters and three Probies, which are volunteers between the ages between 16 and 18, have been recruited. Mr. Pierce also requested Council's consideration in education and recruitment endeavors for the volunteer fire fighters in the departments and is interested in forming committees to address the situation.

b. Jim Smale, 1504 Cherry Lane – spoke as Captain of the Fire Police and explained the numerous duties, responsibilities and lack of funding for the Fire Police and requested Council's consideration and the public's interest in volunteering.

c. Matt Green, 121 North Hanover Street – advised that he is a Real Estate agent with Glocker Realty and an eight-year veteran of the Pottstown Police Department and noted that he, along with Councilor Miller, are working on initiatives to enhance home ownership in the Borough. He is also working on a Home Buyers' Club with Laura Mabry.

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## MAYOR'S REPORT

Mayor Thomas clarified the intention of the Human Relations Commission's potential strategy to reorganize to meet demands of today's culture regarding issues of the Commission's task to facilitate or moderate on behalf of the residents. She also explained, that with present legalities, the Commission would be more tenable if it became a stand-alone entity to allow for open forums to discuss issues from citizens' complaints. The Mayor also explained the role that the Borough would take if it maintained a portion, would be to facilitate calls and refer to the State Human Relations Commission.

Mayor Thomas noted that the requests of additional volunteers for firefighters and fire police may be a consideration for senior projects in the High Schools.

## MANAGER'S REPORT

Manager Flanders thanked all for attending the dedication of the Public Works Facility on December 19<sup>th</sup>. He advised that he approved two change-orders totaling \$12,246 bringing the total contract number to \$4,086,000 due to electrical and lighting changes. Mr. Flanders reminded all of the upcoming Dr. Martin Luther King, Jr.'s birthday holiday scheduled for January 18<sup>th</sup> and the Hall will be closed. The annual celebration will be held at The Hill School on January 17<sup>th</sup>, 4:00 p.m.

Mr. Flanders also announced the passing of Borough employee Wayne Scott Johnson, a long-time employee of the Wastewater Treatment Plant and son of Zoning Hearing Board member Bob Johnson and former employee, Dolly Johnson.

Vice President Miller requested an update on the LERTA ordinance and suggested support from Council and the School District to allow for active duty first responders to qualify for the residential portion of LERTA.

President Weand noted that this will be addressed later on the agenda.

## SUBCOMMITTEE REPORT

- a. Finance – President Weand noted that there was no meeting.
- b. Safety – Vice President Miller reported that the Fire Companies have been working with the Red Cross and advised that Ward 1-2 has the highest number of responses involving building fires. She advised that all four Fire Companies put hangars on doors in the neighborhood providing information regarding programs for smoke detectors, in conjunction with the Red Cross.

Councilor Miller also recommended that the Police portion of the Safety report be provided by Police Chief Drumheller if agreeable with Council. There was no objection from Council.

Chief Drumheller advised that a petition with residents of South Street resulted in a consideration of making a portion of South Street between Washington and Charlotte Streets, one-way west. Additional manpower will be in contact with the residents to complete the survey.

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The Mayor suggested inventorying homes that have carbon monoxide detectors in homes with attached garages.

c. Ricketts Center – Councilor Kirkland provide a report on upcoming events and Programs at the Center, including dance and theater.

### COMMITTEE REPORTS

a. Library – Arthur Green provided information on the Library Board, noting that a few positions remain. He highlighted the new programs, including a project to enroll all students as card-holders of the Library. Mr. Green also reviewed the funding endeavors of the Library including the surrounding townships.

Councilor Paez questioned the possibility of providing books in Spanish.

Mr. Green noted that funding is not available and the process is lengthy to provide books in specific languages.

b. Human Relations – Councilor Paez advised that the Commission has been active for many years and needed in the community. She requested Council's approval on the submitted strategic plan. The Commission is presently working from the First Baptist Church.<sup>1</sup>

c. PDIDA – Ms. Dugan advised that she will provide a report for next month's meeting.

d. COG – There was no meeting.

e. EAC – There was no report.

f. Regional Planning – Councilor Procsal advised that there was no meeting. The next meeting is scheduled for January 27<sup>th</sup>.

g. Blighted Property Review – President Weand advised that there was no meeting in December.

### UNFINISHED BUSINESS

None.

### NEW BUSINESS

a. Swearing In – Officer Ryan L. Guth

Mayor Thomas read and presented the order and appointment to Officer Ryan L. Guth in the presence of his family and fellow officers.

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<sup>1</sup> As of 2/8/16 – now working from home of Diana OBryant

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b. Presentation – Lewis Strategic business Development

Mr. Kelly Lewis was present to explain the proposed Pennsylvania Gigabit Revolution (GIG REV) which is a public awareness movement to encourage communities to investigate and adopt an initiative for gigabit high speed internet. The initiative, a broadband fiber and data system, is proposed for the area of New York City through York, Pennsylvania, to Ashburn, Virginia. The project is funded in part by the Department of Community and Economic Development and encompasses Bucks, Montgomery, Lancaster, York, Adams and Berks County. Mr. Lewis invited all to a public meeting scheduled for January 25<sup>th</sup>, 1:30 p.m. at the Montgomery County Community College, West Campus. Results of the study will be available by April 2016.

c. Presentation – Pottstown Brew Fest & Pottstown Ferkin Fest

Mr. Timothy Hennessey was present to request the use of the island area at Memorial Park for the second annual Brew Fest, scheduled for October 22<sup>nd</sup> and the first annual Ferkin Fest, scheduled for April 30<sup>th</sup>. He provided statistics for the successful Brew Fest in 2015. Mr. Hennessey added that the proceeds will be earmarked for non-profits in the Borough, such as the Library and the repainting of the Elks Lodge. Mr. Hennessey also explained that a Ferkin is an 8-gallon wooden keg, wherein beer is fermented.

d. Conditional Use – Mesiarik - Motion by Council Miller, seconded by Councilor Procsal to grant the Conditional Use request of Constance Mesiarik to permit a psychological service business at property located at 1304 East High Street, with conditions as stated in the order dated January 11, 2016. Motion carried: 7 ayes.

e. Criterion Bike Race - Motion by Councilor Miller, seconded by Councilor Procsal to grant request of Dawn Gulick to conduct a Pottstown Criterion Bike Race on July 10, 2016, 8:00 a.m. – 8:00 p.m., resulting in the closing of High Street, from Hanover to North Charlotte Streets, Hanover Street from High to Walnut Streets, Walnut Street from Hanover to North Charlotte Streets and North Charlotte, from Walnut Street to High Street, subject to approval of the Police and Fire Departments. Motion carried: 7 ayes.

f. PDIDA – Pottstown FARM – Motion by Councilor Miller, seconded by Councilor Kulp to grant request of the Pottstown Downtown Improvement District Authority to approve the Phase I concept of the Pottstown FARM, Outdoor Farmer’s Market, and relocate from the Reading Lot, South Hanover Street to the 200 block of High Street, on Thursday’s from 2:00 p.m. to 8:00 p.m., subject to approval of the Police and Fire Departments. Motion carried: 7 ayes.

g. Carousel Lease Amendment - Motion by Councilor Miller, seconded by Councilor Kulp to authorize the Solicitor to prepare the third amendment to the Lease Agreement between the Borough of Pottstown and the Carousel at Pottstown. Motion carried: 7 ayes.

h. Flood Plain Ordinance - Motion by Councilor Kirkland, seconded by Councilor Procsal

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to authorize the Solicitor to advertise an Ordinance consistent with the Pennsylvania Flood Plain Management Act of 1978 and adopting flood plain management regulations.

Councilor Miller questioned if this were state regulations and commented that many issues in the ordinance will hinder new development and new construction. She added that it will add to restrictions for property owners.

Attorney Hovey commented that it is required from the Federal level and has been a four-year project with the deadline now being March 2016 for the ordinance to be in place. He added that funding is also being provided by FEMA. Attorney Hovey advised that the maps are available online.

President Weand requested a roll-call vote.

Arms	yes	Paez	yes
Kirkland	yes	Procsal	yes
Kulp	yes	Weand	yes
Miller	yes		

Motion carried: 7 ayes.

i. Vehicle Sales – Bid Awards - Motion by Councilor Kirkland, seconded by Councilor Paez to award the sale of Borough vehicles as per the bid tabulation of January 6, 2016 subject to review of the Borough Solicitor and as follows:

- i. 1997 Chevy Lumina to Richard Wilson - \$1,350
- ii. 1999 Chevy Lumina & 2005 Ford Crown Vic to Kelli Martin - \$1,800 & \$1,566
- iii. 2010 Ford Crown Vic to Mike Webb - \$2,837
- iv. 2010 Ford Crown Vic to Gurdev Singh - \$575
- v. 2011 Ford Crown Vic to Kenneth Gordon - \$3,107
- vi. 2003 Ford F-250 & 2002 Ford F-250 to Bobby Gerhart - \$10,100 & \$12,255
- vii. 1998 Chevy S-10 to Thomas Berg - \$2,001
- viii. 2001 Freightliner to Jim Rishel - \$8,200
- ix. 2003 Freightliner to Robert Rissler - \$11,206
- x. 1998 Chevy Blazer to John Tansey - \$3,101
- xi. 1992 Bobcat 543 to Craig Symons - \$5,095
- xii. 1993 Ingersoll Air Compressor to Ralph Moler - \$5,000

Motion carried: 7 ayes.

j. Tax Collector Resignation – Motion by Councilor Kirkland, seconded by Councilor Procsal to accept the resignation of Coleen Belovich and declare the office of Elected Tax Collector vacant. Motion carried: 7 ayes.

k. Tax Collector Vacancy

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Roy Reifsnyder was present and advised that he holds a Bachelor's Degree in accounting and is a graduate accountant and requested consideration for the position of Tax Collector for the Borough.

Claude Curtis Erb was also present and advised that his background is in Human Resources Administration and also requested consideration for the position.

President Weand thanked both candidates for their interest and urged both to retain interest in additional positions with the Borough.

Resolution – Tax Collector – Motion by Councilor Miller, seconded by Councilor Kirkland to adopt a Resolution appointing Roy Reifsnyder, Sr., to fill the vacancy in the position of Elected Tax Collector for the Borough of Pottstown for a term to expire January 2, 2018, subject to satisfying certifications and bonding.

RESOLUTION NO. 2016-1

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN FILLING THE VACANCY IN THE POSITION OF ELECTED TAX COLLECTOR PURSUANT TO THE PENNSYLVANIA BOROUGH CODE.

WHEREAS, Section 901 of the Pennsylvania Borough Code permits Borough Council, by Resolution, to fill a vacancy that might occur in the position of Elected Tax Collector within thirty (30) days after the vacancy occurs; and

WHEREAS, Coleen Belovich, Elected Tax Collector for the Borough of Pottstown, has submitted a letter of resignation and has failed to take an Oath of Office as required by the Borough Code; and

WHEREAS, based upon the events described above, Pottstown Borough Council has declared a vacancy in the position of Elected Tax Collector, as required by the Pennsylvania Borough Code; and

WHEREAS, the Borough Council is desirous of filling the vacancy in the position of Elected Tax Collector until the first Monday in January after the next municipal election.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Burgess and Town Council of the Borough of Pottstown, that Roy L. Reifsnyder, Sr., be appointed as the Elected Tax Collector of the Borough of Pottstown to fill the unexpired term of Coleen Belovich, which term shall expire on Tuesday, January 2, 2018, conditioned upon providing a Tax Collector Bond to the taxing authorities as required by law.

Motion carried: 7 ayes.

OATH OF OFFICE

Mayor Thomas administered the Oath of Office to Roy L. Reifsnyder, Sr. as the appointed Tax Collector for the Borough of Pottstown.

1. Zoning Hearing Board - Motion by Councilor Miller, seconded by Councilor Kulp to

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adopt a Resolution reappointing Jay Harp as a member of the Zoning Hearing Board for a three (3) year term to expire January 1, 2019

RESOLUTION NO. 2016-2

A RESOLUTION APPOINTING JAY HARP AS A MEMBER OF THE POTTSTOWN BOROUGH ZONING HEARING BOARD FOR A TERM OF THREE (3) YEARS.

WHEREAS Article IX of the Pennsylvania Municipalities Planning Code and Section 901 of the Pottstown Borough Zoning Ordinance authorizes Borough Council to appoint, by Resolution, members of the Pottstown Borough Zoning Hearing Board.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Burgess and Town Council of the Borough of Pottstown, Montgomery County, Pennsylvania, as follows:

1. Jay Harp is hereby appointed to the Pottstown Borough Zoning Hearing Board for a three (3) year term expiring January 1, 2019.
2. That the said member shall participate in all proceedings of the Pottstown Borough Zoning Hearing Board to the same and full extent as provided by law.

ENACTED AND RESOLVED this 11th day of January, 2016.

Motion carried: 7 ayes.

m. Blighted Property - Motion by Councilor Miller, seconded by Councilor Kirkland to reappoint Cheryl Chiarello, Mark Gibson and Ryan Procsal to the Blighted Property Review Committee for one (1) year terms to expire December 31, 2016. Motion carried: 7 ayes.

n. Borough Authority - Motion by Councilor Miller, seconded by Councilor Arms to reappoint David Renn to the Pottstown Borough Authority for a five (5) year term to expire January 1, 2021.

Mr. Renn was present and accepted the appointment.

Motion carried: 7 ayes.

o. PDIDA - Motion by Councilor Miller, seconded by Councilor Kulp to reappoint Ross Belovich and Bill Robertson to the Pottstown Downtown Improvement District Authority for five (5) year terms to expire January 1, 2021. Motion carried: 7 ayes.

p. Planning Resignation – Motion by Councilor Kirkland, seconded by Councilor Paez to accept Stephen Toroney’s December 14, 2015 letter of resignation from the Pottstown Planning Commission.

President Weand commented that Mr. Toroney will be surely missed on the Commission.

Motion carried: 7 ayes.

q. Appointments by Council President Weand:

Committees:

- i. COG Representative – Councilor Kulp
- ii. Human Relations Commission – Councilor Paez and Mayor Thomas

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- iii. Police Pension & Non Uniform Pension Board – President Weand and Mayor Thomas
- iv. Regional Planning – Councilors Procsal and President Weand
  
- r. Appointments by Council President Weand - Subcommittees:<sup>2</sup>
  - i. Ad hoc Zoning – Councilors Miller, Procsal and Weand
  - ii. Economic Development – Councilors Paez and Weand
  - iii. Finance & Administration – Councilors Arms, Miller and Weand
  - iv. Infrastructure/Codes – Councilors Kulp and Miller
  - v. Keystone/Western Gateway – Councilor Kulp
  - vi. Library – Arthur Green (Library Board Representative)
  - vii. PDIDA – Sheila Dugan and Ross Belovich
  - viii. Ricketts Community Center/OBGC – Councilors Kirkland and Paez
  - ix. Safety/Fire – Councilors Arms, Miller, Paez and Mayor Thomas<sup>3</sup>
  - j. Transportation – Councilors Miller, Procsal and Kulp

s. Brew Fest/Ferkin Fest – Motion by Councilor Miller, seconded by Councilor Procsal to grant the request of Tim Hennessey to conduct the 2nd Annual Pottstown Brew Fest on October 22, 2016, 12:00 p.m. – 5:00 p.m. and the 1st Annual Ferkin Fest on April 30, 2016 from 1:00 p.m. to 4:00 p.m. and to grant the use of the island at Memorial Park, subject to approval of the Police and Fire Departments and the Parks and Recreation Department.

As this item was not listed on the agenda, President Weand opened a Public Hearing at 8:25 p.m. to accept public comment.

- i. Matt Green, 121 North Hanover Street – spoke in favor of this event noting that last’s year’s event drew many visitors from outside of the borough
- ii. Diane Krumm, 275 North Hanover Street – stated that she is definitely in favor of the event

The public hearing closed at 8:28 p.m.

Motion carried: 7 ayes.

#### REPORT OF BILLS

Motion by Councilor Miller, seconded by Councilor Kirkland to pay the outstanding bills in the amount of \$1,456,268.84. Motion carried: 7 ayes.

#### ANNOUNCEMENTS

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<sup>2</sup> As of 2/8/16 – Ad hoc Animal Committee – Councilor Miller

<sup>3</sup> As of 2/8/16 – members are Arms, Miller, Procsal and Mayor Thomas

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Councilor Kulp advised that her one goal for 2016 is for improved economy and additional jobs.

Councilor Kirkland reminded all of the Martin Luther King, Jr. holiday on January 18<sup>th</sup>.

Vice President Miller thanked Mr. Brandt for his coverage of the *Rock the Block* effort scheduled for January 12<sup>th</sup>, for the event scheduled for April 12 and April 15<sup>th</sup> with the Habitat for Humanity Project. She also commended Matt Green for his assistance in establishing a Community Development Corporation, assisting in home-ownerships in the Borough. Councilor Miller added that the Ad hoc Zoning Review Committee has reviewed and amended many ordinances, which had not been reviewed in years and will continue to progress. She is seeking dialogue among the communities, businesses and residents to enhance the process of making the Borough a more user friendly community and productive dialogue for problem solving.

Vice President Miller also thanked Mr. Pierce for his outline of the problems being faced by the Fire Companies. She encouraged other councilors to become informed as well. Councilor Miller reiterated her request to President Weand to form a Community Fire, consisting of two councilors, two School Board members, and representative from each of the Fire companies. The immediate needs are grant writers, webpage designers, marketing and fund raisers.

President Weand noted that this would be listed for next month's agenda.

Councilor Procsal reported that he has championed a family member to buy a home in the Borough.

### LERTA

Manager Flanders provided the status of LERTA, advising that Council approved the advertisement of the resolution pending a public hearing. Mr. Flanders noted that the public hearing has not yet occurred as he is awaiting action from the School District.

Mr. Flanders also commented that action regarding first responders as a residential component of LERTA is a possibility but would have to be directed by Council and the School District and would need to be a part of the ordinance.

### ADJOURNMENT

The meeting adjourned 8:35 p.m. on motion by Councilor Arms.

Submitted by,

Mark D. Flanders  
Borough Manager