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6:30 P.M. - CONDITIONAL USE HEARING – MARTIN DELANEY, 343 West High Street, 337 West High Street (a/k/a 351 West High Street)

Solicitor Garner opened a Conditional Use Hearing on the request of Martin Delaney to establish a car sales and mechanic shop at the property located at 343 and 351 West High Street.

Mr. Delaney testified that there was previously a car sale business at that location. He noted that the only repairs being worked upon would be on cars available for sale. Mr. Delaney also testified that the hours of operation would be approximately 5:00 a.m. to 8:00 p.m. with no Sunday hours.

Jeff Chomnuk and Dennis Reitnour, Automotive Machine Specialty Shop, 337 West High Street, were present in opposition of approving the conditional use as requested.

Mr. Chomnuk testified that there has been no property maintenance since Mr. Delaney has owned the property. He noted that the Borough's Clean and Lien team has been at the property several times. He requested that this matter be denied until the property maintenance issues are resolved. Mr. Chomnuk provided photographs which were entered into evidence.

Mr. Delaney advised that the property was worse prior to his ownership. He added that the locks had been broken.

Solicitor Garner closed the hearing at 6:50 p.m. and advised that Council has 45 days to render a decision.

COMMITTEE OF THE WHOLE MEETING

The April 6, 2016 Committee of the Whole meeting was called to order at 7:00 p.m. by President Weand in the Council Meeting Room, Pottstown Borough Hall, and 100 East High Street, Pottstown, PA.

ATTENDANCE

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

INVOCATION

Bishop Debnam provided the invocation.

SWEARING IN CEREMONY

Mayor Thomas read and presented the Order to Officer Zachary Robinson in the presence of his wife, family and fellow officers.

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SUBCOMMITTEE REPORTS

- a. Infrastructure – There was no meeting.
- b. Economic Development & Business Liaison – Assistant Manager Batdorf provided an update on the *Momentum* Spring issue. She also provided a grants outline for Council's review. Ms. Batdorf noted that several PART items are listed on the agenda and announced the Poster Contest through PART. Winners will be announced on Earth Day, April 22nd.
- c. Transportation – Councilor Kulp noted that there was no meeting.
- d. Ricketts Community Center/OBGC – Councilor Kirkland provided an update on summer programs at the Center.
- e. Pottstown School Board – Mr. Heidel reported on numerous events throughout the School District, including the culinary contest. He also provided information on bid awards and personnel changes. Mr. Heidel also announced that Dr. Sparagana will be honored at the upcoming TriCounty Chamber of Commerce Annual Dinner. He added that several concerts are scheduled along with the Junior/Senior Prom scheduled for May 6th.
- f. Ad hoc Zoning, Animal & Bicentennial Committees – Councilor Miller reported that the Zoning Committee is working on impervious space and setbacks, along with the sign ordinance and retail in residential neighborhoods.

Councilor Miller advised that she personally oversees the kennel laundry and noted that any donations, either monetary or commodities would be greatly appreciated.

- g. Safety – Chief Drumheller reported that after the Department's investigation, there will be no changes or action taken on South Street.

MAYOR'S REPORT

Mayor Thomas recognized the Pottstown Police Department, the Philadelphia Police Department and all law enforcement personnel that participated in the Youth Forum at the Montgomery County Community College, which was a positive and educational event for all.

MANAGER'S REPORT

Manager Flanders reported that the Public Works Facility's codes related items should be finalized in the near future. He also clarified the position of the Carousel, advising that he received a letter from George Wausnock, President, noting that the Carousel has no piping inside and is not nearly ready for water hook-up and therefore not placing any blame on the Borough for the project not being completed.

Mr. Flanders also requested Council's direction regarding the various requests for waiver of fees, such as permitting and park fees. Mr. Flanders also advised that PEMA has declared the January 22 and 23, 2016 snow event as a disaster and will be reimbursing municipalities for

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associated costs of the storm, including overtime, fuel, salt use and contractor assistance and possibly the stream bank and pedestrian bridge repairs at Riverfront Park.

Mr. Flanders also provided an update on the LERTA committee assigned at the recent Joint School Board and Council meeting. He noted that the Committee has provided comments and will distribute to Council at this meeting. He also reported that as per Councilor Miller's recommendation, a Citizens' Leadership Academy has been formed and applications went live through the website on this date.

PRESENTATION – YOUTH AID PANEL

Frank Strunk, Executive Director of the Youth Aid Panel, was present and provided an overview and progress of the Youth Aid Panel, which comes under the direction of the Montgomery County Juvenile Authority. He noted that the panel has been meeting in the Borough Hall for 13 years and has been quite successful and commended the Borough and the Police Department for its cooperation and assistance for allowing juveniles to address and correct certain violations. Mr. Strunk advised, that over the past 10 years, the panel has interviewed over 7,000 juveniles and has saved the County over \$90,000 of tax payers' dollars.

PRESENTATION – YWCA – 323-325 King Street

Stacey Woodland, Executive Director of the YWCA, was present and advised that the YWCA recently received a donation of the properties located at 323 and 325 King Street. She noted that the YWCA was unaware of the tax liens and utility bills acquired prior to its acceptance of the donations. Ms. Woodland requested Council's consideration in providing relief for any liens that pre-date its ownership of the buildings.

It was the consensus of Council to take under consideration as the YWCA has not yet contacted the School District and no dollar amount due has been determined.

PRESENTATION – HUMAN RELATIONS COMMISSION

Carl Summerson, hearing examiner for the Pennsylvania Human Relations Commission advised that 35 local human relations commissions similar to Pottstown actually address discrimination issues and have memorandums of understating between the State and Municipalities. Their ordinances also provide powers and duties similar to the State level. He noted that the Pottstown Human Relations Commission's powers are at the lowest level in Pennsylvania. Mr. Summerson also explained that the Montgomery County group does not conduct investigative issues or enforcement and cannot hear cases. He urged Council to consider increasing the powers of the local Human Relations Commission.

Diana Rivera O'Bryant, along with Councilor and Human Relations Commission Chairperson Rita Paez explained that regular reports have not been provided due to a lack of office space and operational equipment.

Mayor Thomas reiterated her concerns regarding costs and possible liabilities issues against the Borough.

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After a discussion among Council, President Weand directed Staff to investigate the issues and provide a proposal for the Commission.

PRESENTATION – CLUSTER OF CHURCHES, 61 North Franklin Street

Attorney Kenneth Picardi was present representing the Pottstown Cluster of Religious Communities. He outlined the mission, history, programs and services of the Cluster. Mr. Picardi also explained the proposed use of the newly acquired property located at 61 North Franklin Street, advising that the use would be strictly administrative and community meeting space for staff and client education purposes.

Mr. Picardi indicated that the Cluster, as it uses the Borough services, such as police and fire, has pledged a portion of its taxes to the Borough and advised that it also intends to make a presentation to the School Board although there are no plans to make a payment in lieu of the property's school taxes. He also noted that if the use is not approved by Borough Council, there would be the possibility of a social club or a boarding home as use of the property. He requested Council's support of the proposed use and zoning relief as requested.

Barbara Wilhemy, Executive Director of the Cluster, was also present and outlined the requirements of clients receiving benefits from the Cluster.

Councilor Procsal commented that he toured the building and was impressed with the workmanship and condition of the property and suggested that the matter be forwarded to the Zoning Hearing Board for resolution with no action from Council.

IN FOCUS SHORT FILM FESTIVAL

Assistant Manager Batdorf provided an itinerary of the IN FOCUS Short Film Festival and events scheduled for June 6 – June 10, 2016. The festival will conclude with a social event at the Steel River Playhouse on June 10th. She also requested a closure of the north side of High Street from Penn to Charlotte Streets.

Michael Lenhart, Director Park and Recreation, also noted that the festival will enhance the Arts and Cultural initiatives of the Borough.

President Weand noted that this will be listed for the regular agenda.

DVRPC LED STREETLIGHTING

President Weand advised that the proposal was considered by the Finance Committee and it was the consensus to not proceed with the project at this time.

CDBG GRANT 2016

Ms. Batdorf explained the request to submit a grant application for the Laurel Street mitigation project in the amount of \$150,000 in order to proceed with the existing 2012 grant.

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SCHUYLKILL RIVER RESTORATION FUND GRANT 2016

Ms. Batdorf reviewed the request to submit a grant for an additional hydrodynamic device on Franklin Street.

PART LOCAL MATCH OPERATION RESOLUTION

Ms. Batdorf reviewed the annual requirement to certify the local match, derived by Chester and Montgomery Counties, at 15% and 85% respectively, for the Pottstown Area Transit System.

TRANSPORTATION COMMUNITY DEVELOPMENT INITIATIVE GRANT (TCDI)

Ms. Batdorf reviewed the grant request to enhance the TRec district with signage and marketing. The total project would be \$125,000 and the grant submission of \$100,000. The match may become available through the Schuylkill Highlands Grant.

TREC DISTRICT – LONG RANGE PLAN GRANT APPLICATION

Ms. Batdorf also explained the request for a grant application for the DVRPC Long Range initiative. She also noted that Justin Keller may be available Monday evening for further information.

President Weand noted that these items will be listed for approval on the regular agenda.

AIRPORT MAINTENANCE HANGAR – LEASE ASSIGNMENT

Ms. Batdorf explained the proposal of the current FBO to assume the present lease of the Airport Maintenance Hangar and requested approval for the Solicitor and Staff to prepare a Lease Assignment to Fly Elite, effective May 1st.

LERTA

President Weand reminded all that an ad hoc committee was formed to provide comments and recommendations for a LERTA district. He added that the Manager will distribute the comments prior to end of the meeting.

DERR FAMILY PROPERTIES

Solicitor Garner reviewed the request of the Derr Family Properties for a waiver of Land Development after establishing a parking lot on the properties of 58-65 King Street. He added that the Planning Commission and Engineer have recommended that the request be denied.

This will be listed on the regular agenda.

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AMBUCS – SOAP BOX DERBY & CHALLENGE KIDS SOAP BOX DERBY

Mr. Flanders reviewed the requests of the AMBUCS to conduct the annual races and to close Wilson Street for the June events. He noted that Wilson Street would close for the Soap Box Derby on Friday morning and remain closed until Saturday evening.

Councilor Miller noted that she has requested additional police coverage on Reynolds Avenue due to the increase in traffic when Wilson Street is closed.

RESOLUTION TAX COLLECTION COMMITTEE DELEGATE

Ms. Lee requested authorization for a resolution to appoint herself as the voting delegate and Marley Kasper as the alternate for the Montgomery County Tax Collection Committee.

POW WOW WAIVER OF PARK FEES

CCLU WAIVER OF PARK FEES

Mr. Flanders referred to the requests of the Pow Wow Committee and the CCLU for a waiver of associated park fees.

Mr. Flanders reiterated his request for direction, noting that a certain line item is budgeted to include the Memorial Day Parade.

After a discussion among Council, President Weand advised that both would be listed for further discussion on the regular agenda.

ZONING – ICE HOUSE DELI

Solicitor Garner reviewed the request for zoning relief from the Ice House Deli related to parking requirements.

Councilor Kulp requested that a letter of support be listed for Monday evening.

HARB

Mr. Flanders reviewed the applications for HARB Certificates of Appropriateness for the following properties:

- a. 1128 East High Street – to fix wood soffit
- b. 249 Chestnut Street – to repair box gutter and soffit
- c. 444 King Street – to replace roof
- d. 234 King Street – for installation of banister on 2nd floor balcony
- e. 860 High Street – for new roof on porches
- f. 1133 East High Street – for installation of business sign

Mr. Flanders also recommended to ratify action of the Building Permit Officer for Certificates of Appropriateness for the following properties:

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- a. 308 King Street – for installation of new roof
- b. 240 Chestnut Street – to replace door
- c. 1119 East High Street – to replace roof

Councilor Procsal moved to approve a Certificate of Appropriateness for 249 Chestnut Street as recommended by HARB. Councilor Miller seconded the motion.

President Weand opened a public hearing and requested public comments. Hearing none, the hearing was closed.

Motion carried: 7 ayes.

This will be listed for ratification at the regular meeting.

COMMENTS FROM CITIZENS PRESENT

a. Kurt Heidel, 954 Queen Street - recommended that there be no change in the existing Human Relations Commission. He also noted that the Cluster does not pay taxes and objected to the comment that the Cluster would not be making a fee in lieu of taxes to the School District. Mr. Heidel also advised that the Pow Wow will be charging a \$5 admission fee and could easily pay the fees associated with the event.

COUNCILORS' GENERAL DISCUSSION

Vice President Miller reminded all of the Rock the Block event April 15th, along with the CARES project. She thanked all involved with the Habitat for Humanity Rock the Block project, including the Fire Department personnel.

Mayor Thomas commented that the makeup of the Human Relations Commission should be commanded from the top and not bottom-up, which makes no sense. She added that she would continue to pursue this at the Department of Justice level. She added that the Borough should be protected for any incident involving the pool of people that require no type of training.

President Weand reiterated his encouragement for new employers to come into the Borough.

ADJOURNMENT

The meeting adjourned 10:10 p.m.

Attested,

Mark D. Flanders
Borough Manager