

April 11, 2016

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, April 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, Solicitor Charles Garner, Mayor Sharon Valentine-Thomas and Borough Secretary Virginia Takach.

COMMENTS FROM CITIZENS PRESENT

a. Kurt Heidel, 954 Queen Street – commented on the presentations by the Cluster and YWCA at the recent Committee of the Whole meeting and their non-profit status and the effects on the Pottstown School District. Mr. Heidel stated that the Cluster has children that attend the schools. He suggested that the Cluster move to the former Weis Market location.

b. Tom Hylton, 222 Chestnut Street – commented that he will reserve his comments Regarding the Cluster when presented to the School Board. He also commended Staff and Janice Lee, Finance Director, on the recently produced Financial Budget Book. He also noted that he has registered for the Citizens' Leadership Academy and thanked Vice President Miller for the initiative.

c. Johnny Corson, 544 Jefferson Avenue – spoke as a member of the Human Relations Commission, noting that the concerns are to develop relationships among humans regarding diversity and cultures. He also questioned the liability concerns of the Borough.¹

APPROVAL OF MINUTES

Motion by Councilor Miller, seconded by Councilor Arms to approve the March 14, 2016 Council meeting minutes as presented. Motion carried: 7 ayes.

¹ May 9, 2016 – Johnny Corson advised that he inadvertently identified himself as a member of the Relations Commission.

April 11, 2016

SUBCOMMITTEE REPORT

a. Finance & Administration – President Weand noted that the amount of tax bills paid during the discount period has an increases over the last year, which is a positive economic view point for the Borough. He also advised the street lighting program has been delayed due to limited cash flow and Council will not take advantage of this opportunity at this time.

COMMITTEE REPORTS

a. Library – Arthur Green provided an update on the construction at the Library and also the upcoming events. He noted that those who volunteer their time and assist with the Firkin Fest will produce a \$15 per hour donation to the Library. Mr. Green also reminded all of the Charlie Zahm concert scheduled for April 22nd.

b. Human Relations – Councilor Paez commented that the purpose of the Human Relations Commission is to give the people of Pottstown a voice and a platform. She requested Council's support in this matter.

c. PDIDA – Ms. Dugan provided an update on the opening of the May 5th Farmer's Market on High Street. She also introduced the *Rooster* who was present to represent the Market, to be held in the 200 block of High Street.

d. COG – Councilor Kulp advised there was no meeting.

e. EAC – Mr. Derr noted the two positions are listed on the agenda, which would bring the committee to a full quorum.

f. Regional Planning – Councilor Procsal advised that there was an update on the stewardship assessment from the Natural Lands Trust. There was also a lengthy discussion on the traffic study pertaining to the New Hanover Township housing project. Mr. Procsal also commended Justin Keller on his grant efforts, presently at \$508,000.

g. Blighted Property Review – Councilor Procsal reported that there was a presentation from Winnie Branton to update the committee regarding Land Banks. He advised that it may be considered at a basic level.

EMERGENCY SERVICES REPORTS

Brian Kisch was present to inform Council about the Explorer's Program and the efforts to rebuild the volunteer fire department program, with an open house scheduled for April 30th.

Charlie Pierce also provided a report on recent events and upcoming programs. He noted that the Explorers and the Junior Firefighters are covered under the Boy Scouts insurance program. He added that a recruiting effort is ongoing throughout the schools. Mr. Pierce also advised that

April 11, 2016

members will be volunteering for the CARES and Rock the Block events on April 15th. He also reported that Mr. Daywalt donated a microchip scanner to deal with lost animals. Mr. Pierce also provided a maintenance update.

UNFINISHED BUSINESS

None.

NEW BUSINESS

a. FOG Ordinance – Motion by Councilor Miller, seconded by Councilor Kulp to adopt an Ordinance amending Chapter 18, Sewers and Sewage Disposal, establishing a new Part 8, regulating Fats, Oils and Greases entering the Wastewater Collection System.

ORDINANCE NO. 2149

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN CHAPTER 18, SEWERS AND SEWAGE DISPOSAL, OF THE POTTSTOWN BOROUGH CODE OF ORDINANCES, AS AMENDED, TO PROVIDE A NEW PART 8 REGULATING FATS, OLS AND GREASES ENTERING THE WASTEWATER COLLECTION SYSTEM.

Motion carried: 7 ayes.

b. PART – Local Match - Motion by Councilor Kulp, seconded by Councilor Arms to adopt a Resolution certifying the Local Match for State Operating Financial Assistance for the Pottstown Area Rapid Transit System.

RESOLUTION NO. 2016-7

LOCAL TRANSPORTATION ORGANIZATION RESOLUTION CERTIFYING THE LOCAL MATCH FOR STATE OPERATING FINANCIAL ASSISTANCE

The Pottstown Borough Council of Pottstown Area Rapid Transit resolves and certifies that the operating financial assistance of \$1,223,685 provided pursuant to 74 Pa.C.S. §1513 is needed in Fiscal Year 2016-2017 or in a subsequent fiscal year to help pay for projected operating expenses, including asset maintenance costs; and that these funds will be used for this purpose only, because these funds are ineligible to be used for asset, or capital improvements projects; and that any funds not used this Fiscal Year will be retained and used only for operating assistance in a subsequent fiscal year(s).

Further, the Pottstown Borough Council resolves and certifies that the required local matching funds of \$81,443 will be secured from local contributors no later than the end of Fiscal Year FY2016-2017 to match the requested Section 1513 funds.

I Dan Weand, Borough Council President of the Pottstown Borough Council do hereby certify that the foregoing is a true and correct copy of the Resolution adopted at a regular meeting of the Pottstown Borough Council held the 11th day of April 2016.

Motion carried: 7 ayes.

April 11, 2016

c. CDBG – Motion by Councilor Miller, seconded by Councilor Paez to authorize Staff to proceed with an application to the Montgomery County Community Development Block Grant program for the following project: Laurel Street Flooding Mitigation. Motion carried: 7 ayes.

d. Schuylkill River Restoration Fund - Motion by Councilor Kirkland, seconded by Councilor Paez approving the submission of a grant application to the Schuylkill River Restoration Fund for an additional Hydrodynamic Device. Motion carried: 7 ayes.

e. TCDI Regional Identity - Motion by Councilor Miller, seconded by Councilor Procsal to adopt a Resolution of Intent for the participation in the Delaware Valley Regional Planning Commission's Transportation & Community Development Initiative (TCDI) Grant Program.

RESOLUTION NO. 2016-9

Resolution of Intent

Participation in the Delaware Valley Regional Planning Commission's Transportation & Community Development Initiative (TCDI) Grant Program

RESOLUTION OF: POTTSTOWN BOROUGH County of MONTGOMERY

WHEREAS, POTTSTOWN BOROUGH supports the request for planning grant dollars from the Delaware Valley Regional Planning Commission for the development of a REGIONAL IDENTITY CREATION, WAYFINDING SIGN AND DIGITAL INFORMATION PLAN; and

WHEREAS, said planning grant is multi-municipal and UPPER POTTS GROVE TOWNSHIP, MONTGOMERY COUNTY is the lead municipality responsible for grant administration; and

WHEREAS, POTTSTOWN BOROUGH understands the grant amount requested must provide 20% of the total project cost as match in local, county, state, or private funds or documented in-kind services; and

WHEREAS, POTTSTOWN BOROUGH intends to satisfy match requirements wholly through documented in-kind services of the Pottstown Regional Recreation Coordinator and/or through eligible county, state, non-profit and/or private grants; and

WHEREAS, POTTSTOWN BOROUGH fully understands the application requirements and contracting process if awarded the planning grant dollars; and

NOW, THEREFORE, BE IT RESOLVED, that POTTSTOWN BOROUGH HEREBY AUTHORIZES THE UPPER POTTS GROVE TOWNSHIP MANAGER to submit an application to DVRPC for a TCDI planning grant; and

BE IT FURTHER RESOLVED that POTTSTOWN BOROUGH agrees to, if selected for the TCDI grant, to:

Engage in contracting procedures including the competitive Request for Proposals and budget allocation;

Sign grant agreement documents;

Agree to submit reimbursement invoices and progress reports along with necessary supporting documentation on a quarterly basis;

April 11, 2016

- Take all necessary action to complete the project associated with the grant agreement within the 24 month timeframe, and submit the final deliverable to DVRPC; and
- Provide proof of adoption or acceptance by the governing body through a resolution that must be submitted no later than August 31, 2018 to DVRPC. DVRPC will reserve payment of the last 10% of the grant award until such resolution and the final deliverable is received.

Justin Keller, Regional Recreation Coordinator, was present to update Council on the regional signage and wayfinding signs and digital information plan for Pottstown and five additional municipalities.

Motion carried: 7 ayes.

f. TCDI – TRec District – Motion by Councilor Miller, seconded by Councilor Kulp to adopt a Resolution approving the grant application for the Long Range Plan for the TRec District requiring a commitment with the Delaware Valley Regional Planning Commission’s Transportation & Community Development Initiative (TCDI)

RESOLUTION NO. 2016-10

Resolution of Intent

Participation in the Delaware Valley Regional Planning Commission’s Transportation & Community Development Initiative (TCDI) Grant Program

RESOLUTION OF: BOROUGH OF POTTSTOWN

County of MONTGOMERY

WHEREAS, BOROUGH OF POTTSTOWN supports the request for planning grant dollars from the Delaware Valley Regional Planning Commission for the development of a LONG RANGE PLAN FOR THE TREC DISTRICT; and

WHEREAS, BOROUGH OF POTTSTOWN understands the grant amount requested must provide 20% of the total project cost as match in local, county, state, or private funds or documented in-kind services; and

WHEREAS, BOROUGH OF POTTSTOWN intends to satisfy match requirements wholly through documented in-kind services of the Borough of Pottstown and/or through eligible county, state, non-profit and/or private grants; and

WHEREAS, BOROUGH OF POTTSTOWN fully understands the application requirements and contracting process if awarded the planning grant dollars; and

NOW, THEREFORE, BE IT RESOLVED, that BOROUGH OF POTTSTOWN HEREBY AUTHORIZES THE BOROUGH OF POTTSTOWN to submit an application to DVRPC for a TCDI planning grant; and

BE IT FURTHER RESOLVED, that BOROUGH OF POTTSTOWN agrees to, if selected for the TCDI grant, to:

- Engage in contracting procedures including the competitive Request for Proposals and budget allocation;
- Sign grant agreement documents;
- Agree to submit reimbursement invoices and progress reports along with necessary supporting documentation on a quarterly basis;
- Take all necessary action to complete the project associated with the grant agreement within the 24 month timeframe, and submit the final deliverable to DVRPC; and
- Provide proof of adoption or acceptance by the governing body through a resolution that must be submitted no later than August 31, 2018 to DVRPC. DVRPC will reserve payment of the last 10% of the grant award until such resolution and the final deliverable is received.

April 11, 2016

Motion carried: 7 ayes.

g. TCC Voting Delegates – Motion by Councilor Miller, seconded by Councilor Arms to adopt a Resolution appointing Janice Lee, Finance Director, as the Primary Voting Delegate and Marley Kasper, Accounting Administrator, as the First Alternate Voting Delegate, to the Montgomery County Tax Collection Committee (TCC)

RESOLUTION NO. 2016-11

TCC 2016 Delegate Appointment Resolution

Background. Act 32 § 505 (b) requires the governing bodies of school districts, townships, boroughs, and cities that impose an earned income tax to appoint one voting delegate and one or more alternate delegates to be their Tax Collection Committee (TCC) representatives. The purpose of this resolution is to appoint the required delegates. The appointed individuals have consented to appointment.

RESOLVED, by the Borough of Pottstown Montgomery County, Pennsylvania that the following individual is appointed as TCC delegates for the Borough of Pottstown Montgomery County, Pennsylvania.

1. Primary Voting Delegate: Janice E. Lee, Finance Director
 2. First Alternate Voting Delegate: Marley Kasper, Accounting Administrator
- If the primary voting delegate cannot be present for a TCC meeting, the first alternate voting delegate shall be the representative at the TCC meeting.

These appointments are effective immediately and shall continue until successors are appointed. Delegates shall be appointed each year in November or December or as soon thereafter as possible. All delegates shall serve at the pleasure of this governing body and may be removed at any time. Certification of adoption. The undersigned certifies that the above Resolution was adopted at a public meeting on this date.

ENACTED AND RESOLVED THIS 11th day of APRIL 2016.

Motion carried: 7 ayes.

h. Pottstown Cluster, 61 North Franklin Street – Possible action regarding the zoning relief requested by the Pottstown Cluster of Religious Communities for property located at 61 North Franklin Street

Solicitor Garner explained the options for Council to either forward this matter to the Zoning Hearing Board and maintain a neutral position, send a letter of support or send a letter in opposition. He added that Council is not the ultimate authority on these matters. Solicitor Garner noted that Council usually considers the recommendation of the Ward Councilor.

Councilor Procsal moved to take no action, remain neutral and forward to the Zoning Hearing Board for determination of the zoning relief requested by the Pottstown Cluster of Religious Communities for property located at 61 North Franklin Street. Councilor Kirkland seconded the motion.

April 11, 2016

Mayor Thomas questioned if there would be implementations of discriminatory action towards the purchase.

Solicitor Garner commented that Council always has the right to become a party to a zoning proceeding under the Municipality Planning Code.

Councilor Procsal added that a letter of non-support and a denial of the variance may result in no taxes coming from the property. He noted that if the Cluster were to successfully proceed, there is an indication that they would be paying a portion of the taxes to the Borough and to the School District. He also commented that if not successful, there is the chance that the Cluster would retract its offer and not contribute to the PILOT program.

Councilor Arms commented that if this is the best option for this building, he would rather see it remain empty.

Councilor Miller also commented that if the Cluster doesn't get the variance requested and it retracts its offer for the PILOT program, it doesn't say much for the character of the organization and she would be voting in opposition of supporting any zoning relief.

President Weand requested a roll call vote.

Arms	no	Paez	no
Kirkland	no	Procsal	yes
Kulp	no	Weand	no
Miller	no		

Motion denied: 6 nays, 1 aye.

Councilor Arms moved to authorize the Solicitor to send a letter to the Zoning Hearing Board in opposition of the zoning relief requested by the Pottstown Cluster of Religious Communities for the property located at 61 North Franklin Street. Councilor Miller seconded the motion.

Arms	yes	Paez	yes
Kirkland	yes	Procsal	no
Kulp	yes	Weand	yes
Miller	yes		

Motion carried: 6 ayes, 1 nay.

i. Ice House Deli - Motion by Councilor Miller, seconded by Councilor Kulp to authorize the Solicitor to send a letter to the Zoning Hearing Board in support of the zoning relief requested by Craig and Susan Bollinger, Ice House Deli, for property located at 68, 70, 72 & 74 Manatawny Street and 4 Chestnut Street.

Solicitor Garner confirmed that this action pertains only to the zoning relief requested for parking and not for any relief or waivers requested through Land Development.

April 11, 2016

Motion carried: 7 ayes.

j. Derr Family Properties - Motion by Councilor Arms, seconded by Councilor Miller to deny the request of the Derr Family Properties, for a waiver of the Land Development process, for the property located at 58-64 King Street. Motion carried: 7 ayes.

k. Airport Maintenance Hangar Lease – Motion by Councilor Arms, seconded by Councilor Paez to approve the Airport Maintenance Hangar Lease Assignment with Fly Elite, LLC, effective May 1, 2016, in a form acceptable to the Borough Manager and Borough Solicitor. Motion carried: 7 ayes.

l. IN FOCUS Film Festival - Motion by Councilor Miller, seconded by Councilor Paez to grant request of the Pottstown IN FOCUS Short Film Festival Committee, resulting in the closing of the north side of the 200 block of High Street, from Penn to Charlotte Street, on June 10, 2016, 4:00 p.m. – 8:00 p.m., to conduct its restaurant festival, subject to approval of the Police and Fire Departments. Motion carried: 7 ayes.

m. EAC - Motion by Councilor Kirkland, seconded by Councilor Paez to appoint Katie Scanlan to the Environmental Advisory Council to fill a vacant term to expire August 10, 2018. Motion carried: 7 ayes.

n. EAC – Motion by Councilor Miller, seconded by Councilor Kirkland to appoint Lynn Dewees to the Environmental Advisory Council to fill a vacant term to expire August 10, 2017. Motion carried: 7 ayes.

o. Soap Box Derby – Motion by Councilor Kirkland, seconded by Councilor Kulp to grant request of Pottstown AMBUCS for the Annual Soap Box Derby scheduled for June 18, 2016 (rain date – June 19), resulting in the closing of Wilson Street on June 17 & 18, from 7:00 a.m. to 6:00 p.m., subject to approval of the Police and Fire Departments

Manager Flanders confirmed that Wilson Street remains closed from Friday, 7:00 a.m. until the close of the Derby on Saturday at 6:00 p.m.

Councilor Miller also noted that the Police Department will be monitoring traffic on Reynolds Avenue.

Motion carried: 7 ayes.

p. Challenge Race - Motion by Councilor Miller, seconded by Councilor Paez to grant request of the Tri-County Rally Association and the Pottstown AMBUCS to conduct its Annual Soap Box Derby Challenge Race on June 25, 2016 (rain date June 26) resulting in the closing of Wilson Street from 6:00 a.m. to 5:00 p.m., subject to approval of the Police and Fire Departments. Motion carried: 7 ayes.

q. PowWow Wavier of Fees – Motion by Councilor Kirkland, seconded by Councilor Paez to grant request of Ron Williams for a waiver of fees for use of Memorial Park for the May 7 and 8, 2016 Pow Wow event in an amount not to exceed \$150.

April 11, 2016

Councilor Miller commented that she will be voting against this and any upcoming waiver requests. She added that she has organized and participated in several community events and has fundraised for the events and whatever fees were not raised, she paid out of pocket, which should be the responsibility of the group and not the taxpayers.

Councilor Kirkland agreed, adding that these matters should be revisited next year.

Mayor Thomas confirmed that an entry or admission fee will be charged and therefore gives credence to not waiving the fees.

President Weand requested a roll-call vote.

Arms	no	Paez	yes
Kirkland	yes	Procsal	yes
Kulp	yes	Weand	yes
Miller	no		

Motion carried: 5 ayes, 2 nays.

r. CCLU Waiver of Fees - Motion by Councilor Kirkland, seconded by Councilor Paez to grant request of the CCLU for a waiver of fees for use of the Riverfront Park for its September 24, 2016 event, in an amount not to exceed \$185

Councilor Miller questioned why the fee for the use of electric is requested to be waived.

Councilor Paez commented that this is the first time for a Latin Festival.

Motion carried: 5 ayes, 2 nays. Negative votes were cast by Councilors Miller and Arms.

s. HARB - Motion by Councilor Procsal, seconded by Councilor Miller to ratify Council's action of April 6, 2016 approving a Certificate of Appropriateness for the property located at 249 Chestnut Street, as recommended by HARB. Motion carried: 7 ayes.

t. HARB – Motion by Councilor Miller, seconded by Councilor Kirkland to approve Certificates of Appropriateness for the following properties as recommended by HARB:

- i. 1128 East High Street
- ii. 444 King Street
- iii. 234 King Street
- iv. 860 East High Street
- v. 1133 East High Street

Motion carried: 7 ayes.

u. HARB - Motion by Councilor Miller, seconded by Councilor Kulp to ratify action of the Building Permit Officer approving Certificates of Appropriateness for the following properties:

April 11, 2016

- i. 308 King Street
- ii. 240 Chestnut Street
- iii. 1119 East High Street

Motion carried: 7 ayes.

Human Relations Commission – Councilor Kirkland questioned why the Human Relations Commission was not listed on the agenda.

President Weand noted that it was directed to Staff to compile a study and also to await documentation from the Commission.

REPORT OF BILLS

Motion by Councilor Arms, seconded by Councilor Kulp to pay the outstanding bills in the amount of \$3,208,503.63 Motion carried: 7 ayes.

ANNOUNCEMENTS

Vice President Miller announced the Rock the Block event scheduled for April 15th. She also agreed to meet with Mr. Corson regarding comments in the newspaper and also fair and equitable housing issues, for which she has previously dealt. Councilor Miller also commented that the owner-occupied residents may be losing their civil rights, due to the conditions and actions of certain neighbors and neighboring properties.

Councilor Arms commended Staff on his recent visit throughout Borough Hall and other departments and recommended each Councilor do the same.

President Weand noted that he and Mrs. Weand volunteered at the North End Fire Company at the recent Beef and Beer event and commended the Department for its efforts and encouraged all to take advantage of future events.

ADJOURNMENT

The meeting adjourned 7:55 p.m. on motion by Councilor Procsal.

Submitted by,

Mark D. Flanders
Borough Manager