

May 9, 2016

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, May 9, 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, Sheryl Miller, Dan Weand, Rita Paez and Joseph Kirkland. Also present were Borough Manager Mark Flanders, Assistant Borough Manager Erica Batdorf, Attorney Matthew Hovey and Borough Secretary Virginia Takach. Councilors Carol Kulp and Dennis Arms and Mayor Sharon Valentine-Thomas were absent.

APPROVAL OF MINUTES

Motion by Councilor Kirkland, seconded by Councilor Miller to approve the April 11, 2016 Council meeting minutes as presented. Motion carried: 5 ayes.

COMMENTS FROM CITIZENS PRESENT

a. Colleen & Dawn Gulick, 64 Bethel Church Road Spring City – spoke on behalf of the upcoming July 10th Pottstown Criterium Bike event. Dawn Gulick advised that her committee has obtained additional barriers for the event and will be donating them to the Police Department after the event. She added that the committee has submitted a grant with the YWCA to hire swimming instructors.

b. Johnny Corson, 544 Jefferson Avenue – apologized to the Council and to the public for Previously representing himself as a commissioner on the Human Relations Commission. He understood that he had been appointed and for the past year has acted as a commissioner and just recently was informed that he had not been officially appointed.

c. Arlene Billman, 312 North Charlotte Street – spoke as the owner of 121 North Adams Street and complained about the property at 119 North Adams Street and the damage being done to her property. She also noted the lack of response from the Licensing & Inspections Department. Ms. Billman also complained about the numerous potholes in the Borough and the street sweeping process.

Councilor Kirkland agreed to contact Ms. Billman on these matters.

May 9, 2016

SUBCOMMITTEE REPORT

- a. Finance & Administration – President Weand reported that the discussions included the PART account and reviewing the 2016-2017 budget for the PART operation. He also advised that the collection rate for taxes at the end of April was at 80%. He added that the grant fund is down to \$210,000, which is the amount of funds spent and awaiting reimbursement, this being the lowest amount since tracking the grant fund.
- b. Ricketts Community Center/OBGC – Councilor Kirkland provided an outline of the upcoming summer events and tournaments.
- c. Pottstown School Board – There was no report.
- d. Infrastructure/Codes - Manager Flanders advised that minutes are forthcoming.

COMMITTEE REPORTS

- a. Library – Arthur Green reported on the successful Charlie Zahm fundraising event, which resulted in a \$1,700 profit. He added that a June 23rd fundraiser is scheduled at the Laurel Locks Farms, with details to follow. Mr. Green also provided information on the Duck Race, the Ferkin Fest and explained the ROKU, a streamlining video device. He added that the Library is awaiting permits for construction.
- b. Human Relations – Councilor Paez advised that the commission is still in need of three appointments to the Commission. She added that she was informed only a week before that Mr. Corson was not a member of the Commission.
- c. PDIDA – Sheila Dugan provided a report on the Pottstown FARM, with the first week being a huge success. She thanked Captain Thomas, Corporal McClincy and Doug Yerger for last minute assistance. Ms. Dugan noted that five additional vendors are set for the May 12th FARM event. She also reported the Hobart's Run bike ambassadors will also be in attendance for the next event. The May 15th PDIDA 5K run will begin at 7:00 a.m. She added that the winner of the Chili Cook Off was Logan Pennypacker, a Pottstown High School Junior and Marlene Smale.
- d. COG – The next meeting is scheduled for May 10th.
- e. EAC – Mr. Derr referred to the minutes distributed, noting that the council will be addressing the Sustainability Plan and the MS4 program.
- f. Regional Planning – Councilor Procsal reported that West Pottsgrove Township's State Street development was a topic of discussion, which is to include a grocery store and two restaurants.
- g. Blighted Property Review – Councilor Procsal advised that the Committee is considering having another Land Bank discussion and may schedule a tour for the June meeting.

May 9, 2016

EMERGENCY SERVICES REPORTS

Charlie Pierce was present and provided an update on services and training. He noted that the company participated in Rock the Block event, and provided information on the Fire Prevention and Pet Rescue efforts. Mr. Pierce also reviewed upcoming events including the Elvis show and Golf outing. He reported that four new explorers have joined the company and a joint training event is scheduled for Trilogy Park for June 18th.

UNFINISHED BUSINESS

None.

NEW BUSINESS

a. LERTA - Motion by Councilor Miller, seconded by Councilor Procsal to approve the concept of a Local Economic Revitalization Tax Assistance (LERTA) District in the Borough of Pottstown, subject to approval of Montgomery County and the Pottstown School District, as recommended by the LERTA Committee and as outlined in the Manager's May 4, 2016 LERTA Memorandum. Motion carried: 5 ayes.

b. Conditional Use -Martin Delaney – Motion by Councilor Kirkland, seconded by Councilor Procsal to deny the Conditional Use request of Martin Delaney to allow an auto repair garage at the property located at 343 West High Street and 337 (a/k/a 351) West High Street.

Vice President Miller requested that in order to be more business friendly that correspondence be made with Mr. Delaney to provide Council's expectations in obtaining the Conditional Use.

Attorney Hovey confirmed that an opinion letter with an explanation will be provided to Mr. Delaney.

Motion carried: 5 ayes.

c. Schuylkill Highlands Grant - Motion by Councilor Kirkland, seconded by Councilor Miller to authorize the submission of a grant application to the Schuylkill Highlands Mini Grant Program in the amount of \$15,000. Motion carried: 5 ayes.

d. PEMA – Designation of Agent – Motion by Councilor Miller, seconded by Councilor Procsal to adopt a Resolution appointing Mark D. Flanders, Borough Manager, as the designee for the Borough of Pottstown to submit documents to PEMA for reimbursements associated with the Snow Event of January 22 & 23, 2016.

May 9, 2016

RESOLUTION NO. 2016-8

BE IT RESOLVED, Pottstown Borough Council of the Borough of Pottstown, that Mark D. Flanders, Pottstown Borough Manager, is hereby authorized to execute for and in behalf of the Borough of Pottstown, a public entity established under the laws of the Commonwealth of Pennsylvania, all required forms and documents for the purpose of obtaining financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288 as amended by Public Law 100-707).

ENACTED and RESOLVED this 9th day of May 2016.

Motion carried: 5 ayes.

e. Philadelphia Wage Tax - Motion by Councilor Miller, seconded by councilor Kirkland to adopt a Resolution requesting an amendment to the Sterling Act to require a percentage of the Philadelphia Wage Tax paid by non-residents of Philadelphia, not to exceed 1%.

RESOLUTION NO. 2016-12

A RESOLUTION OF THE POTTSTOWN BOROUGH COUNCIL REQUESTING AN AMENDMENT TO THE STERLING ACT TO REQUIRE THAT UP TO ONE PERCENT OF PHILADELPHIA WAGE TAX PAID BY NON-RESIDENTS OF PHILADELPHIA BE REMITTED TO THE MUNICIPALITY IN WHICH THE TAXPAYER RESIDES

WHEREAS, The Borough of Pottstown has enacted an earned income tax (“EIT”) in accordance with the Pennsylvania Local Tax Enabling Act; and

WHEREAS, The Borough of Pottstown relies on the revenue generated by the EIT to provide essential services to its residents and taxpayers; and

WHEREAS, the City of Philadelphia, pursuant to the Sterling Act of 1932, enacted an income tax, also known as a wage tax, on both residents and non-residents of Philadelphia employed in Philadelphia; and

WHEREAS, the Sterling Act, unlike the Local Tax Enabling Act, does not require Philadelphia to remit any portion of the wage tax to the municipality in which the taxpayer resides; and

WHEREAS, as a result of the inequity in the Sterling Act, the Borough of Pottstown is deprived of annual revenue in EIT.

NOW, THEREFORE, the Pottstown Borough Council of the Borough of Pottstown hereby resolves to formally request the Governor of the Commonwealth of Pennsylvania and the Senators and Representatives of the General Assembly of Pennsylvania to amend the Sterling Act to require that an amount up to One Percent of the non-resident Philadelphia Wage Taxes paid by non-residents of Philadelphia be remitted to the municipality in which the taxpayer resides.

ENACTED AND RESOLVED this 9th Day of May 2016.

Motion carried: 5 ayes.

f. Fee Resolution – FOG - Motion by Councilor Miller, seconded by councilor Kirkland to adopt a Resolution amending the fee schedule revising fees for Fats, Oils and Grease regulations.

May 9, 2016

RESOLUTION NO. 2016-13

A RESOLUTION AMENDING THE FEE SCHEDULE OF THE BOROUGH OF POTTSTOWN TO AMEND FEES ASSOCIATED WITH ORDINANCE #2149 REGULATING FATS, OILS AND GREASE ENTERING THE WASTEWATER COLLECTION SYSTEM.

WHEREAS, the Burgess and Town Council of the Borough of Pottstown adopted a Comprehensive Fee Resolution on July 10, 1995; and

WHEREAS, through Ordinance No. 2149 the Borough has amended its ordinance relating to the regulation of fats, oils, and greases entering in the Wastewater Collection System; and

WHEREAS, pursuant to Section 1 of Ordinance No. 2149, the Borough has established certain fees, rates and penalties associated with violations, as well as, permitting, inspection and sampling.

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:

SECTION 1. There is hereby established the following penalty fees for violations associated with Notices of Violation with respect to the FOG Program as set forth below:

Fats, Oils and Grease:

Level 1	Notified Authority, adhered to cleaning schedule, and made major effort to eliminate violation	\$300
Level 2	No notifications, but adhered to cleaning schedule, and made major effort to eliminate violation	\$400
Level 3	Notified Authority, made major effort to eliminate violation, but did not adhere to cleaning schedule	\$500
Level 4	Made major effort to eliminate violation, but did NOT notify Authority, and did not adhere to cleaning schedule	\$600

Log Not Maintained for Oil and Grease Internal Interceptors:

First Offense	\$ 50.00
Second Offense	\$ 100.00
Third Offense	\$ 150.00
Fourth Offense	\$ 200.00

Lack of Proof for Cleaning of Oil and Grease External Interceptors:

First Offense	\$ 150.00
Second Offense	\$ 300.00
Third Offense	\$ 450.00
Fourth Offense	\$ 600.00

SECTION 2. There is hereby established the following fees associated with the administration of the FOG Program:

Permit Application Fee - \$30.00

Inspection Fee - \$30.00

May 9, 2016

Sampling Fee - \$50.00

SECTION 3. All future modifications of these fees shall be made by Resolution from time to time, duly adopted by the Burgess and Town Council of the Borough of Pottstown.

SECTION 4. Any fees set forth in the Comprehensive Fee Schedule inconsistent with the fees contained in this Resolution are hereby repealed.

SECTION 5. This Resolution and the fees therein shall become effective immediately upon enactment.

ENACTED and RESOLVED this 9th day of May, 2016.

Motion carried: 5 ayes.

g. Non-Uniformed Pension Plan Trust - Motion by Councilor Kirkland, seconded by Councilor Paez to adopt a Resolution adopting a Non-Uniformed Pension Plan Trust Agreement.

RESOLUTION NO. 2016-14

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN CREATING AND APPROVING A NON-UNIFORM PENSION PLAN TRUST AGREEMENT PURSUANT TO THE BOROUGH OF POTTSTOWN, NON-UNIFORM PENSION PLAN.

NOW, THEREFORE, BE IT AND IT IS HEREBY ENACTED AND RESOLVED by the Burgess and Town Council of the Borough of Pottstown and it is hereby enacted and resolved as follows:

SECTION 1. The Borough of Pottstown Non-Uniform Pension Trust Agreement (“Trust Agreement”) is hereby approved pursuant to Resolution No. 2016-14 for the benefit of the non-uniform employees, associated with the Borough of Pottstown Non-Uniform Pension Plan. The form of the Non-Uniform Pension Plan Trust Agreement is attached hereto, incorporated herein, and marked as Exhibit “A”.

SECTION 2. Any resolution or part of any resolution or motion conflicting with the provisions of this Resolution shall be and is hereby repealed so far as the same effects this Resolution; however, such repeal shall not affect any act done or any right or liability accrued under such Resolution herein repealed or superseded, and all such rights or liabilities shall continue and may be enforced in the same manner as if such repeal or supersession had not been made but only to the extent permitted under the laws of the Commonwealth of Pennsylvania.

SECTION 3. This Resolution shall become effective immediately upon enactment.

ENACTED and RESOLVED this 9th day of May, 2016.

Motion carried: 5 ayes.

h. BMX Camping - Motion by Councilor Kirkland, seconded by Councilor Procsal to grant request of Trilogy Park BMX to allow a camping event in Memorial Park on June 3 to June 5, 2016, subject to approval of the Police and Fire Departments. Motion carried: 5 ayes.

i. Veterans Celebration - Motion by Councilor Miller, seconded by Councilor Procsal to

May 9, 2016

grant request of the Pottstown Bicentennial Celebration Committee to hold a Biergarten in Memorial Park for its August 20, 2016 Veterans Celebration, subject to approval of the Police and Fire Departments and compliance with the Liquor Control Board regulations. Motion carried: 5 ayes.

j. Gospel Riders Waiver of Fees - Motion by Councilor Kirkland, seconded by Councilor Procsal to grant request the Gospel Riders for a waiver of fees for its June 11, 2016 Iron Horse Show, in an amount not to exceed \$271.50.

Vice President Miller commented that the fees are very reasonable and explained the efforts of management and staff involved. She suggested having the downtown event organizers reach out to local businesses for sponsorships to defray costs.

Motion carried: 4 ayes, 1 nay. Vice President Miller cast the negative vote.

k. Suspension of Police Officer - Motion by Councilor Kirkland, seconded by Councilor Paez to ratify the Mayor's disciplinary action of a suspension upon a Pottstown Police Officer. Motion carried: 5 ayes.

l. Allegheny East Conference – Motion by Councilor Kirkland, seconded by Councilor Paez to grant request of the Allegheny East Conference for use of the Smith Family Plaza on June 26, 2016, 10:00 a.m. – 7:00 p.m. to conduct its Community Fair, resulting in the closing of High Street from York Street to Hanover Street, subject to approval of the Police and Fire Departments. Motion carried: 5 ayes.

m. Street Painting Bid Awards – Motion by Councilor Miller, seconded by Councilor Kirkland to award the Street Painting – Center and Lane Lines and the Street Painting – Crosswalks, etc. bids to A-1 Traffic Control, Douglassville, PA as per the bid tabulations of April 29, 2016 and subject to review and approval of the Borough Solicitor. Motion carried: 5 ayes.

n. Cleaning and Televising – Motion by Councilor Kirkland, seconded by Councilor Procsal to award the Cleaning and Televising Sanitary Sewers bid to Cleaver Cable Construction, Inc., Glenolden, PA as per the bid tabulation of April 28, 2016, subject to review and approval of the Borough Solicitor. Motion carried: 5 ayes.

o. Sale of Borough Vehicles - Motion by Councilor Kirkland, seconded by Councilor Miller to award the sale of Borough Vehicles as follows and as per the bid tabulation of April 29, 2016, subject to review and approval of the Borough Solicitor:

- i. 1986 Seagrave Ladder Fire Truck to John Gera, Freeland, PA - \$4,100
- ii. 1983 Ford Econoline Rescue Vehicle to John Leszkowicz, Gilbertsville, PA - \$2,100

Vice President Miller noted that the fire truck may have been awarded to a collector.

Motion carried: 5 ayes.

p. HARB Appointment - Motion by Councilor Miller, seconded by Councilor Kirkland to

May 9, 2016

reappoint Andrew Monastra to the Historic Architectural Review Board for a five (5) year term to expire April 8, 2021. Motion carried: 5 ayes.

q. HARB - Motion by Councilor Miller, seconded by Councilor Procsal to deny Certificates of Appropriateness for the following properties as recommended by HARB:

- i. 125 King Street
- ii. 912 East High Street

Manager Flanders confirmed that neither of the applicants appeared before the Historic Architectural Review Board.

Motion carried: 5 ayes.

r. Memorial Day Parade – Motion by Councilor Miller, seconded by Councilor Kirkland to grant request of the Joint Veterans Council for the closure of High street for the May 30, 2016 Memorial Day Parade, from 9:00 a.m. – 11:00 a.m., subject to approval of the Police and Fire Departments. Motion carried: 5 ayes.

REPORT OF BILLS

Motion by Councilor Miller, seconded by Councilor Procsal to pay the outstanding bills in the amount of \$3,595,958.61 Motion carried: 5 ayes.

ANNOUNCEMENTS

Councilor Procsal commended the efforts of the first FARM event.

Vice President Miller thanked Councilor Paez for organizing the CCLU and Latin Dancers for the first FARM event. She also praised the efforts and input of Johnny Corson, even if he is not presently a member of the Human Relations Commission. Councilor Miller also acknowledged Chief Drumheller and Corporal McClincy in working with PennDOT in getting the speed limit reduced from 35 to 25 mph on several streets in the borough, particularly in the Ward 3.

Vice President Miller commented on several items under the Act 90 requirements. She recommended considerations in requiring landlords to assume responsibility for the relocation of a tenant if the property is not compliant, having the landlord reimburse the Borough for any police and code enforcement services regarding to the property and to be included in the rental agreement, requiring the landlord to attend a rental orientation class and also to have the landlord agree to assume responsibility for property maintenance or agree to provide the tenant will all necessary tools for the maintenance.

Councilor Paez noted that she receives numerous complaints regarding the streets and potholes.

Councilor Kirkland thanked Mr. Yerger for an on-site meeting with his constituents regarding repair work on the streets.

May 9, 2016

President Weand also thanked Mr. Yerger for his efforts on the street sweeping project. He also explained that the purpose of the street sweeping is to remove the grit from the street so as not to get into the wastewater system. It is not to remove leaves and trash, which should have already been addressed by the residents.

ADJOURNMENT

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

Submitted by,

Mark D. Flanders
Borough Manager