

September 12, 2016

## POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, September 12, 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, Mayor Sharon Valentine-Thomas, Solicitor Charles Garner and Borough Secretary Virginia Takach.

### APPROVAL OF MINUTES

Motion by Councilor Kirkland, seconded by Councilor Kulp to approve the August 8, 2016 Council meeting minutes as presented. Motion carried: 7 ayes.

### COMMENTS FROM CITIZENS PRESENT

a. Ralph Bainbridge, 276 Diamond Street – expressed his appreciation to Council for its support of the Iron Horse Show. Mr. Bainbridge requested permission to cut a neighbor's tree branches that encroach his yard and also a disclosure of the Independence Day, Ltd. fund due to the lack of fireworks in 2016.

President Weand directed Mr. Bainbridge to the Licensing & Inspections Director regarding the tree issue. He also commented that Independence Day, Ltd. is a 501c3 organization and not affiliated with the Borough and the Borough is not involved with the fundraising for the fireworks. As a 501c3, through the IRS, Independence Day, Ltd.'s records should be made public.

b. Ron White, 311 Jefferson Street – praised Pottstown's streets, flags and flowers and urged all to bring prayer back to the schools. He also requested that the area of his residence be cleaned and provided comments on a 25 year old missing girl last seen in south Pottstown. He also complained about the price of cigarettes.

### SUBCOMMITTEE REPORTS

a. Finance & Administration – President Weand reported that the Borough supports the financing of the Borough Water and Sewer Authority and therefore has the equivalent of a standard AA rating and commended the Finance Department for its efforts. He added that a discussion was

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held regarding refinancing of loans. President Weand added that the Department Heads are working on the 2017 budget and 2016 revenues collected are at 69% and expenses at 64%.

### COMMITTEE REPORTS

- a. Library – Arthur Green provided an update on construction at the Library, including enhancements to the elevator and noted that construction is on schedule. He added that an open house will be listed in the future. Mr. Green also provided information on an upcoming Gettysburg trip with Historian Mike Snyder.
- b. Human Relations Commission – Councilor Paez advised that a meeting is scheduled for September 13<sup>th</sup> and will provide recommendations for appointments.
- c. PDIDA – Sheila Dugan provided a report outlining upcoming events including the Hometown Holidays. She added that the office will be moving to the New York Plaza by early December. Ms. Dugan added that staff will be moving forward with the \$15,000 Health and Wellness grant request process to be geared towards the Pottstown FARM. She also introduced the prospective members of the Board listed for appointment on the agenda. Ms. Dugan announced that VIST bank provided a donation of \$1,000 to PDIDA. She added that the second PottsTOWN Talks meeting is scheduled for September 13<sup>th</sup> at Connections on High.
- d. COG – Councilor Kulp noted that the next meeting is September 13<sup>th</sup>.
- e. EAC – Councilor Paez advised that there was no meeting.
- f. Regional Planning – Councilor Procsal advised that there was no meeting.
- g. Blighted Property Review committee – Councilor Procsal also noted there was no meeting.
- h. Emergency Services Reports – Miles Feather provided the report on behalf of the Phillies Fire Company and an update on the recruitment retention efforts through the Pottstown School District. Mr. Feather added that the Phillies participated in the September 11<sup>th</sup> event and noted the upcoming events at which they will be attending.

### UNFINISHED BUSINESS

None.

### NEW BUSINESS

#### a. PRESENTATION – MARTIN KIMMEL, KIMMEL-BOGRETTE, POTTSTOWN PUBLIC WORKS FACILITY

Martin Kimmel was present as the Architect for the new Public Works Facility. He commended Borough Staff for its assistance in completing the project and being minimally over budget. He advised that financially, the cost was \$317,743.72 above the contract price with the final

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cost of \$4,387,743.72. Mr. Kimmel noted that the ground and soil conditions were the initial risk in the project, adding that without the cost of replacing the dirt, the project is approximately \$7,800 less than budgeted.

President Weand, on behalf of Council, thanked Mr. Kimmel and Staff for the successful project with Councilor Kirkland noting, that as an architect, he is very impressed with the project.

b. 7:30 P.M. - PUBLIC HEARING – ZONING ORDINANCE AMENDMENT

Solicitor Garner opened a public hearing at 7:30 p.m. and requested public comment on the proposed zoning ordinance amendment to create certain criteria for neighborhood convenience stores as recommended by the Ad Hoc Zoning Review Committee. Solicitor Garner noted that both the Pottstown Planning Commission and the Montgomery County Planning Commission are supportive of the changes.

There was no public comment.

Mayor Thomas noted that there is an existing store in the downtown and questioned if there are any provisions in the new ordinance to prevent stores being opened 24 hours.

Solicitor Garner commented that there are no provisions in this ordinance to establish hours of operation.

The public hearing closed at 7:36 p.m.

c. Convenience Stores - Motion by Councilor Miller, seconded by Councilor Procsal to adopt an Ordinance amending various sections of the Zoning Ordinance to modify and create certain regulations involving neighborhood convenience stores.

ORDINANCE NO. 2154

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING VARIOUS SECTIONS OF THE POTTSTOWN BOROUGH ZONING ORDINANCE A/K/A CHAPTER 27 ZONING OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED, TO MODIFY AND CREATE CERTAIN REGULATIONS INVOLVING NEIGHBORHOOD CONVENIENCE STORES AND PERMIT THE SAME BY CONDITIONAL USE IN CERTAIN ZONING DISTRICTS

Mayor Thomas expressed a concern of community policing having undefined hours.

Motion carried: 6 ayes, 1 nay. Councilor Arms cast the negative vote.

d. Human Relations Commission - Motion by Councilor Kirkland, seconded by Councilor Miller to adopt an Ordinance amending certain provisions of the existing Human Relations Commission Ordinance.

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ORDINANCE NO. 2155

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING ARTICLE B, HUMAN RELATIONS COMMISSION, OF PART 9, COMMISSIONS AND COMMITTEES, OF CHAPTER 1, ADMINISTRATION AND GOVERNMENT, OF THE CODE OF THE BOROUGH OF POTTSTOWN, AS AMENDED, TO AMEND CERTAIN PROVISIONS OF THE EXISTING POTTSTOWN BOROUGH HUMAN RELATIONS COMMISSION ORDINANCE

Motion carried: 7 ayes.

e. Fire Department Ordinance - Motion by Councilor Miller, seconded by Councilor Kulp to authorize the Solicitor to advertise an Ordinance amending the Fire Department Ordinance.

Vice President Miller explained that she supports the incentive for residency for owner occupancy as part of the conditional offer of employment but not as a requirement in the offer.

Motion carried: 6 ayes, 1 nay. Councilor Arms cast the negative vote.

f. Bureau of Highway Safety Grant - Motion by Councilor Kirkland, seconded by Councilor Miller to adopt a Resolution approving application to the PennDOT Bureau of Highway Safety Grant in the amount of \$49,980, with no local match, to assist with the DUI Checkpoint and Enforcement Program.

RESOLUTION NO. 2016-20

BE IT RESOLVED, by the authority of the Burgess and Town Council of the Borough of Pottstown, Montgomery County, and it is hereby resolved by authority of the same, that the Council President of said Municipality, Authority be authorized and directed to sign the attached grant on its behalf.

I, Mark D. Flanders, Borough Manager of the Burgess and Town Council, do hereby certify that the foregoing is a true and correct copy of the Resolution adopted at a regular meeting of the Town Council held this 12th day of September 2016.

Motion carried: 7 ayes.

g. Amendment Fee Schedule – Kennel Policy - Motion by Councilor Miller, seconded by Councilor Kulp to adopt a Resolution amending the Fee Schedule to establish certain fees associated with the Borough's Kennel Policy and Procedures.

RESOLUTION NO. 2016-21

A RESOLUTION AMENDING THE FEE SCHEDULE OF THE BOROUGH OF POTTSTOWN TO AMEND AND/OR ESTABLISH CERTAIN FEES ASSOCIATED WITH ITS KENNEL POLICY AND PROCEDURES.

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

WHEREAS, the Borough periodically reviews the Schedule to determine if additions and amendments to the Schedule are necessary and proper; and

WHEREAS, Borough Council has recently adopted a new Borough Kennel Policy and Procedure (hereinafter referred to as "Kennel Policy"); and

WHEREAS, pursuant to said Kennel Policy, there is a need to create and establish certain additional user fees.

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 created an annual kennel user fee which shall be paid by any municipality who residents seek to use the Pottstown Borough Kennel. This current annual user fee is Five Hundred Dollars (\$500.00). All municipalities, with the exception of West Pottsgrove, Upper Pottsgrove, and Lower Pottsgrove, shall be required to pay this fee for kennel usage.

SECTION 2. The following fees associated with animal/dog boarding at kennels shall be amended to read as follows:

Animal/Dog Kennel Boarding per day - \$30.00

Additional fee for animals picked-up after 5:00 p.m. - \$40.00

SECTION 3. All future modifications of these fees and other fees established by the Comprehensive Fee Schedule shall be made by resolution, from time to time, duly adopted by the Burgess and Town Council of the Borough of Pottstown.

SECTION 4. This Resolution shall become effective immediately upon enactment.

Councilor Arms expressed a concern that the Animal Control Officer was not involved in the process similar to teachers not being involved in decisions made by administrators.

Vice President Miller provided an explanation regarding the establishment, process and timeline for the use of the Pottstown Kennel as well as the Society for the Prevention of Cruelty to Animals. She added that it is not humane to hold animals at the Kennel for any extended period of time nor is the Borough's responsibility to assume the costs for animals coming from municipalities as far away as Hatfield and Upper Gwynedd Townships. Vice President Miller advised that the Kennel took a loss of \$8,350 last year and stated that a great deal of research went into establishing this policy.

Motion carried: 6 ayes, 1 nay. Councilor Arms cast the negative vote.

h. MMO – Police Pension – Motion by Miller, seconded by Councilor Kulp to adopt a Resolution establishing the member contribution for the Police Pension Plan at 5% for calendar year 2017 and acknowledging that the 2017 Minimum Municipal Obligation for the Police Pension Plan is \$1,049,802

#### RESOLUTION NO. 2016-22

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, ACKNOWLEDGING THE 2017 MINIMUM MUNICIPAL OBLIGATION (MMO) AND ESTABLISHING THE CONTRIBUTION FOR MEMBERS OF THE POTTSTOWN POLICE PENSION PLAN FOR THE CALENDAR YEAR 2017, ENDING DECEMBER 31, 2017.

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WHEREAS, the State of Pennsylvania required that those Boroughs which have participants that contribute less than five percent (5%) must pass a Resolution declaring the pension contributions will be less than five percent (5%); and

WHEREAS, it has been determined by the plan actuary that member contributions for calendar year 2017 should be established at five percent (5%); and

WHEREAS, the Pottstown Police Pension Board has formally acted to recommend to Borough Council a contribution to the plan consistent with the actuary's recommendation;

WHEREAS, it is further required that the Minimum Municipal Obligation ("MMO") for 2017 as calculated by the plan actuary be presented to Council prior to September 30th of the preceding year.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Burgess and Town Council of the Borough of Pottstown in lawful session this 12th day of September, 2016, as follows:

1. The annual member contribution is established for the calendar year 2017 at five percent (5%) which shall begin January 1, 2017 and shall remain in effect through December 31, 2017.

2. The 2017 MMO, as calculated by the plan actuary, is One Million, Forty-nine Thousand and Eight Hundred Two dollars (\$1,049,802.00).

Motion carried: 7 ayes.

i. MMO – Non-Uniform - Motion by Councilor Miller, seconded by Councilor Kulp to adopt a Resolution acknowledging that the 2017 Minimum Municipal Obligation for the Pottstown Pension Plan (Non-Uniform) is \$343,074

#### RESOLUTION NO. 2016-23

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, ACKNOWLEDGING THE 2016 MINIMUM MUNICIPAL OBLIGATION FOR THE POTTSTOWN BOROUGH NON-UNIFORMED PENSION PLAN.

WHEREAS, the Borough of Pottstown maintains a pension plan for the benefits of its municipal employees; and

WHEREAS, upon a yearly basis pursuant to law, the Borough is required to calculate the Minimal Municipal Obligation (hereinafter referred to as "MMO") for the next calendar year; and

WHEREAS, the MMO for 2017 has been computed to be Three Hundred Forty-three thousand and Seventy-four dollars (\$343,074.00).

WHEREAS, the Borough is required to pass a Resolution recognizing the actuarial condition of the plan each year and acknowledges the required MMO.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Burgess and Town Council of the Borough of Pottstown that the Borough of Pottstown Municipal Non-Uniformed Pension Plan MMO for 2017 is Three Hundred Forty-three thousand and Seventy-four dollars (\$343,074.00).

Motion carried: 7 ayes.

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j. Civil Service Eligibility List - Motion by Councilor Miller, seconded by Councilor Procsal to authorize the Chief of Police to make a conditional offer of employment to the top candidate from the July 31, 2015 Civil Service Eligibility List for position as Police Officer. Motion carried: 7 ayes.

k. Request for Proposals - Motion by Councilor Kirkland, seconded by Councilor Miller to authorize Staff to proceed with the process of seeking Request for Proposals for Borough Engineer, Borough Solicitor, Labor Attorney and Traffic Engineer. Motion carried: 7 ayes.

l. Construction Inspection Consultant – Motion by Councilor Miller, seconded by Councilor Paez to award the Construction Inspection Consultant review for the Walk & Bike Pottstown Phases I & II to Michael Baker, as recommended by the Qualification Selection Committee. Motion carried: 7 ayes.

m. Borough Auditor 2016 - Motion by Councilor Kulp, seconded by Councilor Miller to accept the proposal of Maillie LLP, to conduct the Borough of Pottstown's Financial Audit for 2016 in an amount not to exceed \$66,000 as recommended by the Finance Committee. Motion carried: 7 ayes.

n. Borough Auditor 2017 – Motion by Councilor Kirkland, seconded by Councilor Miller to accept the proposal of Maillie LLP, to conduct the Borough of Pottstown's Financial Audit for 2017 in an amount not to exceed \$67,800, as recommended by the Finance Committee. Motion carried: 7 ayes.

o. Hanover Square Commercial - Motion by Councilor Miller, seconded by Councilor Procsal to grant request of the Applicant for the Hanover Square Commercial Land Development Plan, South Hanover Street & Industrial Highway, for a sixty (60) day extension to satisfy all conditions of the Plan, until November 14, 2016.

Solicitor Garner confirmed that the developers expect to have all conditions satisfied within 60 days.

Motion carried: 7 ayes.

p. Halloween Parade - Motion by Councilor Paez, seconded by Councilor Kulp to grant request of the Parks & Recreation Department to conduct the annual Halloween Parade on October 25, 2016 (rain date October 27) resulting in the closure of High Street from Madison Street to York Street from 5:30 p.m. – 9:00 p.m., subject to approval of the Police and Fire Departments. Motion carried: 7 ayes.

q. PDIDA Appointments - Motion by Councilor Paez, seconded by Councilor Kirkland to appoint the following individuals to fill vacant terms on the Pottstown Downtown Improvement District Authority:

- i. Stephanie Henrick – term to expire January 1, 2018
- ii. Amy Rossman – term to expire January 1, 2017
- iii. Joe Cavallo – term to expire January 1, 2017

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Vice President Miller commended Ms. Dugan for her selection of candidates.

Motion carried: 7 ayes.

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

- i. 64 King Street
- ii. 60 North Hanover Street
- iii. 269 Beech Street
- iv. 810 High Street

Motion carried: 7 ayes.

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

- i. 912 High Street
- ii. 131 King Street

Motion carried: 7 ayes.

#### REPORT OF BILLS

Motion by Councilor Miller, seconded by Councilor Paez to pay the outstanding bills in the amount of \$2,609,226.23. Motion carried: 7 ayes.

#### ANNOUNCEMENTS

Councilor Procsal thanked all for their assistance in the clean-up last weekend and to Hobart's Run for scheduling the event.

Vice President Miller acknowledged the Mayor for her initiative in suggesting an incentive for first responders with a conditional offer of employment. She also thanked those involved for the clean-up on Second Street due to storm debris. She also suggested that it may be time to reestablish the Shade Tree Commission in order to provide certain funding to maintain and correct tree issues.

Vice President Miller commented that there should be a County wide reassessment and also requested that the Ad Hoc Zoning committee continue to address the mural criteria.

Councilor Kirkland provided a remembrance for the first responders of September 11<sup>th</sup> and for all presently dealing with the aftermath.

Councilor Paez reminded all of the September 24<sup>th</sup> Latino Festival at the Riverfront Park.

Councilor Arms requested all those using the Bark Park to clean up after their pets. He also suggested that the Shade Tree Commission should be the Tree Removal Commission to assist elderly residents dealing with tree issues who can't afford to remove them. He also volunteered to work with Councilor Miller on this matter.

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Mayor Thomas recommended an ad-hoc committee for the shade trees to address sewer line issues as well. She also commented on the incentive for the Fire Chief to live in the Borough as is also being recommended by the School District for teachers to live in the Borough for a non-refundable \$10,000 forgivable loan. Mayor Thomas also reported on the TriCounty Evangelistic Association of Ministers (T.E.A.M.) ceremony on September 11<sup>th</sup> and will be pursuing a faith-based initiative directed by Pastor Reggie Brooks and will be named “Keys to Transformation.”

President Weand announced that he rescued a puppy who will be at the Pottstown Kennel until September 14<sup>th</sup>.

ADJOURNMENT

The meeting adjourned 8:00 p.m. on motion by President Weand.

Submitted by,

Mark D. Flanders  
Borough Manager