

January 8, 2018

6:30 P.M. – Conditional Use Hearing – Taquitha Phillips, 55 East High Street

Solicitor Garner opened a public hearing on the Conditional Use request of Taquitha Phillips to open a neighborhood convenience store. He also entered several Council items into evidence.

Taquitha Phillips testified that her intent is to open a meat market store to assist single mothers, low-income individuals and those on assistance. She presented an outline of the store and the traffic study conducted for parking concerns in the area. Ms. Phillips also testified that the store would be using commercial coolers and be open seven days a week from 9:00 a.m. – 6:00 p.m.

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

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, January 8, 2018 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, Donald Lebedynsky, Dennis Arms, Dan Weand, Rita Paez and Joseph Kirkland. Also present were Interim Manager Justin Keller, Mayor Stephanie Henrick, Solicitor Charles Garner and Borough Secretary Virginia Takach.

APPROVAL OF MINUTES

a. Council Meeting - Motion by Councilor Arms, seconded by Councilor Paez to approve the December 11, 2017 Council meeting minutes as presented. Motion carried: 7 ayes.

b. Special Council Meeting – Motion by Councilor Arms, seconded by Councilor Procsal to approve the December 18, 2017 Special Council meeting minutes as presented. Motion carried: 7 ayes.

January 8, 2018

COMMENTS FROM CITIZENS PRESENT

a. Steve Kambic, 564 Kenneth Street – spoke regarding the budget and recommended that the Council reopen the budget process and establish a community renewal task force including major stakeholders to present a budget with a tax increase of less than 5% and an expected increase of 0% for 2019. He also suggested hiring a consultant to consider layoffs, reopen contracts and schedule furloughs to increase revenue and decrease expenses.

b. Ken Lovely, 799 State Street – expressed a concern regarding the permitting process to open a non-profit bingo site at the Pottstown Plaza, 799 State Street location. He added that the requirements for bathrooms, air-conditioning, electricity and ADA requirements keep changing in the process and requested Council's assistance.

c. Miles Feather, Phillies Fire Company – provided the monthly report for the Phillies reporting that five firefighters have completed the Instructor I class. He also noted that the Phillies assisted in the recent house fire and the December 16th "Shop with a Co" event, adding that a family was provided a ride home in the Phillies fire truck. He added that the Juniors and Explorers continue to work with senior members.

SUBCOMMITTEE REPORTS

a. Finance & Administration – President Weand reported that at the end of the year, the revenues are at 102% and the expenses are at 99%. He noted that additional revenues are expected for 2017.

COMMITTEE REPORTS

a. PDIDA – Ms. Dugan reviewed the report distributed and requested Council's approval of the two appointees listed on the agenda, along with the parking recommendations. She added that the Pottstown Area Health & Wellness Foundation provided a grant of \$15,000 towards the Pottstown FARM efforts and will be planning for the 2018 FARM in the near future.

b. COG – Vice President Kulp noted that there was no meeting.

c. EAC – There was no report.

d. Regional Planning – Councilor Procsal advised there was no meeting.

e. Blighted Property Review Committee – Councilor Procsal reported there was no meeting.

UNFINISHED BUSINESS

Councilor Kirkland questioned the absence of the Animal Committee on the agenda.

January 8, 2018

President Weand noted that the report was listed on the Committee of the Whole meeting and no one on Council has volunteered to be on the Committee, adding that the Ordinance and enforcement are in place.

Councilor Kirkland volunteered to serve on the Animal Committee.

NEW BUSINESS

a. Presentation – Employee Retirees Recognition – President Weand read the four resolutions for retirees as follows:

RESOLUTION NO. 2018-1

RECOGNIZING STEPHEN E. SANDERS FOR FIFTEEN YEARS OF DEDICATED SERVICE TO THE BOROUGH OF POTTSTOWN

RESOLUTION NO. 2018-2

RECOGNIZING ROBERT J. MAUL FOR 23 YEARS OF DEDICATED SERVICE TO THE BOROUGH OF POTTSTOWN

RESOLUTION NO. 2018-3

RECOGNIZING KATHRYN M. DERECOLA FOR 39 YEARS OF DEDICATED SERVICE TO THE BOROUGH OF POTTSTOWN

RESOLUTION NO. 2018-4

RECOGNIZING ROBERT S. PLENDERLEITH FOR SEVEN YEARS OF DEDICATED SERVICE TO THE BOROUGH OF POTTSTOWN

The gifts and resolutions will be presented to the retirees at a later date.

b. Parking Committee - Motion by Councilor Procsal, seconded by Councilor Paez to authorize Staff to proceed with the recommendations of the Parking Committee and the Parkmobile Parking Design as presented on January 2, 2018 and to authorize an increase in parking fees from \$.35 to \$.50 per hour and the expenditure for reskinning signs in an amount not to exceed \$1,250. Motion carried: 6 ayes, 1 nay.

c. EIP - Motion by Councilor Procsal, seconded by Councilor Kulp to adopt a Resolution undertaking a project under the Early Intervention Program (EIP), Department of Community & Economic Development Grant.

January 8, 2018

RESOLUTION NO. 2018-5
POTTSTOWN BOROUGH COUNCIL

WHEREAS, the Pottstown Borough Council will be undertaking a project under the Early Intervention Program, Department of Community & Economic Development Grant; and
WHEREAS, the Pottstown Borough Council wishes to participate in said project; and
WHEREAS, the Pennsylvania Department of Community and Economic Development makes available grants-in-aid to such projects through the Early Intervention Program.

NOW THEREFORE, BE IT RESOLVED that the Pottstown Borough Council of the Borough of Pottstown, Pennsylvania, hereby authorizes the PA Department of Community & Economic Development Governor's Center for Local Government Services to make application for such a grant on our behalf.

AND BE IT FURTHER RESOLVED that the Pottstown Borough Council of the Borough of Pottstown hereby allocates local resources in an amount not to exceed \$16,000.

ENACTED AND RESOLVED THIS 8th day of January 2018.

Motion carried: 7 ayes.

d. Ad Hoc Cost Reduction Task Committee – Motion by Councilor Arms, seconded by Councilor Procsal to establish an Ad Hoc Cost Reduction Task Committee and appoint a seven (7) member committee to work in conjunction with the Early Intervention Program.

President Weand announced that his appointments would include three Council members, three Staff members and two outside members.

Motion carried: 7 ayes.

e. Wendy's Subdivision – Motion by Councilor Kulp, seconded by Councilor Paez to table the motion to approve the Valenti Mid-Atlantic Realty, LLC/Wendy's Proposed Subdivision, 234 Shoemaker Road.

Solicitor Garner commented that the time requirements would allow this matter to be addressed at the February meeting.

Motion carried: 7 ayes.

f. YWCA - Motion by Councilor Kirkland, seconded by Councilor Procsal to grant the request of the YWCA TriCounty Area, for the abatement of Borough Real Estate taxes for properties located at 323 & 325 King Street as follows:

- i. 323 King Street - \$446.05 for 2016
- ii. 325 King Street - \$\$1,084.55 for 2016 (Total \$1,530.60)

President Weand confirmed that this amount was not part of the 2018 budget.

Motion carried: 7 ayes.

January 8, 2018

g. 7:30 P.M. – Public Hearing – Zoning Ordinance Amendment – Managed Meadows

Solicitor Garner opened a Public Hearing at 7:30 p.m. regarding the proposed amendments to the Zoning Ordinance. He added that the proposed changes have been provided to the Pottstown Planning Commission and the Montgomery County Planning Commission. He also reviewed the notification requirements that were met. Solicitor Garner also advised that the proposed ordinance addresses certain language clarifications, along with the concept of Managed Meadows.

Solicitor Garner also referred to the proposed ordinance to reorganization of the Sidewalk Ordinance, which is not part of the public hearing and with no substantive changes.

There was no public comment and the hearing closed at 7:40 p.m.

h. Managed Meadows Ordinance - Motion by Councilor Procsal, seconded by Councilor Kulp to adopt an Ordinance creating regulations for Managed Meadows and amending regulations for Street Trees.

ORDINANCE NO. 2171

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING CERTAIN DEFINITIONS CONTAINED IN CHAPTER 27, ZONING, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AND CREATING THEREIN DEFINITIONS FOR “HEIGHT” AND “MANAGED MEADOWS;” ADOPTING NONSUBSTANTIVE AMENDMENTS TO TERMINOLOGY AND REGULATIONS CONTAINED IN CHAPTER 27; CREATING REGULATIONS FOR “MANAGED MEADOWS” WITHIN CHAPTER 27; CREATING CERTAIN REGULATIONS FOR ACCESSORY BUILDINGS IN CHAPTER 27; AND AMENDING THE REGULATIONS FOR STREET TREES CONTAINED IN CHAPTER 22, SUBDIVISION AND LAND DEVELOPMENT, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN.

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

i. Sidewalks and Street Tree Wells – Motion by Councilor Procsal, seconded by Councilor Kulp to adopt an Ordinance revising regulations related to the installation, maintenance and care of Sidewalks and Street Tree Wells.

ORDINANCE NO. 2172

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING SECTION 302, “REVISIONS TO CODE,” OF CHAPTER 5, PART 3, “INTERNATIONAL PROPERTY MAINTENANCE CODE,” AND REPEALING PART 1, “WEEDS AND OTHER VEGETATION,” OF CHAPTER 10, “HEALTH AND SAFETY,” OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AMENDED, IN ORDER TO ELIMINATE REDUNANCIES AND AMEND REGULATIONS FOR WEEDS; AMENDING CHAPTER 21, PART 2, “SIDEWALKS,” OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AMENDED, IN ORDER TO REVISE REGULATIONS

January 8, 2018

RELATED TO THE INSTALLATION, MAINTENANCE, AND CARE OF SIDEWALKS AND STREET TREES WELLS IN THE BOROUGH; AND AMENDING SECTION 103(2) OF CHAPTER 25, "TREES," OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AMENDED, IN ORDER TO REGULATE SUBSTANTIAL MAINTENANCE FOR TREES.

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

j. Deputization for Collecting Taxes - Motion by Councilor Procsal, seconded by Councilor Paez to adopt a Resolution accepting Deputization by the appointed Tax Collector for the Purposes of Collecting Borough and County Real Estate Taxes.

RESOLUTION NO. 2018-6

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN ACCEPTING DEPUTIZATION BY THE APPOINTED TAX COLLECTOR FOR THE PURPOSES OF COLLECTING BOROUGH AND COUNTY REAL ESTATE TAXES

WHEREAS, the appointed Tax Collector of the Borough of Pottstown, being appointed for the term beginning January 1, 2018, has chosen to deputize the Borough for the collection of all Borough and Montgomery County taxes; and

WHEREAS, the appointed Tax Collector desires to deputize for the period beginning January 1, 2018 and ending December 31, 2021; and

WHEREAS, the Borough has opted to accept such deputization for the collection of Borough and County taxes during the said period; and

WHEREAS, it is in the best interest of the Borough of Pottstown to approve the proposed deputization.

NOW, THEREFORE, BE IT RESOLVED by the Pottstown Borough Council as follows:
SECTION 1. The Resolution is hereby approved and the proper officers are authorized to execute same on behalf of the Borough.

SECTION 2. The Borough does hereby accept deputization from the appointed Tax Collector.

SECTION 3. The proper officers of the Borough are hereby authorized to execute all documents necessary to secure the approval of Montgomery County to the action of the Tax collector and deputizing the Borough for the collection of Borough and county taxes.

Motion carried: 7 ayes.

k. Hylton Proposal 2018 – Motion by Councilor Kirkland, seconded by Councilor Procsal to accept the proposal of Thomas Hylton for a donation of \$40,183 for the maintenance and replacement of trees as per the outline dated January 2, 2018 and at no cost to the Borough. Motion carried: 6 ayes, 1 nay. Councilor Arms cast the negative vote.

l. HRC Community Fair - Motion by Councilor Paez, seconded by Councilor Procsal to grant request of the Human Relations Commission to conduct a Community Fair on June 10, 2018, 10:00 a.m. – 6:00 p.m. resulting in the closing of High Street between Hanover and York Streets, subject to approval of the Police and Fire Departments. Motion carried: 7 ayes.

January 8, 2018

m. 2018 Council Meetings - Motion by Councilor Paez, seconded by Councilor Procsal to approve and authorize advertisement of the 2018 Borough Council meetings. Motion carried: 7 ayes.

n. Blighted Property - Motion by Councilor Procsal, seconded by Councilor Paez to reappoint Mark Gibson, Cheryl Chiarello, Deborah Penrod, Ryan Procsal and John (Jerry) Nugent to the Blighted Property Review Committee for one (1) year terms to expire December 31, 2018. Motion carried: 6 ayes, 1 nay. Councilor Arms cast the negative vote.

o. Borough Authority - Motion by Councilor Kirkland, seconded by Councilor Kulp to reappoint Thomas Carroll to the Pottstown Borough Authority for a five (5) year term to expire January 1, 2023. Motion carried: 6 ayes, 1 nay. Councilor Arms cast the negative vote.

p. PDIDA – Motion by Councilor Paez, seconded by Councilor Procsal to appoint Erin Hein and Michael Williams to the Pottstown Downtown Improvement District Authority to fill vacant terms to expire January 2, 2021 and January 1, 2022, respectively. Motion carried 7 ayes.

q. Zoning Hearing Board - Motion by Councilor Procsal, seconded by Councilor Paez to adopt a Resolution appointing Robert Johnson as a member of the Zoning Hearing Board and appointing Doug Lenhart as the Alternate Member for three (3) year terms to expire January 1, 2021.

RESOLUTION NO. 2018-7

A RESOLUTION APPOINTING ROBERT JOHNSON AS A MEMBER OF THE POTTSTOWN BOROUGH ZONING HEARING BOARD FOR A TERM OF THREE (3) YEARS AND APPOINTING DOUG LENHART AS AN ALTERNATE MEMBER OF THE 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. Robert Johnson is hereby appointed to the Pottstown Borough Zoning Hearing Board for a three (3) year term, expiring January 1, 2021.
2. Doug Lenhart is hereby appointed to the Pottstown Borough Zoning Hearing Board as an alternate member for a three (3) year term, expiring January 1, 2021.
3. That the said member and alternate 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 8th day of January A.D., 2018.

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

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

- i. 344 King Street
- ii. 842-846 East High Street

Motion carried: 7 ayes.

January 8, 2018

s. President's Appointments – President Weand announced that the Financial Substantial Oversight committee members are as follows: Councilor Kirkland (Chairperson), Councilor Arms and himself, Councilor Weand; Finance Director Janice Lee and Utilities Director Brent Wagner; Residents David Renn, Authority Member and Dr. James Smock, Headmaster ChesMont Christian Academy.

Councilor Paez suggested having more minorities on this committee in the future.

REPORT OF BILLS

Motion by Councilor Kirkland, seconded by Councilor Procsal to pay the outstanding bills in the \$2,405,569.91.

Councilor Arms commented that the Borough has spent \$3,154 on Blighted Property consulting and advertng costs.

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

ANNOUNCEMENTS

Councilor Kirkland requested the names and contact information for the newly formed Board in order to schedule a meeting as soon as possible.

Councilor Arms noted that he voted against certain appointments suggesting that new people should be getting on the various committees.

Councilor Procsal commented on the advantages of living in town and to be able to walk everywhere.

Mayor Henrick noted that the Pottstown Walking School Bus for Rupert Elementary is seeking additional volunteers.

Executive Session

President Weand recessed the meeting to executive session at 7:50 p.m. for one item of personnel.

ADJOURNMENT

The meeting adjourned 8:15 p.m. on motion by President Weand.

Submitted by,

Justin M. Keller, Interim Borough Manager