

January 14, 2019

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, January 14, 2019 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, Trenita Lindsay, Dan Weand, Rita Paez and Joseph Kirkland. Also present were Manager Justin Keller, Solicitor Charles Garner and Borough Secretary Virginia Takach. Mayor Stephanie Henrick was absent.

APPROVAL OF MINUTES

Motion by Councilor Kirkland, seconded by Councilor Lindsay to approve the December 10, 2018 Council meeting minutes as presented. Motion carried: 7 ayes.

COMMENTS FROM CITIZENS PRESENT

- a. Aram Ecker, 21 Winding Road – requested Council’s consideration in reappointing him to the Pottstown Borough Authority board for a five-year term.
- b. John Kissinger, Reading Eagle – introduced himself as a reporter covering the meeting for the Reading Eagle newspaper.

SUBCOMMITTEE REPORTS

- a. Finance & Administration – President Weand reported that as of November 30, 2018, the revenues stand at 101% and expenses at 90%. He added that Econsult has begun its preliminary work and financial analysis and will provide additional information in the coming months.

COMMITTEE REPORTS

- a. PDIDA – There was no report.
- b. COG – Vice President Kulp noted there was no meeting.
- c. EAC – There was no report.

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d. Regional Planning – Councilor Procsal noted that there was a combined November and December meeting.

e. Blighted Property Review Committee – There was no meeting.

UNFINISHED BUSINESS

None.

NEW BUSINESS

a. 1432 East High Street Plan – Motion by Councilor Kirkland, seconded by Councilor Paez to grant the request of 1432 East High Street Associates, LLC for a waiver of the formal Land Development process for property located 1432 East High Street and proceed with the issuance of a building permit application in compliance with all Borough ordinances. Motion carried: 7 ayes.

b. 1432 East High Street Waivers - Motion by Councilor Kirkland, seconded by Councilor Paez to grant the following waiver request from the Subdivision and Land Development Ordinance for the 1432 East High Street Plan:

- i. Section 22 – 400.3.A – showing existing physical features and topography on property within 100 feet of site
- ii. Section 22 - A400 – Preliminary Plan Requirement – waiving the requirement to allow the submission of a preliminary /final
- iii. Section 22 – A402.1 & A402.2 - Showing existing physical features and topography within 100 feet of site
- iv. Section 22 – 503 & 507 - requirement to install shade trees
- v. Section 22 – 505 - requirement to install street trees

Solicitor Garner advised that the waivers were outlined in a January 11, 2019 letter from Catalyst Commercial Development to include waivers from the Subdivision and Land Development ordinance and the Stormwater Management Ordinance.

Motion carried: 7 ayes.

c. Creative Health - Motion by Councilor Procsal, seconded by Councilor Lindsay to grant preliminary/final approval of the Creative Health/Long Term Structures Residence Subdivision Plan, 71 Robinson Street, subject to satisfying the following conditions within 90 days:

- i. Compliance with the Cedarville Engineering letter of November 21, 2018
- ii. Compliance with the Montgomery County Planning Commission letter of December 14, 2018
- iii. Voluntary contribution of a fee in lieu of open space in the amount of \$9,960 to the Borough
- iv. Reduction in parking spaces to approximately 20
- v. Voluntary contribution of \$35,000 towards construction and installation of traffic light
- vi. Preparation and execution of a Developer's Agreement in a form acceptable to the Borough
- vii. Payment in full of all Borough review fees

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Mr. Keller noted that the traffic light location has not yet been determined but will be used to improve traffic circulation and to tie in with the Closed Loop Plan.

Kathy Kunitis, Executive Director of Creative Health, was present and agreed to the stated terms and confirmed the fee in lieu of open space to be \$9,960.

Motion carried: 7 ayes.

d. Creative Health - Motion by Councilor Procsal, seconded by Councilor Paez to grant the following waiver requests from the Subdivision and Land Development Ordinance for the Creative Health/Long Term Structured Residence Subdivision Plan:

- i. Section 22 - 400.3.A & A402.1 & A402.2 – showing existing physical features and topography on property within 100 feet of site
- ii. Section 22 – A404.21 – requirement of Stormwater runoff calculation for entire site
- iii. Section 22 – A505 – requirement for dedication of open space

Motion carried: 7 ayes.

e. Burger King – Motion by Councilor Kirkland, seconded by Councilor Lindsay to grant preliminary/final approval of the Burger King Land Development Plan, 1515 East High Street, subject to satisfying the following conditions within 90 days:

- i. Compliance with the Cedarville letter of December 13, 2018
- ii. Compliance with the Montgomery County Planning Commission letter of December 17, 2018
- iii. Voluntary contribution of \$500 per tree in lieu of six (6) trees
- iv. Substitution of proposed honey locust trees with london planetrees
- v. Preparation and execution of a Developer’s Agreement in a form acceptable to the Borough
- vi. Payment in full of all Borough review fees

Matthew Chartrand, Bohler Engineering, was present for the applicant and agreed to the conditions as stated.

Motion carried: 7 ayes.

f. Burger King - Motion by Councilor Kirkland, seconded by Councilor Procsal to grant the following waiver requests from the Subdivision and Land Development Ordinance for the Burger King Land Development Plan, as set forth in the Bohler Engineering letter of December 19, 2018:

- i. Section 22 – 202 - requirement of formal application procedure
- ii. Section 22 – 400.5.A – Certificates and Assurances – To omit submission of “Phase One” Environmental Site Assessment
- iii. Section 22 – 505 – requirement to install street trees
- iv. Section 22 – A402 – Identification of features (off site)
- v. Section 22 – A404.21 – requirement of stormwater calculations
- vi. Section 22 – A505 – requirement of fee in lieu of open space
- vii. Section 22 – 400.3.A - showing existing physical features and topography on property within 100 feet of site

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- viii. Section 22 – A528.7 – minimum curb requirements in parking areas
- ix. Section 25 – 104.3.B – Trees Closer than 10 feet to overhead wires
- x. Section 22 – A512.D – Light pole requirements
- xi. Section 22 – A512.E – Light level requirements

Motion carried: 7 ayes.

g. PART Drug & Alcohol Policy – Motion by Councilor Procsal, seconded by Councilor Lebedynsky to adopt the 2019 Pottstown Area Rapid Transit Inc., Drug & Alcohol Program/Policy. Motion carried: 7 ayes.

h. KEEP Specific Plan - Motion by Councilor Kirkland, seconded by Councilor Procsal to adopt a Resolution approving the Keystone Employment & Economic Plan (KEEP), namely the Specific Plan dated May 23, 2018.

RESOLUTION NO. 2019-1

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN APPROVING THE KEYSTONE EMPLOYMENT AND ECONOMIC PLAN (HEREINAFTER “KEEP”) SPECIFIC PLAN DATED MAY 23, 2018, FOR THE INTENDED REDEVELOPMENT OF THE KEYSTONE BOULEVARD CORRIDOR LOCATED IN POTTSTOWN BOROUGH AND WEST POTTS GROVE TOWNSHIP.

WHEREAS, the Borough of Pottstown in conjunction with West Pottsgrove Township have prepared a proposed “Specific Plan” pursuant to Section 1106 of the Pennsylvania Municipalities Planning Code, specifically identified as the Keystone Employment and Economic Plan dated May 23, 2018; and

WHEREAS, the Specific Plan provides for redevelopment in the form of commercial and retail development, office development, industrial uses, research, along with supporting recreational uses along the Keystone Boulevard Corridor; and

WHEREAS, on October 3, 2018, Borough Council held a public hearing to obtain public comment with respect to the Specific Plan; and

WHEREAS, notice of the Specific Plan has been provided to adjacent municipalities and school districts seeking public comment; and

WHEREAS, Section 302(c) of the Pennsylvania Municipalities Code provides for the adoption of a Specific Plan through written Resolution of the governing body; and

WHEREAS, subject to approval and adoption by West Pottsgrove Township, the Burgess and Town Council of the Borough of Pottstown desires to adopt the following Resolution:

SECTION 1. The Borough Council does hereby approve and adopt the Keystone Employment and Economic Plan (KEEP) dated May 23, 2018.

SECTION 2. The appropriate Borough officials are hereby authorized to execute any and all documents necessary to effectuate the approval and implementation of the Specific Plan.

ENACTED and RESOLVED this 14th day of January 2019.

Motion carried: 7 ayes.

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i. Towing Licenses - Motion by Councilor Kirkland, seconded by Councilor Procsal to award bids for Class I Towing Licenses (two) to Mann's Towing & Road Service, 235 West High Street, Pottstown and Sanatoga Auto Body, 14 South Sanatoga Road, Sanatoga, for the period of January 1, 2019 through December 31, 2020. Motion carried: 7 ayes.

j. Zoning Amendments – Motion by Councilor Procsal, seconded by Councilor Paez to authorize the Solicitor to prepare and advertise a public hearing for the proposed Zoning Ordinance amendments relevant to minor plan submission reviews. Motion carried: 7 ayes.

k. Pottstown Bike Race – Motion by Councilor Paez, seconded by Councilor Kulp to grant request of the Pottstown Bike Race to conduct its Bike Race on July 21, 2019, resulting in the closing of portions of High Street, Mt. Vernon, North Roland, Chestnut, Beech and Rosedale Drive from 9:00 a.m. – 7:00 p.m., subject to approval of the Police and Fire Departments. Motion carried: 7 ayes.

l. Parks & Recreation Foundation – 5K – Motion by Councilor Paez, seconded by Councilor Kulp to grant request of the Pottstown Parks & Recreation Foundation to conduct its 5K Race on July 4, 2019, resulting in the closing of portions of Beech, Price, High, Hanover, Chestnut and Grant Streets from 8:00 a.m. -10:00 a.m., subject to approval of the Police and Fire Departments. Motion carried: 7 ayes.

m. Disability Parking Space – Motion by Councilor Kirkland, seconded by Councilor Lindsay to deny the request of H & R Block, 19 North Hanover Street, for a Disability Parking Space.

President Weand noted that this was previously discussed and recommended that it would not be a favorable solution at this location.

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

n. Animal Committee – Motion by Councilor Procsal, seconded by Councilor Paez to disband the Animal Committee.

President Weand commented if needed the ad hoc committee could be reinstated.

Councilor Procsal requested that the Ad hoc Safety Committee be revisited.

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

o. Methods Committee - Motion by Councilor Lindsay, seconded by Councilor Lindsay to create an Ad Hoc Methods Committee to review department procedures with members to include Councilors Dan Weand, Donald Lebedynsky and Joseph Kirkland, Justin Keller and Peggy Lee-Clark. Motion carried; 7 ayes.

p. Assistant Borough Solicitor – Motion by Councilor Procsal, seconded by Councilor Kulp to appoint Matthew Hovey as Assistant Borough Solicitor for the Borough of Pottstown.

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Councilor Procsal thanked Attorney Mauger for his interest in the position, adding that Attorney Hovey has been involved with the Borough and committees for several years.

Motion carried: 7 ayes.

q. Blighted Property - Motion by Councilor Lindsay, seconded by Councilor Kulp to appoint the following members to the Blighted Property Review Committee for a one (1) year term to expire December 31, 2019: John (Jerry) Nugent – Redevelopment Authority of Montgomery County, Brian Hydier – Planning Commission Member, Ryan Procsal, Councilor, Cheryl Chiarello and Kevin Brown. Motion carried: 7 ayes.

r. PDIDA - Motion by Councilor Procsal, seconded by Councilor Kulp to reappoint Steve Everett to the Pottstown Downtown Improvement District Authority for a five (5) year term to expire January 1, 2024. Motion carried: 7 ayes.

s. Borough Authority - Motion by Councilor Paez, seconded by Councilor Kulp to reappoint Aram Ecker to the Pottstown Borough Authority for a five (5) year term to expire January 1, 2024. Motion carried: 7 ayes.

t. Zoning Hearing Board – Motion by Councilor Lebedynsky, seconded by Councilor Kulp to adopt a Resolution reappointing Jay Harp as a member of the Zoning Hearing Board for a three (3) year term to expire January 1, 2022.

RESOLUTION NO. 2019-2

A RESOLUTION APPOINTING JAY HARP AS A MEMBER OF THE POTTSTOWN BOROUGH 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. Jay Harp is hereby appointed to the Pottstown Borough Zoning Hearing Board for a three (3) year term, expiring January 1, 2022.

ENACTED AND RESOLVED this 14th day of January A.D., 2019.

Motion carried: 7 ayes.

u. Vacancy Board - Motion by Councilor Paez, seconded by Councilor Lindsay to reappoint Jim Derr to the Vacancy Board for a one (1) year term to expire December 31, 2019. Motion carried: 7 ayes.

v. Mini Golf – Carousel – Motion by Councilor Lindsay, seconded by Councilor Procsal to authorize the Solicitor to draft a lease agreement between the Borough of Pottstown and the Carousel of Pottstown for the operations of the Manatawny Green MiniGolf.

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Manager Keller advised that the Carousel Committee came to Council in October 2018 with a brief update on the operations of the Carousel. He added that since that time Staff has met with the Committee, who is requesting to operate the Manatawny Green MiniGolf as well. Mr. Keller commented that the Manatawny Green has been operating with a short-fall, mainly due to the staff expenses for the season and unemployment during the off-season. He also provided a draft framework of the agreement and requested Council to authorize the Solicitor to draft a formal agreement.

Councilor Paez questioned the loss in the operating expense and the income of the MiniGolf.

Mr. Keller commented that the income for 2018 was \$29,378 with MiniGolf sales at \$22,00 and concession sales were 7,289.

President Weand opened a public hearing at 7:30 p.m. and requested public comments as this matter was not listed on the agenda. Hearing none, the hearing closed at 7:31 p.m.

Motion carried: 7 ayes.

w. REPORT OF BILLS - Motion by Councilor Paez, seconded by Councilor Lindsay to pay the outstanding bills in the amount of \$2,754,200.19. Motion carried: 7 ayes.

ANNOUNCEMENTS

Councilor Kirkland announced that a Martin Luther King, Jr. celebration will be held at First Presbyterian Church located 750 North Evans Street on January 20, 2019 at 3:30 p.m.

President Weand announced that there are three new developments coming to town.

EXECUTIVE SESSION

President Weand recessed the meeting for an executive session for a collective bargaining matter at 7:35 p.m.

ADJOURNMENT

President Weand adjourned the meeting at 8:15 p.m.

Submitted by,

Justin M. Keller
Borough Manager