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## POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, February 11, 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 Mayor Stephanie Henrick, Manager Justin Keller, Solicitor Charles Garner and Borough Secretary Virginia Takach.

### APPROVAL OF MINUTES

Motion by Councilor Kirkland, seconded by Councilor Paez to approve the January 14, 2019 Council meeting minutes as presented. Motion carried: 7 ayes.

### COMMENTS FROM CITIZENS PRESENT

a. Jim Frymoyer, 60 Moser Road – thanked all involved with the Children’s Christmas party that served and entertained over 350 children.

Mayor Henrick thanked Mr. Frymoyer for his efforts and requested a standing ovation for Mr. Frymoyer.

b. Mike Mauger, 822 Brookside Avenue – recommended Council’s approval of the liquor license request for the Montgomery Elks Club. He also suggested reconsideration to the zoning ordinance amendments and allowing tattoo parlors. Mr. Mauger also reiterated his concerns regarding the land bank proposed policies and procedures and requested that Council not approve this item as there may exist a perception of conflicts of interest.

### SUBCOMMITTEE REPORTS

a. Finance & Administration – President Weand reported that as of the end of December, the General Fund revenues were at 108% and expenses at 101%. He added that the Auditors began the audit on February 4<sup>th</sup> and provided statistics in the assessments, ending slightly lower at the end of the year.

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## COMMITTEE REPORTS

a. PDIDA – Gabrielle Davidheiser reported that Sheila Dugan has officially resigned as the Main Street Manager, effective January 18, 2019. She added that the Board will continue with services regarding business support and the web design and accounting to grow downtown businesses. PDIDA will no longer be hosting the FARM and will be working towards a new 501C3 forum. Ms. Davidheiser noted that the next meeting is February 12<sup>th</sup>, 7:00 a.m.

b. COG – There was no meeting.

c. EAC – Jim Derr was present to summarize the last meeting, noting that there is progress on the Pollock Park remediation and is moving forward with the Brownfields program. He also advised that there was a presentation from Bill Sabey, Plymouth Whitmarsh EAC, regarding the *Ready for 100* program, which is a long-term planning to prepare municipalities to result in 100% sustainable energy by the year 2050.

d. Regional Planning – Councilor Procsal noted that additional intersections are being identified as problem areas to be addressed.

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

## UNFINISHED BUSINESS

None.

## NEW BUSINESS

a. Presentation – Swearing – in, Pottstown Police Officer Andrea Sovari

Mayor Henrick read the Pottstown Police Officers warrant and conducted the oath of office and swearing in for newly appointed Pottstown Police Officer Andrea Sovari in the presence of her family and fellow officers.

b. Presentation – Carousel at Pottstown – Jim Arms, Carousel Board, was present to request consideration for an agreement between the Carousel and the Borough to amend the Manatawny Green MiniGolf lease. Plans continue for the expansion of the Carousel and with review through the Licensing & Inspections Department. Mr. Arms also provided a review of upcoming summer events.

c. Hanover Square Commercial - Motion by Councilor Lebedynsky, seconded by Councilor Kulp to grant request of the Hanover Square Commercial Development Plan for changes to architectural elevation of Building B, elimination of the required fence and retain original color scheme, for property located at South Hanover Street, as previously approved by Borough Council on June 13, 2016, subject to review and approval of the Solicitor and the Licensing & Inspections Department and insure the plan satisfies requirements of the zoning ordinance.

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Mr. Burleigh provided an updated rendering of the building located at South and South Hanover Street, depicting the brick pillars on three sides of the building and the with shiplap siding between the pillars. He also requested the elimination of the requirement of a fence along the parking area. Mr. Burleigh agreed to retain the color scheme on the bottom level to remain as originally approved and confirmed that the elimination of brick from the first floor was for economic reasons.

Solicitor Garner confirmed that Council is approving the concept, subject to approval of the Licensing & Inspections Department, including approving an opening vs. a wall and approving the elimination of a fence. If not approved, the applicant would need to go before the zoning hearing board.

Motion carried: 7 ayes.

d. Montgomery Lodge Liquor License - Motion by Councilor Paez, seconded by Councilor Kirkland to adopt a Resolution approving the transfer of a Liquor License into the Borough of Pottstown from Gilbertsville Fire Company No.1, Douglass (Montgomery) Township, at the request of Montgomery Lodge No. 1271, located 605 Walnut Street.

Councilor Kirkland commented that although the club has made efforts under the new administrative management, there have been fights at the club as recent as two weeks ago. He added that he disagrees with the suggestion that this is a black and white issue and stated that his primary obligation is to his constituents, who are against a liquor license in this neighborhood. Councilor Kirkland recommended that the Club go through the summer months without the liquor license and review the status of the license based on police activity during the summer.

Councilor Lindsay stated that she met with club members and toured the Club area. She agrees with Councilor Kirkland and must consider the wishes of the constituents.

Councilors Procsal, Lindsay and Kulp also noted the positive activities recently conducted at the Club, suggesting they continue even if the license is not granted.

President Weand reviewed the statistics for the Club and questioned the number of police calls even after the previously license was revoked.

Solicitor Garner advised that he received call from Attorney Robert McAteer and relayed certain information and specifics regarding a liquor license. Solicitor Garner outlined the LCB rules and enforcements, which expire April 30<sup>th</sup> of even numbered years. Once the license is granted, the LCB does not review until the time the license is up for renewal. He added that other court action could be filed through the Montgomery County District Attorney's Office or the Police Department. Solicitor Garner also provided additional comments that have been received since the hearing from former Council President Steve Toroney, Authority Chairman Jeff Chomnuk and constituents Enid Dunmire-Swinson and Luke Swinson.

Salvador Gambone, Realtor, provided a handout explaining the difference between the Club Liquor License and a Catering Club License. He noted that the Montgomery Elks is specifically

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requesting a Club License. He also advised that the Club is establishing no alcohol or outside parties or rentals on the second floor. Mr. Gambone also stated that the Club is deserving of a second chance and the Police Chief can close the club down at any time if laws are broken.

Vincent Artis explained the action plan which took approximately a year and a half to implement. He also reviewed the number of police calls, which have been going downward since 2014.

President Weand requested a roll-call vote to approve the license as requested.

Kirkland	no	Paez	yes
Kulp	no	Procsal	no
Lebedynsky	no	Weand	no
Lindsay	no		

Motion denied: 6 nays, 1 aye.

Councilor Procsal moved to adopt a Resolution denying the transfer of a Liquor License into the Borough of Pottstown from Gilbertsville Fire Company No.1, Douglass (Montgomery) Township, at the request of Montgomery Lodge No. 1271, located 605 Walnut Street. Councilor Lebedynsky seconded the motion.

#### RESOLUTION NO. 2019 - 3

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, DENYING THE INTER-MUNICIPAL TRANSFER OF THE CATERING CLUB LIQUOR LICENSE NO. CC-1566, LID: 3171 INTO THE BOROUGH OF POTTSTOWN FROM GILBERTSVILLE, MONTGOMERY COUNTY, PENNSYLVANIA.

WHEREAS, Act 141 of 2000 and Act 10 of 2002 (hereinafter referred to as “the Act”) which amends the Commonwealth’s Liquor Code authorizes the Pennsylvania Liquor Control Board to approve, in certain instances, the transfer of certain catering club liquor licenses across municipal boundaries within the same county; and

WHEREAS, the receiving municipality is required to enact a resolution or ordinance approving or denying the transfer of the license outside the municipality to inside the municipality; and

WHEREAS, amendments to the Liquor Code require that, prior to adoption of such a resolution or ordinance by the receiving municipality, at least one public hearing will be held for the purpose of permitting interested parties to state their concerns regarding the transfer of the Catering Club Liquor License CC-1566, LID: 3171 to the receiving municipality; and

WHEREAS, the Borough of Pottstown held a public hearing on Wednesday, February 6, 2019, at 7:30 p.m. as required by the Act; and

WHEREAS, not including the Applicant or the Applicant’s representative, seven residents provided public comment to Borough Council at the public hearing; and

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WHEREAS, in addition, Borough Council has received additional comments, via email, letter, or Memo from other residents, including the Chief of the Pottstown Police Department and former Borough Councilors; and

WHEREAS, Borough Council has reviewed and considered the comments of the Borough residents, including those residents that reside in the immediate neighborhood of 605 Walnut Street, the proposed location of the Club to receive the Liquor License.

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

1. Montgomery Lodge No. 1271 I. B. P. O. E. of W. has requested approval from Pottstown Borough Council for the proposed transfer of Catering Club Liquor License CC-1566, LID: 3171 (hereinafter referred to as the "License") from Gilbertsville Fire Company No. 1, 1454 60 E. Philadelphia Avenue, Gilbertsville, Montgomery County, Pennsylvania, to its club located at 605 Walnut Street, Pottstown, Montgomery County, Pennsylvania, with the understanding that said transfer must be approved at a later date by the Pennsylvania Liquor Control Board.
2. Based upon written documents received, and the public comments of residents residing at 661 Walnut Street, 636 Walnut Street, 622 Walnut Street, and 275 N. Hanover Street, Borough Council finds that there is substantial evidence to conclude that allowing the transfer of the aforesaid Liquor License would be detrimental to the neighborhood and its residents.
3. Based upon review of current statistics, which include crimes, police calls, and other disputes, and following review of similar data when the Club previously possessed a Liquor License, the Borough Council hereby denies the request for the proposed inter-municipal transfer of the aforesaid License into the Borough.
4. Borough Council reserves the right to supplement this Resolution and issue complete findings to support its conclusion that the "License" transfer be denied, in the event an appeal is filed.

President Weand requested a roll-call vote.

Kirkland	yes	Paez	yes
Kulp	yes	Procsal	no
Lebedynsky	yes	Weand	no
Lindsay	yes		

Motion carried: 6 ayes, 1 nay.

e. Carousel/Manatawny Green - Motion by Councilor Kulp, seconded by Councilor Procsal to approve and authorize execution of a Lease Agreement between the Borough of Pottstown and the Carousel at Pottstown for the property known as the Manatawny Green Miniature Golf Course located at 71 West High Street, in a form acceptable to the Borough Manager and Borough Solicitor. Motion carried: 7 ayes.

f. Pottstown Tree Fund – Motion by Councilor Procsal, seconded by Councilor Kulp to approve the request of Thomas Hylton for a transfer of \$30,000 from the Borough Street Tree Fund to Pottstown Tree Fund, for the maintenance, removal and treatment of trees in public right of ways as outlined in the January 22, 2019 proposal.

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Councilor Paez commented that the funds could be used for Pottstown residents rather than trees.

Mr. Keller explained that the Shade Tree Commission was disbanded several years ago. He added that the Pottstown Tree Fund is a 501C3 organization. The funds in the Borough Street Fund come from developments wherein a fee in lieu of planting trees is provided and held in escrow and is used only for street trees. Mr. Keller assured that Mr. Hylton has provided accurate accounting in the past and will continue to monitor any future reporting.

Councilor Kirkland commented that he supports Mr. Hylton in his efforts in planting and maintaining the trees. He added that the money will be put to good use.

Motion carried 7 ayes.

g. Ordinance Downtown District - Motion by Councilor Lindsay, seconded by Councilor Procsal to authorize the Solicitor to prepare ordinance amendments and advertise a Public Hearing regarding revisions to the Downtown District and the creation of Outdoor Dining Areas. Motion carried: 7 ayes.

h. Master Traffic Ordinance - Motion by Councilor Paez, seconded by Councilor Kulp to authorize the Solicitor to advertise an ordinance amending the Master Traffic Ordinance establishing digitally metered off-street and on-street parking and to eliminate space registration boxes. Motion carried: 7 ayes.

i. Zoning Hearing – 930 North Charlotte Street – Motion by Councilor Kirkland, seconded by Councilor Paez to authorize the Solicitor to send a letter to the Zoning Hearing Board in support of the zoning relief request of Signature Sign, Inc. and Superior Credit Union for the property located at 930 North Charlotte Street. Motion carried: 7 ayes.

j. Greater Pottstown Tennis and Learning - Motion by Councilor Paez, seconded by Councilor Kulp to authorize the Solicitor to prepare an addendum to the lease agreement between the Borough of Pottstown and Greater Pottstown Tennis and Learning to allow a tennis court enclosure at the Maple Street Park, as outlined in the January 31, 2019 proposal. Motion carried: 7 ayes.

k. Memorial Park Phase II Bids – Manager Keller advised that the bids received exceeded the grant amount and will be reconsidered with the Engineer and listed for the March meeting.

l. Schuylkill River Greenways Sign - Motion by Councilor Kirkland, seconded by Councilor Paez to grant permission to Schuylkill River Greenways to install a Schuylkill River Trail sign, namely a tessellation, in Riverfront Park, as described in the February 1, 2019 proposal. Motion carried: 7 ayes.

m. Waiver of Sign Requirements- Motion by Councilor Kulp, seconded by Councilor Paez to waive the Pottstown Borough Zoning Ordinance requirements related to the installation of the sign in Riverfront Park as described in the Schuylkill River Greenways' February 1, 2019 proposal. Motion carried: 7 ayes.

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n. Parks on Tap - Motion by Councilor Procsal, seconded by Councilor Paez to grant request of Schuylkill River Greenways to conduct a Parks on Tap event from June 26, 2019 to June 30, 2019 in Riverfront Park and allow alcohol to be served, subject to approval of the Police and Fire Departments and compliance with the Liquor Control Board regulations. Motion carried: 7 ayes

o. Suspension - Motion by Councilor Paez, seconded by Councilor Lindsay to ratify the Mayor's disciplinary action of a two (2) day suspension without pay upon a Pottstown Police Officer. Motion carried: 7 ayes.

p. Land Bank Policies – Motion by Councilor Procsal, seconded by Councilor Kulp to adopt a Resolution approving the Pottstown Borough Land Bank Administrative Policies and Procedures as approved and adopted by the Land Bank Board of Directors on January 28, 2019.

#### RESOLUTION NO. 2018-4

#### A RESOLUTION APPROVING THE POLICIES AND PROCEDURES ADOPTED BY THE POTTSTOWN BOROUGH LAND BANK DATED JANUARY 28, 2019.

WHEREAS, pursuant to 68 Pa.C.S.A. §§ 2101 et seq., the “Land Bank Act,” the Burgess and Town Council of the Borough of Pottstown created by ordinance the Pottstown Borough Land Bank;

WHEREAS, Section 1615, Policies and Procedures, of Part 16, Land Bank, of Chapter 1, Administration and Government, of the Pottstown Borough Code of Ordinances requires the Land Bank to develop policies and procedures consistent Part 16 and the Land Bank Act;

WHEREAS, on January 28, 2019, the Pottstown Borough Land Bank adopted the Administrative Policies and Procedures attached hereto; and WHEREAS, sub-section 1615(2) of Part 16, Land Bank, of Chapter 1, Administration and Government, of the Pottstown Borough Code of Ordinances requires that the Administrative Policies and Procedures adopted by the Pottstown Borough Land Bank be presented to Council for review and, if acceptable, approved by Council by resolution.

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. The Administrative Policies and Procedures of the Pottstown Borough Land Bank dated January 28, 2019 are hereby accepted consistent with the requirements contained in sub-section 1615(2) of Part 16, Land Bank, of Chapter 1, Administration and Government, of the Pottstown Borough Code of Ordinances.

SECTION 2. This Resolution shall become effective immediately upon enactment.

Councilor Procsal noted that he appreciated Mr. Mauger's comments but supports the integrity of the Land Bank Board.

Councilor Kirkland reiterated his concerns regarding conflicts of the Board members and realizing issues arise when conflicts exist, adding that people cannot be trusted all the time and need to put things in place to prevent issues from happening.

Motion carried: 5 ayes, 2 nays. Councilors Kirkland and Paez cast negative votes.

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q. Land Bank Intergovernmental Agreement - Motion by Councilor Procsal, seconded by Councilor Lebedynsky to approve and authorize execution of the Intergovernmental Cooperation Agreement among the Pottstown Borough Land Bank, the Borough of Pottstown, the County of Montgomery and the Pottstown School District. Motion carried: 7 ayes.

r. 1237 Maple Street – Motion by Councilor Procsal, seconded by Councilor Kulp to grant the request for the forgiveness the Borough Real Estate taxes for the property located at 1237 Maple Street in the amount of \$1,114.52, with improvements to the property to be completed within one year.

Mr. Keller explained that the owner is a disabled veteran and the adjacent neighbor is proposing to buy as is and improve the property with approximately \$60,000 worth of improvements. He noted that the School District has addressed its taxes as well.

Councilor Kulp requested that a time limit for the improvements be limited to one year.

Motion carried: 7 ayes.

s. Keim Street Overlay – Motion by Procsal, seconded by Councilor Lindsay to appoint the following members to the TCDI Keim Street Gateway Overlay Project Task Force: Steve Abrams, Greg Rosenberger, Jay Bown, Peggy Lee-Clark, Winter Stokes, Keith Place, Kourtney High, Rita Paez, Charles D. Garner, Jr., Dan Weand, Mike Paules, Keith Edlund and Robert Grepps. Motion carried: 7 ayes.

t. Planning Commission - Motion by Councilor Procsal, seconded by Councilor Paez to reappoint Brian Hydier to the Pottstown Planning Commission for a four (4) year term to expire February 1, 2023. Motion carried: 7 ayes.

u. Hill School Road Closure - Motion by Councilor Kirkland, seconded by Councilor Paez to grant the request of The Hill School, resulting in the closure of Beech Street, from Green to Thomas Streets on May 25, 2019, 9:00 a.m. – 1:00 p.m. for its Commencement Exercises, subject to review and approval of the Police and Fire Departments. Motion carried: 7 ayes.

v. Halloween Parade - Motion by Councilor Kulp, seconded by Councilor Procsal to grant request of the Parks & Recreation Department to conduct the annual Halloween Parade on October 22, 2019 (rain date October 24) resulting in the closure of High Street from Madison Street to York Street from 5:30 p.m. – 8:30 p.m., subject to approval of the Police and Fire Departments, and waiving the \$100 road closure fee. Motion carried: 7 ayes.

w. ADD-ON – TCCD Grant – Motion by Councilor Lebedynsky, seconded by Councilor Paez to approve the submission of a grant on behalf of the Pottstown School District in the amount of \$350,000 from the PA Commission on Crime and Delinquency for the Pottstown Violence and Prevention Project.

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Mr. Keller explained that this will improve police coverage for the school district, communication between the Borough and the School District, community safety, mentoring to children and families. He also advised that the Borough, if successful, will collect 3.5% for administrative fees, approximately \$6,125 for two years.

President Weand opened a public hearing at 8:35 p.m. as this was not listed on the agenda.

Hearing no comments, the hearing closed at 8:36 p.m.

Motion carried: 7 ayes.

a. REPORT OF BILLS - Motion by Councilor Kirkland, seconded by Councilor Lindsay to pay the outstanding bills in the amount of \$2,778,193.12. Motion carried: 7 ayes.

### ANNOUNCEMENTS

Councilor Kirkland commented that he appreciated the good work and community events conducted by the Montgomery Elks members and urged them to continue.

Mayor Henrick announced the opening of new businesses in the downtown, including a new bar and the restaurant, Aye Caramba Taco, both in the Farmer's Market.

### ADJOURNMENT

President Weand adjourned the meeting at 8:40 p.m.

Submitted by,

Justin M. Keller  
Borough Manager