

February 12, 2018

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, February 12, 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 Reorganization Meeting - Motion by Councilor Kirkland, seconded by Councilor Paez to approve the January 2, 2018 Council Reorganization meeting minutes as presented. Motion carried: 7 ayes.

b. Council Meeting – Motion by Councilor Arms, seconded by Councilor Paez to approve the January 8, 2018 Council meeting minutes as presented. Motion carried: 7 ayes.

c. Joint School Board/Council – Motion by Councilor Arms, seconded by Councilor Kulp to approve the January 22, 2018 Joint School Board/Borough Council meeting minutes as presented. Motion carried: 7 ayes.

COMMENTS FROM CITIZENS PRESENT

None.

SUBCOMMITTEE REPORTS

a. Finance & Administration – President Weand reported that the revenues stand at 2% and expensed at 9% for the first month of the year, which is similar to the last two years. He added that a new reporting format will be implemented through the Finance Department, along with retirement activity and any combinations that may be considered thereafter.

COMMITTEE REPORTS

a. PDIDA – The report was provided in the packets.

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- b. COG – Vice President Kulp noted that there was no meeting.
- c. EAC – Jim Derr was present and noted that the Sustainability Plan was a topic of discussion. He added that the Pollock property, the disposal of televisions and membership attendance were also discussed.
- d. Regional Planning – Councilor Procsal noted that a regional traffic study was addressed.

President Weand added that under the ten most active projects, certain ones would be cost prohibitive to review.
- e. Blighted Property Review Committee – Councilor Procsal noted there was no meeting.

UNFINISHED BUSINESS

None.

NEW BUSINESS

- a. Presentation – Keystone Economic and Employment Plan (KEEP)

Interim Manager Keller outlined the proposed joint venture between the Borough and West Pottsgrove Township for the revitalization of the area along Keystone Boulevard and the extension of the Boulevard. He added that grant funding was received from DCED and will eventually seek approval from the Borough and Township for implementation.

Peggy Lee-Clark commented that DCED awarded a \$200,000 grant for the project and a match of 25% in the amount of \$50,000 was received from the Redevelopment Authority of Montgomery County. She added that the Urban Land Institute study recommended a use of this land, which is directly across from the river, for private and public development.

Mike Narcowich and John Cover of the Montgomery County Planning Commission, presented the concept plan for this site.

Mr. Narcowich explained that a grant was acquired several years ago from the Commonwealth Financing Authority and an oversight committee was formed with West Pottsgrove Township to implement goals of the Memorandum of Understanding. He explained the benefits of a Specific Plan, which includes a tool to supersede zoning and allows for preferential treatment of funding applications. Mr. Narcowich noted that a RFI (Request for Interest) would follow. He provided illustrations of the conceptual land use plan, including residential and non-residential uses. The plan for Keystone Boulevard is an extension to Grosstown Road and the Stowe interchange.

Mr. Narcowich outlined the estimated cost premium, which is the additional cost of developing the KEEP site and includes \$68,000 for fill for land development and \$50,000 attributed to the Keystone Boulevard extension. He also included the fiscal impact on the municipalities and the school districts. He added that an open advertisement will be issued for developers to respond.

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Mr. Cover added that it may be too early for developers to make commitments, adding that Pottstown and West Pottsgrove will need to be involved to reduce the \$118,000 cost premium. Mr. Cover also noted that as part of a regional organization, the Specific Plan can be utilized and the developers must follow. He noted that they will be coming to Council again with the plan and request for adoption, to include West Pottsgrove, Pottstown and the Regional Planning Committee.

Add-On – President Weand announced an additional item on the agenda regarding 215 South Washington Street.

b. Conditional Use – Phillips, T. - Motion by Councilor Kirkland, seconded by Councilor Paez to grant Conditional Use request of Taquitha Phillips to operate a neighborhood convenience store at property located at 55 East High Street, with conditions as stated in the order dated February 12, 2018. Motion carried: 7 ayes.

c. 15 South Washington Street – Motion by Councilor Arms, seconded by Councilor Paez to grant the request of South Washington Street, LLC to forgive delinquent Borough Real Estate taxes in the amount of \$90,259.36 and to forgive delinquent water and sewer charges in the amount of \$136,907.57, subject to requester taking legal title to 215 South Washington Street and Borough Council approving a business plan and use for the property.

Mr. Keller provided a brief background regarding the request, which involved the property that has been vacant for 10 years. He added that the developer, who wishes to remain anonymous at this time, has worked with PAID and the Redevelopment Authority of Montgomery County. The condition of the building will need significant rehabilitation and possibly environmental restoration. Mr. Keller referred to the developer's letter of request and the delinquent tax reports, adding that the developer intends to invest approximately \$2 million in the property. Mr. Keller also advised that Borough Council has the jurisdiction to manage any delinquencies on behalf of the Authority.

Mr. Keller advised that delinquencies under other entities would be dealt with between the developer and the entities. The developer has been working with the School District and will be addressing at its next board meeting.

Motion carried: 7 ayes.

d. PA Small Water and Sewer Grant – Motion by Councilor Kirkland, seconded by Councilor Procsal to adopt a Resolution authorizing the submission of a PA Small Water and Sewer Program grant in the amount of \$410,193 from the Commonwealth Financing Authority for the Wastewater Treatment Plant Screening Project.

RESOLUTION NO. 2018-8

Be it RESOLVED, that the Borough of Pottstown of Montgomery County hereby requests a PA Small Water and Sewer Program grant of \$410,193 from the Commonwealth Financing Authority to be used for the construction of new mechanical fine screens to provide screening for influent flows ranging from between 5 and 60 million gallons per day for the Wastewater Treatment Plant Screening Project.

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Be it FURTHER RESOLVED, that the Applicant does hereby designate Justin M. Keller, Interim Borough Manager and Dan Weand, Council President as the officials to execute all documents and agreements between the Borough of Pottstown and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

I, Virginia L. Takach, duly qualified Secretary of the Borough of Pottstown, Montgomery County, PA, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the Borough of Pottstown at a regular meeting held February 12, 2018 and said Resolution has been recorded in the Minutes of the Borough of Pottstown and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of the Borough of Pottstown this 12th day of February 2018.

Mr. Keller explained the bar-screening project at the Wastewater Treatment Plant. He advised that the Authority has already allocated the expense of the project in its capital budget. He also confirmed that the \$72,000 match would come from the water and sewer funds.

Motion carried: 7 ayes.

e. Standard Technical Specifications - Motion by Councilor Arms, seconded by Councilor Kulp to adopt an Ordinance to update and adopt Standard Technical Specifications of Sanitary Sewers and Appurtenances.

ORDINANCE NO. 2173

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING VARIOUS SECTIONS OF PART 1, GENERAL PROVISIONS, AND PART 2, REGULATIONS, OF CHAPTER 18, SEWERS AND SEWAGE DISPOSAL, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AND TO UPDATE AND ADOPT STANDARD TECHNICAL SPECIFICATIONS AND REQUIREMENTS FOR THE CONSTRUCTION OF SANITARY SEWERS AND APPURTENANCES.

Motion carried: 7 ayes.

f. Colebrookdale Railroad - Motion by Councilor Procsal, seconded by Councilor Arms to grant request of the Colebrookdale Railroad Preservation Trust to expedite a minor Land Development process associated with the development with the Redevelopment Authority of Berks County. Motion carried: 7 ayes.

g. Wendy's Subdivision – Motion by Councilor Arms, seconded by Councilor Paez to grant preliminary/final approval of the Wendy's Subdivision located at the Pottstown Center, 234 Shoemaker Road, subject to the Applicant satisfying the following conditions within 90 days:

- i. Satisfactory compliance with the Cedarville Engineering Group, LLC letter dated January 9, 2018
- ii. The Applicant obtaining all necessary permits and approvals from applicable outside agencies
- iii. An undesignated voluntary contribution by the Applicant to the Borough of \$20,000.00 to be used by the Borough to construct a pedestrian walkway

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- from Route 100, if deemed feasible by Borough Council
- iv. Compliance with all conditions set forth in the Zoning Hearing Board Memorandum Decision dated November 30, 2017
- v. Payment in full of all Borough review fees

Attorney David Tshudy was present representing the applicant and agreed to the conditions as presented, pending approval of the waivers being granted.

Motion carried: 7 ayes.

h. Wendy's Subdivision - Motion by Councilor Arms, seconded by Councilor Kirkland to grant the following waivers from the Pottstown Borough Subdivision and Land Development Ordinance relating to the Wendy's Subdivision Pottstown Center, 234 Shoemaker Road:

- i. §400 – Preliminary Plan Requirement – waiving the requirement to allow the submission of a preliminary/final plan
- ii. §400.2.B and §403.7 – waiving requirements for existing features, buildings, fences, walls and vegetation
- iii. §400.2.C and §403.6 – waiving the requirement for existing features, which include underground features and utility lines
- iv. §400.2.D and §403.5 – waiving existing physical features and topographical information on the
- v. 403.A and §400.5A – waiving off-site features, including topographical information
- vi. §401.8 – waiving the requirement to provide names of abutting subdivisions, developments or landowners
- vii. §402 – waiving the requirement for all off-site features within 100 feet of the subdivided land
- viii. §503.1 – waiving the requirement to install shade trees or street frontage, parking lot and open space
- ix. §504 – open space trees – waiving the requirement to install open space trees
- x. §505 – Street Trees – waiving the requirement to install street trees along street frontage
- xi. §507 – Parking Lot Shade Trees – waiving the requirement to install off-street parking lot trees
- xii. §A525.2 – waiving the requirement of installing sidewalks in right-of-way parallel to the street

Solicitor Garner requested the addition of another waiver from the Subdivision and Land Development Ordinance:

- xiii. 403.9 – waiving the require to indicate wetlands, floodplains and soil types

Solicitor Garner added that there is no construction being required, simply drawing lines on a plan already being developed.

Motion carried: 7 ayes.

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i. Montco 2040 - Motion by Councilor Procsal, seconded by Councilor Kulp to adopt a Resolution authorizing the submission of a grant application for the 2018 Montco 2040 Implementation Grant, in the amount of \$135,000, to provide funding for the Walk & Bike Pottstown Trail Connection.

Mr. Keller confirmed that the match would be Walk/Bike Phase 1, 2 & 3 funded by PennDOT and this is to cover certain construction overages as part of the project.

Motion carried: 7 ayes.

j. Hancock Building – Motion by Councilor Arms, seconded by Councilor Paez to send a letter of opposition to the zoning relief request of Hancock Professional Building Associates, for property located at 625 North Charlotte Street, specifically the digital sign request, due to the negative aesthetics, with no objection to size of the sign. Motion carried: 7 ayes.

k. Reading Gravity Racing - Motion by Councilor Arms, seconded by Councilor Paez to grant request of Reading Gravity Racing League to conduct a racing event on July 15, 2018, resulting in the closing of Wilson Street between Farmington Avenue and State Street, from 10:00 a.m. to 7:00 p.m., subject to review and approval of the Police and Fire Departments. Motion carried: 7 ayes.

l. Bark for Life - Motion by Councilor Kirkland, seconded by Councilor Kulp to grant request of Bark for Life of Pottstown to hold a beer garden from 12:00 p.m. – 4:00 p.m. at the April 28, 2018 Bark for Life event in Memorial Park, subject to review and approval of the Police and Fire Departments. Motion carried: 7 ayes.

m. Amendments Parks & Recreation - Motion by Councilor Arms, seconded by Councilor Paez to authorize the Solicitor to prepare and advertise amendments to the General Rules of Chapter 16, Parks and Recreation Code of Ordinances.

Solicitor Garner confirmed that any additional language to the amendment will be provided to Councilor prior to advertising.

Motion carried: 7 ayes.

n. Fourth Amendment to Captain's Contract – Motion by Councilor Kirkland, seconded by Councilor Paez to approve and authorize the execution of a Fourth Addendum to the Police Captain's contract. Motion carried: 6 ayes, 1 nay. Councilor Arms cast the negative vote.

o. Lawn & Right of Way Bids – Motion by Councilor Kirkland, seconded by Councilor Kulp to award bids for 2018 Lawn and Right of Way Maintenance as follows and as per the bid tabulation of February 6, 2018, subject to review and approval of the Solicitor:

- i. Lawn and Right of Way Maintenance, Group 1, Airport, to Green Advantage, Oley, PA
- ii. Lawn and Right of Way Maintenance, Group 2, Wastewater Treatment Plant & Right of Ways to Morgan Lawn Maintenance, Boyertown, PA

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- iii. Lawn and Right of Way Maintenance, Group 3, Water Division & Lots to Green Leaf Landscaping, Gilbertsville, PA

Motion carried: 7 ayes.

p. HARB - Motion by Councilor Kirkland, seconded by Councilor Paez to appoint Mark Harvey to the Historic Architectural Review Board to fill a vacant position to expire April 1, 2018. Motion carried: 7 ayes.

q. Planning Commission – Motion by Councilor Kirkland, seconded by Councilor Paez to reappoint Jim Derr to the Planning Commission for a four (4) year term to expire February 1, 2022. Motion carried: 7 ayes.

r. President's Appointments to Committees, Subcommittees and Ad Hoc Committees – President Weand referred to the appointment schedule and requested that any adjustments be addressed to him.

REPORT OF BILLS

Motion by Councilor Kirkland, seconded by Council Paez to pay the outstanding bills in the amount of \$4,066,987.95. Motion carried: 6 ayes, 1 nay. Councilor Arms cast the negative vote.

ANNOUNCEMENTS

Councilor Kirkland reminded all that February is Black History Month.

ADJOURNMENT

The meeting adjourned 7:50 p.m. on motion by President Weand.

Submitted by,

Justin M. Keller,
Interim Borough Manager