

March 12, 2018

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, March 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, 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. Councilor Arms was absent.

APPROVAL OF MINUTES

Motion by Councilor Kirkland, seconded by Councilor Paez to approve the February 12, 2018 Council meeting minutes as presented. Motion carried: 6 ayes.

COMMENTS FROM CITIZENS PRESENT

None.

COMMENT

Interim Manager Keller read a statement from Councilor Arms, requesting Fellow-Councilors to not retract the letter of opposition for the zoning relief requested by the Hancock Building Associates for an electronic sign, stating that this would be a distraction to neighbors and motorists in the area of 625 North Charlotte Street.

SUBCOMMITTEE REPORTS

a. Finance & Administration – President Weand reported there was a review of assessment property transfers and changes and the committee will address properties greater than \$250,000 in assessments that appear to be under assessed. He added that the hourly cost formula to assure that the Borough is charging the proper fees for services is being reviewed. President Weand also reported that Staff will be moving ahead with House Bill 914 regarding Stormwater impact fees.

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b. Economic Development Report – PAID Executive Director Peggy Lee-Clark provided an update on the Qualified Opportunity Zone, legislation through the Federal Tax Bill. She noted that PAID and the Borough submitted an application to DCED wherein each Governor is being asked to participate in the federal program. Ms. Lee-Clark noted that this will be pertinent to the KEEP zone and also the south side of High Street as the second choice and the north side as the third choice. The deadline is March 21st and will provide further details as received. Ms. Lee-Clark provided an update on the proposed downtown restaurants. She also thanked Councilor Procsal for providing furnishings placed in the windows of the Audio Video Junction building, 200 High Street. The building is still available through Iron Space Design.

COMMITTEE REPORTS

a. PDIDA – Ms. Dugan referred to the report distributed, announcing the first Easter Egg Hunt for March 24th. She added that work continues on the strategic plan and the Main Street Program with training in Harrisburg. She also thanked business owner, Jim Schlegel, for plowing the parking areas in the downtown.

b. COG – There was no meeting.

c. EAC – There was no report.

d. Regional Planning – Councilor Procsal reported that the traffic improvement areas were a topic of discussion including Manatawny and Glasgow Streets, High Street, Armand Hammer Boulevard and Moser Road.

e. Blighted Property Review Committee – Councilor Procsal advised that the minutes were in the packets.

UNFINISHED BUSINESS

None.

NEW BUSINESS

a. Presentation – Fair Districts PA – Chuck Yeiser of Fair Districts PA was present and explained the process of drawing legislative district maps. He also reviewed how lines are drawn and how discrepancies of cracking townships and boroughs divide the areas. Mr. Yeiser also explained the terms, Reapportionment, Redistricting and Gerrymandering. He advised that Pottstown is divided into three districts, 147, 146 and 26 districts. Pennsylvania ranks No. 5 in the Gerrymandering process and is one of the 15 most underfunded states. Mr. Yeiser referred to the draft resolution provided and urged Council to adopt the resolution in support of a citizens' commission for legislative and congressional redistricting.

b. Resolution – Fair Districting – Motion by Councilor Procsal, seconded by Councilor Kulp to adopt a Resolution in support of a citizens' commission for legislative and congressional redistricting.

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RESOLUTION NO. 2018-10

A RESOLUTION IN SUPPORT OF A CITIZENS COMMISSION FOR
LEGISLATIVE AND CONGRESSIONAL REDISTRICTING

WHEREAS, the citizens of the Borough of Pottstown and the Commonwealth of Pennsylvania deserve a fair, fully transparent, impartial and de-politicized process of the decennial drawing of state legislature and congressional districts of near equal population; and
WHEREAS, legislative and congressional redistricting often has resulted in the gerrymandering of districts to favor one political party or the other; and
WHEREAS, such gerrymandering of legislative and congressional districts has worked at times to the detriment of our representative democracy by impeding action on critical issues of importance to the people; and
WHEREAS, the creation of a truly independent citizens redistricting commission devoid of political motivation or partisanship will help to ensure a fair and accurate legislative and congressional redistricting process that respects political subdivisions, will prohibit districts from being drawn to favor or discriminate against a political party or candidate, will promote transparency; the use of impartial and sound methodology when setting district boundaries, and allow for public input, and will fully comply with the constitutional requirement that "no county, city, incorporated town, borough, township or ward" be divided "unless absolutely necessary"; and
WHEREAS, recent legislation has been introduced in the current legislative session to amend the Pennsylvania Constitution to reform the decennial legislative and congressional redistricting process with the intent of using fairness and sound methodology in a non-partisan fashion.
NOW, THEREFORE, BE IT RESOLVED that the Borough of Pottstown does hereby support legislative efforts to secure expeditious action to make a constitutional amendment that would, among other reforms, assign the decennial task of both legislative and congressional redistricting to an independent citizens redistricting commission; and
BE IT FURTHER RESOLVED that we call upon all those elected officials in the Commonwealth of Pennsylvania who represent the citizens of the Borough of Pottstown to publicly announce their support of and commitment to work toward the passage of such legislative efforts, and that a copy of this resolution be delivered to each of them.

Governor Tom Wolf

Lieutenant Governor Mike Stack

Attorney General Josh Shapiro

United States Senator Robert "Bob" Casey, Jr.

United States Senator Patrick "Pat" Toomey

United States Representative Ryan Costello

Pennsylvania Senator Bob Mensch

Pennsylvania Representative Thomas Quigley

Pennsylvania Representative Tim Hennessey

Montgomery County Commissioner, Dr. Valerie Arkoosh, Chair,

Montgomery County Commissioner, Kenneth E. Lawrence, Vice Chair, Montgomery County
Commissioner Joseph C. Gale

Acting Secretary of the Commonwealth, Robert Torres

ENACTED AND RESOLVED this 12th day of March, A.D., 2018.

Motion carried: 6 ayes.

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c. Hancock Professional Building Associates – Motion by Councilor Paez to withdraw the February 14, 2018 letter of opposition for the zoning relief requested by Hancock Professional Building Associates for property located at 625 North Charlotte Street. There was no second to the motion and the motion died.

d. Suspension - Motion by Councilor Kirkland, seconded by Councilor Procsal to ratify the Mayor's disciplinary action of a one (1) day suspension without pay upon a Pottstown Police Officer. Motion carried: 6 ayes.

e. The Hill School - Motion by Councilor Procsal, seconded by Councilor Kulp to grant preliminary/final approval of The Hill School Dining Room Addition Land Development Plan, 717 East High Street, subject to the Applicant satisfying the following conditions within 90 days:

- i. Satisfactory compliance with the Cedarville Engineering Group, LLC letter dated January 3, 2018
- ii. The Applicant obtaining all necessary permits and approvals from applicable outside agencies
- iii. Payment in full of all Borough review fees

Robin Rhoads, Asst. Director of Facilities for the Hill School, was present and agreed to the conditions as stated.

Motion carried: 6 ayes.

f. The Hill School - Motion by Councilor Kirkland, seconded by Councilor Paez to grant the following waivers from the Pottstown Borough Subdivision and Land Development Ordinance relating to The Hill School Dining Room Addition Land Development Plan:

- i. Section 400.3.A – waiving the requirement for showing physical features and topography within 100 feet of the property
- ii. Section 400.5.A – waiving off-site features, including topographical information
- iii. Section A401.8 – waiving the requirement to provide names of abutting subdivisions, developments or landowners
- iv. Section A403.3 – waiving existing and proposed zoning district lines; use, setback, area and bulk requirement; and off-street parking requirements
- v. Section A403.8 – waiving streets, including streets recorded by not constructed, on or abutting the tract
- vi. Section A404.1 – waiving requirement for location and elevation of all boundary lines or perimeter monument to be indicated
- vii. Section A504 & A505 – waiving requirement to install open space trees and installing street trees along street frontage
- viii. Section A509 – waiving requirement for a landscape plan to be submitted with each site plan application

Motion carried: 6 ayes.

g. Lincoln Avenue - Motion by Councilor Kirkland, seconded by Councilor Procsal to grant preliminary/final approval of ABP Investments, 505 Lincoln Avenue Subdivision Plan, subject to the Applicant satisfying the following conditions within 90 days:

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- i. Satisfactory compliance with the Cedarville Engineering Group, LLC letter dated December 19, 2017
- ii. Voluntary contribution of a fee in lieu of ten (10) trees at \$350 per tree, prior to issuance of building permits
- iii. Applicant complying with Conditional Use Order dated November 13, 2017
- iv. Preparation and execution of a Developer's Agreement in a form acceptable to the Borough Solicitor
- v. Approval of architectural facades prior to issuance of any building permits
- vi. Payment in full of all Borough review fees

Art Herling, ABP Investments, was present and agreed to the conditions as stated.

Motion carried: 6 ayes.

h. Lincoln Avenue – Motion by Councilor Kirkland, seconded by Councilor Kulp to grant the following waivers from the Pottstown Borough Subdivision and Land Development Ordinance relating to 505 Lincoln Avenue Subdivision Land Development Plan:

- i. Section A402.1 & 400.3.A – waiving requirement for all off-site features within 100 feet of site and showing physical features and topography on surrounding properties
- ii. Section 501, 504, A505 & A507.1 -reducing required amount of open space; waiving requirement of providing dedicated open space or fee-in-lieu of open space
- iii. Section 505 – waiving the requirement to install street trees along street frontage
- iv. Section 506 – waiver from providing a double row of trees when there is sufficient open area inside a sidewalk
- v. Section 512, A512 & A404.15 – waiver from outdoor lighting; waiving requirement as to height of light fixtures
- vi. Section A527.1.C, A527.1.E & 527.1.F – waiver to allow residential driveways less than 100 feet from street intersection and to have driveway on a higher classification street
- vii. Section A527.2 – waiver to allow residential driveways with curb cuts on Washington Street; requirement of grass strip between curb and sidewalk

Motion carried: 6 ayes

i. Emergency Management Coordinator - Motion by Councilor Kulp, seconded by Councilor Procsal to recommend the appointment of Michael G. Lessar, Jr. as Emergency Management Coordinator for the Borough of Pottstown, subject to the approval of the Governor.
Motion carried: 6 ayes.

j. Resolution DotGrants - Motion by Councilor Lebedynsky, seconded by Councilor Kulp to adopt a Resolution approving the authorized official to assign roles within DotGrants

RESOLUTION NO. 2018-11

RESOLUTION AUTHORIZING THE AUTHORIZED
OFFICIAL TO ASSIGN ROLES WITHIN DOTGRANTS

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Be it resolved, by the authority of the Pottstown Borough Council, that Justin M. Keller, Interim Borough Manager of PART be the Authorized Official (AO) and directed to assign roles within dotGrants on its behalf.

I, Dan Wean, President of the Pottstown Borough Council do hereby certify that the foregoing is a true and correct copy of the Resolution adopted at a regular meeting of the Pottstown Borough Council held the 12th day of March 2018.

Motion carried: 6 ayes.

k. Destruction of Records - Motion by Councilor Kulp, seconded by Councilor Procsal to adopt a Resolution authorizing the destruction of certain municipal records, pursuant to the Municipal Records Manual of December 16, 2008.

RESOLUTION NO. 2018-12

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN, AUTHORIZING THE DESTRUCTION OF CERTAIN MUNICIPAL RECORDS BY THE BOROUGH ADMINISTRATION, BOROUGH FIRE DEPARTMENT, PARKS AND REC DEPARTMENT, LICENSING AND INSPECTION DEPARTMENT, UTILITIES DEPARTMENT, AND THE FINANCE/TAX OFFICE PURSUANT TO THE MUNICIPAL RECORDS MANUAL OF DECEMBER 16, 2008.

WHEREAS, by virtue of Resolution No. 2009-24, adopted July 13, 2009, incorporation and modifying Resolution No. 2004-36, the Borough of Pottstown declared its intent to follow the schedules and procedures for disposition of records as set forth in the Municipal Records Manual approved December 16, 2008; and

WHEREAS, in accordance with the Act 428 of 1968, each individual act of disposition shall be approved by Resolution of the governing body; and

WHEREAS, the Borough of Pottstown, through its Finance/Tax Office, Fire Department, Licensing and Inspection Department, Parks and Rec Department, Utilities Department, and Borough Administration have accumulated certain records that no longer need to be retained pursuant to Borough guidelines and the requirements of the Municipal Records Manual; and

WHEREAS, the Burgess and Town Council of the Borough of Pottstown does further authorize the Borough Manager or those designated by the Borough Manager, to destroy the original copies of certain public records in accordance with the aforesaid requirements, formally declaring that said records that are to be disposed of, have no administrative, legal, or historical significances beyond the terms of retention as set forth in the Municipal Records Manual.

NOW, THEREFORE, BE IT and IT IS HEREBY RESOLVED by the Burgess and Town Council of the Borough of Pottstown, and it is hereby ENACTED and RESOLVED by the authority of same as follows:

SECTION 1. The Burgess and Town Council of the Borough of Pottstown hereby approves the following requests to allow for the destruction of municipal records as fully described in Exhibit "A" which is attached hereto and incorporated herein. (SEE ATTACHED)

SECTION 2. The Borough Departments above described may utilize a third party contractor for the document shredding and destruction to remove said records under a controlled environment as and

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when approved by the Borough Manager. At the conclusion of the process, the document shredding and destruction company shall provide to the Borough a Certificate of Destruction.

SECTION 3. All future requests to destroy municipal records pursuant to State Law and Borough policy shall be approved by Resolution enacted by the Borough Council.

ENACTED and RESOLVED and this 12th day of March, A.D., 2018.

Motion carried: 6 ayes.

l. Suspension - Motion by Councilor Paez, seconded by Councilor Kulp to ratify the Mayor's disciplinary action of a one (1) day suspension without pay upon Pottstown Police Sergeant Edward Kropp, Jr. Motion carried: 6 ayes.

m. Community Action – Motion by Councilor Lebedynsky, seconded by Councilor Kirkland to grant the request of the Pottstown Community Action Committee to conduct a clean-up event on April 21, 2018, resulting in the closing of the 400 block of Chestnut Street from 6:30 a.m. - 4:00 p.m., subject to review and approval of the Police and Fire Departments. Motion carried; 6 ayes.

n. Memorial Day Parade - Motion by Councilor Kirkland, seconded by Councilor Paez to grant the request of the Pottstown Joint Veterans Council to hold the annual Memorial Day Parade on May 28, 2018, resulting in the closing of High Street from Adams to Manatawny Street and Manatawny to Second Street from 8:30 a.m. – 12:00 p.m., subject to review of the Police and Fire Departments. Motion carried: 6 ayes.

o. Soap Box Derby - Motion by Councilor Kirkland, seconded by Councilor Paez to grant request of Pottstown AMBUCS to hold the Annual Soap Box Derby scheduled for June 16, 2018 (rain date – June 17), resulting in the closing of Wilson Street on June 15 & 16, from 7:00 a.m. to 6:00 p.m., subject to approval of the Police and Fire Departments. Motion carried: 6 ayes.

p. Classics Car Club Nostalgia Nights - Motion by Councilor Kirkland, seconded by Councilor Kulp to approve the dates for the Pottstown Classics Car Club for the 2018 Nostalgia Nights as presented in the January 29, 2018 memorandum, resulting in the closing of High Street, from York Street to Franklin Street and Hanover Street, from King Street to Security Plaza from 4:30 p.m. to 9:00 p.m., subject to approval of the Police and Fire Departments and execution of a Hold Harmless Agreement. Motion carried: 6 ayes.

q. Pottstown Rumble – Motion by Councilor Paez, seconded by Councilor Kulp to grant the request of the Pottstown Rumble to include a beer garden and tasting event for the June 22, 23 & 24, 2018, Volleyball Tournament, from 12:00 p.m. to 12:00 a.m., to be held in Memorial Park, subject to approval of the Police and Fire Departments and compliance with the Liquor Control Board regulations. Motion carried: 6 ayes.

REPORT OF BILLS

Motion by Councilor Kulp, seconded by Councilor Paez to pay the outstanding bills in the amount of \$2,089,943.31. Motion carried: 6 ayes.

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ANNOUNCEMENTS

Councilor Paez requested that the potholes be addressed throughout town.

ADJOURNMENT

The meeting adjourned 7:45 p.m. on motion by President Weand.

Submitted by,

Justin M. Keller,
Interim Borough Manager

EXHIBIT A

| Borough of Pottstown Request for Records Retention Program to Dispose of the Following: | | | |
|--|--|---------------------------------------|---|
| Borough of Pottstown Records Destruction | | | |
| Actual Document Year | Description of Records | Retention Years per PA Records Manual | Allow able Year to Destroy - up to & Inc. |
| FINANCE: | | | |
| 2007-2010 | refund requests | 7 years | 2018 |
| 2011 | ret'd tax bills, unpaid reports | of admin value | n/a |
| 2011 | Cash Receipts | 7 years | 2018 |
| 2011 | Accounts Payable | 7 years | 2018 |
| 2011 | Bank Statements | 7 years | 2018 |
| 2011, 10, 09 | Liquid Fuels audited files | 7 years | 2018, 17, 16 |
| 2011, 12 | Sewer and Water Trustee Statements | 5 years | 2016, 2017 |
| 2012 | Diall Receipts | 5 years | 2017 |
| 2014 | Misc. Payroll and tax registers | 4 yrs | 2018 |
| 2015 | Tax Certs. | 2 years | 2017 |
| 2015 | Utility Certs. | 2 years | 2017 |
| 2015 | Fin. Dir. Correspondence, reports, etc. | of admin value | n/a |
| 2015 | J/E Entries | 2 years | 2017 |
| 2016 | Tax Certs. | 2 years | 2018 |
| 2016 | Utility Certs. | 2 years | 2018 |
| PARKS: | | | |
| 2008 | PRPS Consignment Tickets Sales Records and Deposit Slips | 7 FN-13 | 2017 |
| 2009 | Gen. Financial Transactions Reports and Deposit Slips | 7 FN-13 | 2017 |
| 2008 | Gen. Financial Transactions Reports and Deposit Slips | 7 FN-13 | 2016 |
| 2014 | Bank Park User Records | 2 PR-5 | 2017 |
| 2015 | Bank Park User Records | 2 PR-5 | 2018 |
| 2015 | Summer Camp Program Sign in/ Sign Out Sheets | 2 PR-5 | 2018 |
| POLICE: | | | |
| 1998 | Police Reports | 20 years | 2018 |
| ADMIN: | | | |
| 2000-2005 | Statement of Financial Interests | 5 yrs. | 2010 |
| 2012 | RFP's Engineering Services | 1 yr. | 2013 |
| 2013 | RFP's Sanitary Sewer System | 1 yr. | 2014 |
| UTILITIES: | | | |
| 2004, 05, 06, 11, 12 | Water Micro Lab Data | 5 | 2009-2018 |
| 2006, 11, 12 | Wastewater Lab Data | 5 | 2011-2018 |
| L & I: | | | |
| 2014 | Clean and Lien Violations - pictures - work sheets | 3 | 2017 |
| 2014 | Property maintenance violations notices from Housing Files | 3 | 2017 |