

April 9, 2018

## POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, April 9, 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 Mayor Stephanie Henrick, Solicitor Charles Garner and Borough Secretary Virginia Takach. Interim Manager Justin Keller was absent.

### APPROVAL OF MINUTES

Motion by Councilor Kirkland, seconded by Councilor Paez to approve the March 12, 2018 Council meeting minutes as presented. Motion carried: 6 ayes, 1 abstention. Councilor Arms abstained as he was not present at the March 12<sup>th</sup> meeting.

### COMMENTS FROM CITIZENS PRESENT

a. Sheryl Miller, 59 West 9<sup>th</sup> Street – congratulated Chief Drumheller on his retirement noting that he will be greatly missed. Ms. Miller also questioned the appointments of Carol Kulp and Twila Fisher to the Land Bank Board, as these appointments may present a conflict of interest and these individuals serve on other boards.

b. Marlene Armato, 4 Park Court – invited all to a non-partisan candidates' night for the new 4<sup>th</sup> Congressional District, to be held on April 29<sup>th</sup>, 5:00 p.m. at the Trinity United Church, 60 North Hanover Street.

c. Ed Walker, 1312 Queen Street – expressed a concern on the condition of High Street and requested information on the timing of paving. He also questioned the enforcement of codes with respect to abandoned lawn mowers along High Street.

President Weand referred these concerns to Staff.

### SUBCOMMITTEE REPORTS

a. Finance & Administration – President Weand noted that there was no meeting.

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## COMMITTEE REPORTS

- a. PDIDA – Sheila Dugan referred to the report distributed and provided a brief update on upcoming events, including the opening of the FARM on June 14<sup>th</sup>. She also requested Council's approval for a beer tent during the June 28<sup>th</sup> 5K event in Riverfront Park.
- b. COG – Councilor Kulp advised that the next meeting is April 10<sup>th</sup>.
- c. EAC – There was no report.
- d. Regional Planning – Councilor Procsal reported that there was a presentation of the surrounding trails, including Memorial Park. There was also a discussion on the pedestrian right-of-way for Route 100 and Shoemaker Road. Councilor Procsal added that the Commission agreed to send a letter in opposition of the YMCA closing.
- e. Blighted Property Review Committee – There was no meeting.

## UNFINISHED BUSINESS

None.

## EXECUTIVE SESSION

President Weand recessed the meeting to executive session at 7:10 p.m. for a personnel matter.

The meeting reconvened at 7:45 p.m.

## NEW BUSINESS

a. Deputy Chief of Police – Motion by Councilor Procsal, seconded by Councilor Paez to create a temporary assignment of Deputy Chief of Police, a non-Civil Service assignment and management position and to appoint Michael Markovich to the temporary assignment effective immediately.

President Weand opened a public meeting at 7:47 as this item was not listed on the agenda.

i. Evan Brandt, 24 North Hanover Street – questioned if this position is above or below the Captain's position.

Solicitor Garner responded that it is above the position of the Captain and is a temporary assignment.

ii. Sheryl Miller, 59 West 9<sup>th</sup> Street – asked if the Captain was considered for this position.

President Weand advised that this was the name that came out of the Executive Session.

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iii. Matt Carey, Reading Eagle – questioned the length of time for this assignment.

Solicitor Garner replied that the motion has no length of time and it is a temporary assignment, likely less than four months.

The hearing closed at 7:55 p.m.

Motion carried: 7 ayes.

b. Presentation – Jon Cohn, Agronomed Pharmaceuticals – Medical Marijuana Facility

Mr. Cohn provided an update and outline of the proposed medical marijuana facility proposed for the former Neapco site, 740 Queen Street. He explained that Agronomed has received the hemp growing permit and the state has opened another 13 permits statewide this year, which will result in less competition. Mr. Cohn also provided information on the state regulations regarding smoking leaf marijuana and the qualifying conditions associated with the medical marijuana process. He also noted that since the hemp and medical marijuana operations cannot be located in the same facility, he is seeking another property in Pottstown.

Letter of Support – Motion by Councilor Arms, seconded by Councilor Procsal, to send a letter of support to Agronomed Pharmaceuticals in support of its permit application to operate a Medical Marijuana Growing and Extraction Facility in the Borough. Motion carried: 7 ayes.

c. Genesis Housing Letter of Support - Motion by Councilor Procsal, seconded by Councilor Kulp to send a letter of support to the Montgomery County Department of Housing & Community Development in support of Genesis Housing's application for the Montgomery County HOME/AHTF Grant. Motion carried: 7 ayes.

d. Schuylkill River Sojourn - Motion by Councilor Arms, seconded by Councilor Kulp to grant request of the Schuylkill River Greenways to serve alcohol during its 20th Anniversary Sojourn event on June 5, 2018 in Riverfront Park, subject to review and approval of the Manager and Solicitor regarding compliance with insurance requirements.

Elaine Schaefer, Executive Director of the Schuylkill River Greenways, explained the request for the one-time waiver to serve local beer and wine during the Sojourn's 20th Anniversary event scheduled for June 5, 2018 in Riverfront Park. She added that no alcohol will be sold at the event and all will be invited to the event.

Motion carried: 7 ayes.

e. PDIDA – 5K - Motion by Councilor Procsal, seconded by Councilor Paez to grant the request of the Pottstown Downtown Improvement District Authority to hold a beer tent from 5:00 p.m. – 8:00 p.m. at its June 28, 2018 5K event in Riverfront Park, subject to review and approval of the Police Department. Motion carried: 7 ayes.

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f. Parks and Recreation Ordinance - Motion by Councilor Paez, seconded by Councilor Arms to adopt an Ordinance amending portions of the General Regulations, Chapter 16, Parks and Recreation.

ORDINANCE NO. 2174

AN ORDINANCE AMENDING PORTIONS OF SECTION 101, SECTION 102, SECTION 104 AND SECTION 105, ALL OF PART 1, GENERAL REGULATIONS, OF CHAPTER 16, PARKS AND RECREATION, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED

Motion carried: 7 ayes.

g. Parks and Recreation Fee Schedule - Motion by Councilor Arms, seconded by Councilor Paez to adopt a Resolution amending the Fee Schedule to amend certain fees associated with the Parks and Recreation Department.

RESOLUTION NO. 2018-13

A RESOLUTION AMENDING THE FEE SCHEDULE OF THE BOROUGH OF POTTSTOWN TO AMEND CERTAIN FEES ASSOCIATED WITH THE POTTSTOWN PARKS AND REC DEPARTMENT

WHEREAS, the Burgess and Town Council of the Borough of Pottstown has adopted a comprehensive Fee Resolution July 10, 1995; and

WHEREAS, the Borough periodically reviews the Fee Schedule to determine if additions and amendments to the Fee Schedule are necessary and proper; and

WHEREAS, based upon recommendation from the Parks and Rec. Director, the Borough of Pottstown desires to revise and amend its comprehensive Fee Resolution relating to certain fees associated with the Park and Rec. Department.

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 following fees associated with Pottstown Park and Rec. Department involving the advertising rates for its newsletter are hereby amended and shall provide as follows: On-line Newsletter Advertising Rates

Quarter Page -	\$ 50.00
Half Page -	\$ 100.00
Full Page -	\$ 175.00

SECTION 2. The following fees associated with "Annual Field Sponsorships" at Memorial Park are hereby amended and shall provide as follows:

Annual Sponsorship Fee:	\$ 200.00
New Sign Printing and set-up (optional):	\$ 200.00

SECTION 3. Any and all existing fees not referenced in this Resolution shall remain unchanged and be in full force and effect.

SECTION 4. All future modifications of these fees and other fees established by the comprehensive Fee Schedule shall be made by Resolution from time to time, duly adopted by the Burgess and Town Council of the Borough of Pottstown.

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SECTION 5. This Resolution shall become effective immediately upon enactment.  
ENACTED and RESOLVED this 9<sup>th</sup> day of April, 2018.

Motion carried: 7 ayes.

h. YMCA Closing - Motion by Councilor Kirkland, second by Councilor Procsal to adopt a Resolution opposing the closure of the Pottstown YMCA facility located at 724 North Adams Street.

RESOLUTION NO. 2018-14

OPPOSING CLOSURE OF THE POTTSTOWN YMCA  
BY THE POTTSTOWN BOROUGH COUNCIL

WHEREAS, the Pottstown YMCA has served the borough of Pottstown since 1880; and  
WHEREAS, the Pottstown YMCA, through two mergers, is now a branch of the Philadelphia Freedom valley YMCA; and  
WHEREAS, the avowed mission of the Philadelphia Freedom YMCA, a non-profit organization, is to strengthen communities, making sure that everyone, regardless of age, income or background, has the opportunity to learn, grow, and thrive; and  
WHEREAS, the Philadelphia Freedom YMCA seeks to nurture the potential of every child and teen by supporting their unique youth development journey through holistic programming; and  
WHEREAS, the Philadelphia Freedom YMCA provides child care and early learning programs to nurture child development by providing safe and healthy places to learn foundational skills, develop healthy, trusting relationships, and build self-reliance through the Y values of caring, honesty, respect, and responsibility; and  
WHEREAS, the Philadelphia Freedom YMCA specifically seeks to close the achievement gap for low-income youth to ensure every child has an opportunity to envision and pursue the best possible future; and  
WHEREAS, the Philadelphia Freedom YMCA encourages healthy lifestyles through fitness activities, including sports and recreation, and does so in its Pottstown facility which houses two swimming pools, a gymnasium, running track, fitness room, and other amenities; and  
WHEREAS, the Philadelphia Freedom YMCA is committed to a spirit of service by uniting individuals from all walks of life to participate in, and work for, positive social change; and  
WHEREAS, two-thirds or more of Pottstown students come from low-income families and minority families; and  
WHEREAS, the Borough of Pottstown has one of the lowest median incomes in southeastern Pennsylvania; and  
WHEREAS, Pottstown has the 3rd highest real estate tax effort in the Commonwealth, which its citizens have endured to provide a comparable educational experience to other public school districts; and  
WHEREAS, The Pottstown YMCA provides such services to Pottstown students as free swimming lessons for all 3rd graders and free memberships to all 7th graders; and  
WHEREAS, the Pottstown YMCA is centrally located in a walkable and bikeable community, immediately adjacent to the Pottstown High School — Middle School complex, allowing students to access the facility without the use of a car; and

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WHEREAS, the Philadelphia Freedom Valley YMCA has grown exponentially since its creation in a 2013 merger, and since then has completed new facilities in Haverford and Upper Perkiomen, with a \$30 million YMCA building under construction in Upper Moreland; and

WHEREAS, YMCA officials have stated that profits from their highly successful facilities in suburban areas allow the YMCA to fulfill its mission of offering programs to all residents, regardless of their ability to pay; and

WHEREAS, YMCA officials acknowledge that some YMCAs will cost more money to operate than they bring in as revenue, and recognize the YMCA's obligation to subsidize those branches that are financially challenged; and

WHEREAS, the YMCA parent organization announced on Nov. 21, 2017 that it was closing its Pottstown facility as of June 29, 2018, without any input from or prior warning to the Pottstown community; and

NOW THEREFORE, BE IT RESOLVED that the Pottstown Borough Council adamantly opposes the closure of the Pottstown Branch of the Philadelphia Freedom Valley YMCA, and further opposes alternatives that result in services and programs being taken out of the Borough of Pottstown.

ENACTED AND RESOLVED this 9th day of April, A.D., 2018.

Motion carried: 7 ayes.

i. EAC Amendment – Motion by Councilor Paez, seconded by Councilor Kirkland to authorize the Solicitor to prepare an ordinance amendment regarding the Environmental Advisory Council as outlined in the March 5, 2018 EAC minutes.

Motion carried: 7 ayes

j. Fire Chief Ordinance Amendment - Motion by Councilor Procsal, seconded by Councilor Kulp to authorize the Solicitor to prepare an ordinance amendment regarding the residential requirements of the Fire Chief.

Solicitor Garner explained that the residency requirement is presently for the Fire Chief to live within five miles of the Borough.

President Weand recommended the ordinance be amended to change the requirement from five miles to ten miles.

Councilor Arms commented he previously stated that the ordinance should require the Fire chief to live within the boundaries of the Borough.

Councilor Procsal agreed to amend the motion to change the residential requirements for the Fire Chief from five miles to ten miles, and if necessary, take preference over an individual that lives within the Borough. Councilor Kulp was in agreement with the amended motion.

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

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k. Closed Loop Project - Motion by Councilor Kulp, seconded by Councilor Procsal to grant request of Traffic Planning and Design for an extension for the Pottstown Area Closed Loop Signal System project, Part III, to June 30, 2020 to coordinate with the end of the construction timetable. Motion carried: 7 ayes.

l. CDBG Application - Motion by Councilor Paez, seconded by Councilor Procsal to approve and authorize the submission of a Community Development Block Grant Application to Montgomery County for the project of the High Street Streetlighting Retrofit.

Mr. Yerger confirmed that when changed to LED lighting, the maintenance cost will be considerably less and a reduction will be seen in the bill.

Motion carried: 7 ayes.

m. HARB - Motion by Councilor Kirkland, seconded by Councilor Paez to reappoint Mark Harvey to the Historic Architectural Review Board for a five (5) year term to expire April 1, 2023. Motion carried: 7 ayes.

n. PDIDA – Motion by Councilor Procsal, seconded by Councilor Kulp to appoint Vicki Giammarco to the Pottstown Downtown Improvement District Authority to fill a vacant term to expire January 1, 2019. Motion carried: 7 ayes.

o. Land Bank Board (Chiarello) – Motion by Councilor Kirkland, seconded by Councilor Procsal to appoint Cheryl Chiarello to the Land Bank Board for a three-year term. Motion carried: 7 ayes

p. Land Bank Board (Fisher)– Motion by Councilor Kirkland, seconded by Councilor Arms to appoint Twila Fisher to the Land Bank Board for a three-year term.

Councilor Kirkland commented that he also had concerns with Ms. Fisher’s appointment to the Land Bank Board, noting a possible conflict of interest with her affiliation with The Hill School.

Councilor Procsal agreed and suggested that Ms. Fisher reapply if denied and be provided the opportunity to present her status.

President Weand requested a roll-call vote.

Arms	no	Paez	no
Kirkland	no	Procsal	no
Kulp	no	Weand	no
Lebedynsky	no		

Motion denied: 7 nays.

q. Land Bank Board (Monastra) – Motion by Councilor Procsal, seconded by Councilor Paez to appoint Andrew Monastra to the Land Bank Board for a two-year term. Motion carried: 7 ayes.

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r. Land Bank Board (Penrod) – Motion by Councilor Procsal, seconded by Councilor Kirkland to appoint Deborah Penrod to the Land Bank Board for a two-year term. Motion carried: 7 ayes.

s. Land Bank Board (Kulp) – Motion by Councilor Kirkland, seconded by Councilor Paez to appoint Carol Kulp to the Land Bank Board for a three-year term.

Solicitor Garner explained the make-up of the members of the Board, noting that it states at least one member of the Board be a Borough resident, not an elected official or affiliated with a civic organization. He added that the fifth member will have to meet this requirement.

Motion carried: 7 ayes.

### REPORT OF BILLS

Motion by Councilor Kirkland, seconded by Councilor Paez to pay the outstanding bills in the amount of \$2,179,377.15. Motion carried: 6 ayes, 1 nay. Councilor Arms cast the negative vote.

### ANNOUNCEMENTS

Councilor Arms requested that additional information be provided from the Zoning Hearing Board as no record of decisions are provided. He added that the expenses for 2016 – 2017 were in the range of \$16,000 to \$21,000.

Councilor Arms also congratulated Evan Brandt for the first place Keystone Press Award.

Mayor Henrick reminded all of the April 21<sup>st</sup> Rock the Block event, the April 28<sup>th</sup> Bark for Life event and April 29<sup>th</sup> Climate March.

### ADJOURNMENT

The meeting adjourned 8:30 p.m. on motion by President Weand.

Submitted by,

Justin M. Keller,  
Interim Borough Manager