

May 14, 2018

## POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, May 14, 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 and Rita Paez. Also present were Interim Manager Justin Keller, Mayor Stephanie Henrick, Solicitor Charles Garner and Borough Secretary Virginia Takach. Councilors Arms and Kirkland were absent.

### APPROVAL OF MINUTES

Motion by Councilor Procsal, seconded by Councilor Kulp to approve the April 9, 2018 Council meeting minutes as presented. Motion carried: 5 ayes.

### COMMENTS FROM CITIZENS PRESENT

a. James Lutz, 19 West 7<sup>th</sup> Street – complained about the property located at 441 Johnson Street regarding the deplorable condition of the property. He noted that there are nine dogs on the property and the stench is unbearable. Mr. Lutz added that there are two small children and other family member living in the house and expressed a concern for the welfare of the children.

b. Eugene Feliciano, 7 West 7<sup>th</sup> Street – also explained the condition of the property at 441 Johnson Street, adding that he is ready to sell his house. He also advised that there are numerous codes violations at the property, including a dilapidated fence.

Mr. Keller commented that Staff is aware of the property and thanked them for the gentlemen for their comments.

c. Sheryl Miller, 59 West 9<sup>th</sup> Street – corrected her statement of last week regarding the two cameras being proposed for The Hill School area. She noted that she pays more in taxes than the Hill School, adding that the cameras are needed in the third ward. Ms. Miller was willing to trade the cameras for additional police officers patrolling the third ward. She also urged Council to table the motion regarding amendments to the fire and building codes listed on the agenda.

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d. Tom Hylton, 222 Chestnut Street – commented on the proposed requirements for installing sprinkler systems. He provided background on a fire in a nursing home in West Chester last year, resulting in numerous deaths, due a false reading of the alarm system. He also advised that \$30 million was spent on the Pottstown elementary schools' renovations with no sprinkler systems added. Mr. Hylton urged Council to not impose additional regulations for buildings resulting in more vacant and under-utilized buildings.

#### SUBCOMMITTEE REPORTS

a. Finance & Administration – President Weand reported that at 33% of the year, expenses stand at 26% and revenues are at 27%. He added that discussions continue regarding property assessment appeals. President Weand added that between the Hospital and the assessment reductions, the 2019 Minimum Municipal Obligation will result in \$500,000 for each of the pension plans.

#### COMMITTEE REPORTS

a. PDIDA – Ms. Dugan referred to the written report, noting the success of the first Eco Fest held on May 12<sup>th</sup>. She added that the downtown FARM opens on June 14<sup>th</sup> and noted that two vacancies exist on the Board and will have recommendations for next month.

b. COG – Vice President Kulp noted that she has not yet received the minutes of the last meeting.

c. EAC – There was no meeting.

d. Regional Planning – Councilor Procsal advised that the meeting dealt with a proposed heavy machinery business on 724 and Fricks Lock Road.

e. Blighted Property Review Committee – The minutes were provided in the packet.

f. King Street Bridge Update – Interim Manager Keller provided an update on the new design of the King Street Bridge, with a new parapet wall and new black railing. It will also include an ornamental fence to coincide with the historic nature of the area. He also agreed to provide an explanation of the differences between the new High Street bridge and the King Street bridge over the same waterway.

Mr. Keller, on behalf of Council, also thanked Secretary Ginny Takach for filling-in for him on his vacation. He expressed his appreciation for himself and on behalf of Council.

#### UNFINISHED BUSINESS

None.

#### NEW BUSINESS

a. Hanover Square Warehouse - Motion by Councilor Procsal, seconded by Councilor Kulp

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to grant the Conditional Use request of Greg Lingo, Hanover Square Warehouse, to construct two single family attached units and to permit dwelling units on the first floor of the existing structure located at 300 Cherry Street, with conditions as stated in the order dated May 14, 2018.

Solicitor Garner reviewed the conditions as outlined in the order and advised that the applicants had no issues with compliance.

Motion carried: 5 ayes.

b. Konnick Subdivision - Motion by Councilor Procsal, seconded by Councilor Kulp to grant preliminary/final approval of the Konnick Subdivision, 828 North Hanover Street, subject to satisfying the following conditions within 90 days:

- i. Compliance with the Cedarville Engineering letter of March 13, 2018
- ii. Compliance with the Montgomery County Planning Commission letter of March 19, 2018
- iii. Execution of an Easement Agreement in a form acceptable to the Borough
- iv. Compliance with any zoning issues raised by Zoning Officer
- v. Voluntary contribution of a fee in lieu of open space to be determined by Borough Council
- vi. Payment in full of all Borough review fees

Solicitor Garner confirmed that there are no outstanding zoning issues with respect to the plan.

Scott Exley was present for the applicant and noted that he is acceptable to all the conditions as stated. He questioned the execution of the agreement.

Solicitor Garner advised that the applicant's attorney would be submitting an easement agreement for review and comment.

Motion carried: 5 ayes.

c. Konnick Subdivision - Motion by Councilor Procsal, seconded by Councilor Kulp to grant the following waiver requests from the Subdivision and Land Development Ordinance for the Konnick Subdivision Plan:

- i. Section 22-400.3A – requirement to show physical features and topography on property within 100 feet of site
- ii. Section 22-400.5.A – requirement for Phase One Environmental Assessment and Certification
- iii. Section 22-A404.1 – requirement for location and elevation of all boundary lines
- iv. Section 22-A404.6 – requirement of all final easement or right-of-ways
- v. Section 22-A404.21 – requirement of Stormwater runoff calculation for entire site
- vi. Section 22-A408.1 - requirement of certificates and assurances
- vii. Section 22-507 – Requirement to plant eight (8) trees
- viii. Section 22-511 – requirement to provide any site buffering
- ix. Section 22-504 & 505 – requirement to install open space trees and installing street trees along street frontage
- x. Section 22-A504 – request waiver of requirement for dedication of open space

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Motion carried: 5 ayes.

d. Valenti Mid-Atlanti Realty/Wendy's - Motion by Councilor Procsal, seconded by Councilor Kulp to grant a sixty (60) day extension of time to the Valenti Mid-Atlantic Realty LLC and Pottstown Center LP as approved in the conditions of January 8, 2018.

Solicitor Garner explained that conditions imposed were to be satisfied within 90 days. He noted that the Wendy's group is negotiating with the owners of the Center for the appropriate crossing. He added that staff has no issue on this matter.

Motion carried: 5 ayes.

e. Greater Pottstown Tennis & Learning - Motion by Councilor Procsal, seconded by Councilor Kulp to approve an Agreement, in a form acceptable to the Borough, between the Greater Pottstown Tennis & Learning Association and the Borough of Pottstown for use of the Maple Street Park, with a final presentation to Council prior to the start of construction. Motion carried: 5 ayes.

f. Fire Chief/EAC Amendment - Motion by Councilor Procsal, seconded by Councilor Kulp to adopt an Ordinance amending the regulations of the Fire Chief and amending the organization of the Environmental Advisory Council.

#### ORDINANCE NO. 2175

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING SECTION 256, QUALIFICATIONS OF THE BOROUGH FIRE CHIEF, CONTAINED IN PART 2, APPOINTED OFFICIALS, AND AMENDING SECTION 1403, COMPOSITION AND ORGANIZATION OF THE ENVIRONMENTAL ADVISORY COUNCIL PROVIDING FOR CIRCUMSTANCES REMOVING A MEMBER OF THE ENVIRONMENTAL ADVISORY COUNCIL, BOTH SECTIONS BEING PART OF CHAPTER 1, ADMINISTRATION AND GOVERNMENT, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED.

Motion carried: 5 ayes.

g. Building Code/Fire Code Regulations - Motion by Councilor Procsal, seconded by Councilor Kulp to table the motion authorizing the Solicitor to prepare and advertise an ordinance and Public Hearing, amending the Building Code and Fire Code regulations as presented by the Fire Chief on May 9, 2018.

Councilor Procsal expressed a concern regrading the sprinkler regulations within the propose ordinance.

President Weand read a prepared statement from Councilor Kirkland in opposition and concern regarding the square footage regarding the sprinkler system and a detriment in attracting new businesses.

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Councilor Procsal amended his motion to move forward with the preparation and advertisement of the ordinance and eliminating the proposed sprinkler requirements. Councilor Kulp seconded the amended motion.

Motion carried: 5 ayes.

h. Volunteer Firefighter Recruitment Incentive - Motion by Councilor Procsal, seconded by Councilor Kulp to authorize the Solicitor to prepare an ordinance to establish a Volunteer Firefighter Recruitment Incentive Program as presented by the Fire Chief on May 9, 2018.

Councilor Procsal commented that he understands the opposition to compensating volunteers that do not live in the Borough, but the incentive will be an investment for volunteers to answer fire calls.

Motion carried: 5 ayes.

i. PART Local Match - Motion by Councilor Procsal, seconded by Councilor Paez to adopt a Resolution certifying the Local Match for State Operating Financial Assistance for the Pottstown Area Rapid Transit System for Fiscal Year 2018-2019.

#### RESOLUTION NO. 2018 – 15

#### LOCAL TRANSPORTATION ORGANIZATION RESOLUTION CERTIFYING THE LOCAL MATCH FOR STATE OPERATING FINANCIAL ASSISTANCE

The Pottstown Borough Council of Pottstown Area Rapid Transit resolves and certifies that the operating financial assistance of \$1,317,725 provided pursuant to 74 Pa.C.S. §1513 is needed in Fiscal Year 2018-2019 or in a subsequent fiscal year to help pay for projected operating expenses, including asset maintenance costs; and that these funds will be used for this purpose only, because these funds are ineligible to be used for asset, or capital improvements projects; and that any funds not used this Fiscal Year will be retained and used only for operating assistance in a subsequent fiscal year(s).

Further, the Pottstown Borough Council resolves and certifies that the required local matching funds of \$89,791 will be secured from local contributors no later than the end of Fiscal Year 2018-2019 to match the requested Section 1513 funds.

I Dan Weand, Borough Council 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 14 day of May, 2018.

Motion carried: 5 ayes.

j. TCDI Grant - Motion by Councilor Kulp, seconded by Councilor Lebedynsky to adopt a Resolution approving the submission of an application to DVRPC for a TCDI grant for assistance with the Keim Street Bridge zoning and planning of the overlay study.

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RESOLUTION NO. 2018-16

RESOLUTION OF THE BOROUGH OF POTTSTOWN  
County of Montgomery

WHEREAS, the Borough of Pottstown, Montgomery County, supports the request for planning grant dollars from the Delaware Valley Regional Planning Commission; and

WHEREAS, the Borough of Pottstown, Montgomery County, understands the grant amount requested must provide a 20% local match of the total project cost while at least 5% must cover administration of the grant through in-kind services; and

WHEREAS, the Borough of Pottstown, Montgomery County, fully understands the application requirements including mandatory meetings and attachments; and

WHEREAS, the Borough of Pottstown, Montgomery County, fully understands the federal contracting process and rules as outlined in Uniform Guidance 2 C.F.R.200 if awarded the planning grant dollars; and

WHEREAS, the Borough of Pottstown, Montgomery County, fully understands that noncompliance with federal procurement rules and DVRPC contracting parameters will result in the loss of TCDI funds; therefore,

WHEREAS, that the Borough of Pottstown, Montgomery County, HEREBY AUTHORIZES the Borough Council President to submit an application to DVRPC for a TCDI planning grant; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Pottstown, Montgomery County, agrees to, if selected for the TCDI grant, to: engage in contracting procedures including the competitive Request for Proposals and budget allocation; sign grant agreement documents; agree to submit reimbursement invoices and progress reports along with necessary supporting documentation; take all necessary action to complete the project associated with the grant agreement within the 24 month timeframe, and submit the final deliverable to DVRPC; and

Provide proof of adoption or acceptance by the governing body through a resolution that must be submitted no later than August 31, 2020 to DVRPC. DVRPC will reserve payment of the last 10% of the grant award until such resolution and the final deliverable is received.

Motion carried: 5 ayes.

k. Resignation Councilor Arms – Motion by Councilor Paez seconded by Councilor Procsal to accept the resignation of Dennis Arms as Councilor of the Fourth Ward.

Councilor Procsal commented that he appreciated Councilor Arms' service.

Motion carried: 5 ayes.

Solicitor Garner explained that the acceptance of the resignation starts the 30-day clock, to fill the vacancy by resolution. If the vacancy is not filled, the Chairman of the Vacancy Board and Council would then have 15 days to hold a meeting and vote to replace Mr. Arms. This time line will encompass the next meetings in June.

President Weand authorized the Manager to post the vacancy on the Borough's website and social media pages.

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l. Civil Service Commission Appointment - Motion by Councilor Procsal, seconded by Councilor Kulp to appoint Mark Gibson to the Civil Service Commission to fill a vacant term to expire July 22, 2023. Motion carried: 5 ayes.

m. Civil Service Eligibility List - Motion by Councilor Kulp, seconded by Councilor Procsal to authorize the Civil Service Commission to begin the testing process to establish an eligibility list for the position of Corporal and Sergeant in the Pottstown Police Department. Motion carried: 5 ayes.

n. GoFourth Festival Biergarten - Motion by Councilor Procsal, seconded by Councilor Paez to grant the request of the GoFourth Festival to hold a Biergarten in Memorial Park on July 4, 2018, from 11:30 a.m. -10:00 p.m., subject to approval of the Police and Fire Departments and compliance with the Liquor Control Board regulations. Motion carried: 5 ayes.

o. Hill School - Motion by Councilor Paez, seconded by Councilor Kulp to grant the request of The Hill School, resulting in the closure of Beech Street, from Sheridan to Edgewood Streets on May 26, 2018, 9:00 a.m. – 1:00 p.m., subject to review and approval of the Police and Fire Departments.

President Weand commented that this is the first time for this request from The Hill School.

Motion carried: 5 ayes.

#### ADD-ON – Street Closure, Seventh Day Adventist Church

p. Community Day – Motion by Councilor Paez, seconded by Councilor Kulp to grant the request of the Pottstown SDA Church, resulting in the closure of Master Street between North Charlotte and North Evans Street, on June 24, 2018, 9:00 a.m. -3:00 p.m., subject to review of the Police and Fire Departments.

President Weand opened a public hearing at 7:55 p.m. as this matter was not listed on the agenda.

There were no comments and the hearing closed at 7:56 p.m.

Motion carried: 5 ayes.

#### REPORT OF BILLS

Motion by Councilor Kulp, seconded by Councilor Procsal to pay the outstanding bills in the amount of \$2,888,900.79. Motion carried: 5 ayes.

#### ANNOUNCEMENTS

Councilor Paez reminded all of the Human Relations Commission Community Day scheduled for June 10<sup>th</sup> on High Street.

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Mayor Henrick thanked all involved with the successful EcoFest and will post upcoming events on her Facebook page.

ADJOURNMENT

The meeting adjourned 8:00 p.m. on motion by President Weand.

Submitted by,

Justin M. Keller,  
Interim Borough Manager