

June 11, 2018

POTTSTOWN BOROUGH COUNCIL

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

APPROVAL OF MINUTES

Motion by Councilor Kirkland, seconded by Councilor Kulp to approve the May 14, 2018 Council meeting minutes as presented. Motion carried: 6 ayes.

COMMENTS FROM CITIZENS PRESENT

a. Eugene Feliciano, 7 West Seventh Street – reiterated his concerns of last month regarding the deplorable conditions of the property located at 441 Johnson Street and the dog issues at that property.

b. Jim Lutz, 19 West Seventh Street – also complained about the conditions of 441 Johnson Street and not being able to be out in his yard due to the odor of dog feces and flies coming from the property. He added that citations were issued and a hearing is scheduled for August 23rd at the District Court.

Mr. Keller advised that Staff will review this situation and will again contact the County regarding the health issues.

c. Tom Hylton, 222 Chestnut Street – requested Council's consideration regarding his letter of interest to be appointed to the Planning Commission. He noted that he previously served on the Planning Commission for 12 years and with the assistance of the Solicitor wrote the Subdivision Ordinance. He added that with the assistance of a \$50,000 William Penn grant, wrote the Zoning Ordinance, which has been effect for 15 years.

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d. Lynn Bialek, American Legion, Birdsboro – advised Council that the Vietnam Wall, “The Wall that Heals”, will be coming through Pottstown, with the assistance of the various Police Departments and volunteers, on July 5th and heading to Birdsboro. The replica is three-fourths the size of the original wall in Washington, D. C. The event is being sponsored by the Birdsboro American Legion from July 5-July 8th. She also provided board pictures of the Wall and welcomed all to see it pass through Pottstown on July 5th.

e. Dick Hurter, Vietnam Veteran – also spoke regarding the Wall and invited all to attend the on July 5th, approximately 9:00 a.m. – 10:00 a.m.

MAYOR’S REPORT

President Weand noted that the report was forwarded to Council in the Mayor’s absence.

SUBCOMMITTEE REPORTS

a. Finance & Administration – President Weand reported that at 42% of the year, the revenues are at 58% and expenses at 38%. He added that the discussions included the financial analysis report and the changes in assessments. President Weand reported that as of May 30th, the assessments are down by \$5,626,590, with a loss of revenue to the Borough at \$65,156. The Solicitors will be reviewing assessment transactions over \$250,000.

COMMITTEE REPORTS

a. PDIDA – Ms. Dugan provided an update on the FARM, upcoming events and the opening of the PUB and the Avenue. She added that PDIDA will be working with volunteer David Sutton with maintenance of trees in the downtown.

b. COG – Vice President Kulp noted that there was no meeting.

c. EAC – Jim Derr advised that there was no new activity.

d. Regional Planning – Councilor Procsal reported that Jon Leshner, Montgomery County Planner, was present, wherein he noted that Pottstown is the only municipality having a joint relationship with the School District. There was also a discussion on the future of the Circuit Rider program.

e. Blighted Property Review Committee – Councilor Procsal advised that there will be a bus tour on June 20th.

ADD-ON

President Weand noted that an item will be added to reschedule the Human Relations Committee community event.

UNFINISHED BUSINESS

None.

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NEW BUSINESS

a. Human Relations Community Event – Motion by Councilor Paez, seconded by Councilor Kulp to grant the request of the Human Relations Commission to reschedule the Community Fair from June 10, 2018 to July 15, 2018 resulting in the closing of High Street between Hanover and York Streets, 10:00 a.m. – 6:00 p.m., subject to approval of the Police and Fire Departments.

President Weand opened a Public Hearing at 7:15 p.m. as this was not listed on the agenda. Hearing no comments, the hearing closed at 7:16 p.m.

Mr. Keller requested that any cancellations be reported to Staff no later than 4:00 p.m. Thursday, preceding the event.

Motion carried: 6 ayes.

b. PART Fare Increase – Motion by Councilor Kirkland, seconded by Councilor Paez to adopt a Resolution amending the fee schedule to reflect the implementation of a base fare increase of for Pottstown Area Rapid Transit Service to become effective July 1, 2018 as follows:

- i. Full Fare Adult from \$2.00 to \$2.25
- ii. Half Fare & Students from \$1.00 to \$1.10
- iii. Paratransit from \$4.00 to \$4.50

RESOLUTION NO. 2018-17

RESOLUTION AMENDING THE COMPREHENSIVE FEE SCHEDULE OF THE BOROUGH OF POTTSTOWN TO REVISE CERTAIN FEES ASSOCIATED WITH THE BOROUGH'S POTTSTOWN AREA RAPID TRANSIT SYSTEM

WHEREAS, the Burgess and Town Council of the Borough of Pottstown adopted a Comprehensive Fee Resolution on 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 appropriate; and

WHEREAS, based upon the recommendation of Borough staff, the Borough of Pottstown desires to specifically amend fees associated with the Borough's Pottstown Area Rapid Transit System (PART).

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 PART Fare Structure shall be amended as follows:

- Base Fare - \$2.25
- Half Fare - \$1.10
- Paratransit-\$4.50
- Transfer - \$0.75

SECTION 2. 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.

SECTION 3. This Resolution shall become effective immediately upon enactment.

ENACTED and RESOLVED this 11th day of June, 2018.

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Motion carried: 6 ayes.

c. PART Budget - Motion by Councilor Kirkland, seconded by Councilor Kulp to approve the PART Operating Budget for FY2018-2019, dated May 31, 2018. Motion carried: 6 ayes.

d. PART/Paratransit Service - Motion by Councilor Kirkland, seconded by Councilor Paez to extend the existing agreement between Pottstown Area Rapid Transit/Paratransit Service and the Borough for a one-year term to expire June 30, 2019, with the same terms and conditions. Motion carried: 6 ayes.

7:30 P.M. – Public Hearing, Ordinance Amendment/Fire Protection (International Building Code)
Ordinance Amendment/Fire Protection (International Fire Code)

Solicitor Garner opened a public hearing for two ordinances as recommended by the Fire Chief. He reviewed the suggested changes to the International Building Code and the International Fire Code to allow for identical amendments and for additional requirements. Solicitor Garner also noted that the suggested change for size limitations of buildings with respect to sprinklers and has been removed from both ordinances at Council's request.

Solicitor Garner noted there was no public comment and the hearing closed at 7:40 p.m.

e. Fire Protection Systems (IBC) - Motion by Councilor Kirkland, seconded by Councilor Kulp to adopt an Ordinance amending certain provision of the International Building Code involving Fire Protection Systems.

ORDINANCE NO. 2176

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING CERTAIN PROVISIONS OF THE INTERNATIONAL BUILDING CODE WITH RESPECT TO REGULATIONS INVOLVING FIRE PROTECTION SYSTEMS

Motion carried: 6 ayes.

f. Fire Protection Systems (IFC) - Motion by Councilor Kirkland, seconded by Councilor Paez to adopt an Ordinance amending certain provisions of the International Fire Code involving Fire Protection Systems.

ORDINANCE NO. 2177

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING CERTAIN PROVISIONS OF THE INTERNATIONAL FIRE CODE WITH RESPECT TO REGULATIONS INVOLVING FIRE PROTECTION SYSTEMS

Motion carried: 6 ayes.

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g. Fourth Ward Council Vacancy - Motion by Councilor Kirkland, seconded by Councilor Paez to adopt a Resolution appointing Trenita Lindsay to fill the vacancy on Pottstown Borough Council, as a Fourth Ward Borough Councilor, for a term to expire January 6, 2020.

Councilor Procsal noted that Ms. Lindsay would be a great Councilor, but Mr. Smock may be a more valuable candidate at this time considering his financial background.

President Weand requested a roll-call vote.

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

RESOLUTION NO. 2018 – 19

A RESOLUTION FILLING THE VACANCY ON THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN PURSUANT TO THE PENNSYLVANIA BOROUGH CODE.

WHEREAS, Section 901 of the Pennsylvania Borough Code Permits Borough Council, by Resolution, to fill a vacancy occurring on Borough Council within thirty (30) days after the vacancy occurs; and

WHEREAS, Dennis Arms submitted a Letter of Resignation from Pottstown Borough Council, which was accepted by Borough Council, with an effective date of May 14, 2018; and

WHEREAS, the resignation of Dennis Arms has created a vacancy on Pottstown Borough Council; and

WHEREAS, the Pottstown Borough Council is desirous of filling the vacancy created by virtue of the aforesaid resignation until the 1st Monday in January after the next municipal election.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by Pottstown Borough Council that Trenita Lindsay be appointed as a Fourth Ward Pottstown Borough Councilor to fill the unexpired term of Dennis Arms, which term shall expire on January 6, 2020.

Motion carried: 4 ayes, 2 nays.

h. Safe Routes to School - Motion by Councilor Kirkland, seconded by Councilor Procsal to adopt a Resolution authorizing Staff to enter into a Federal Aid Reimbursement Agreement for the Safe Routes to School project.

RESOLUTION NO. 2018-18

SAFE ROUTES TO SCHOOL

WHEREAS, The Borough of Pottstown wishes to enter into a Federal Aid Reimbursement Agreement for Safe Routes to School.

NOW THEREFORE BE IT RESOLVED, that Pottstown Borough Council hereby authorizes and directs the attached Reimbursement Agreement for the costs of the Construction and Construction Inspection of the improvements associated with the Safe Routes to School project be signed by the

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Council President, and in doing so, agree to be legally bound to the terms, conditions, and provisions set forth by the agreement.

RESOLVED AND APPROVED THIS 11th day of JUNE 2018.

Motion carried: 6 ayes.

i. Greater Pottstown Tennis and Learning - Motion by Councilor Kirkland, seconded by Councilor Kulp to grant request of the Greater Pottstown Tennis and Learning for a waiver of the formal Land Development process for the Maple Street Park, located 1442 Maple Street and proceed with the issuance of a building permit application in compliance with Borough ordinances.

Councilor Procsal agreed with granting the waiver of Land Development for Phase I of the project and noted his reservations for future phases including the air support of the proposed concept.

Solicitor Garner confirmed the agreement approved several months ago, included only Phase I and did not include a structure. It includes only the rehabilitation of tennis courts, an additional court, fence, a modular building and storage shed.

Motion carried: 6 ayes.

j. Parkmobile/Parking Services Agreement - Motion by Councilor Procsal, seconded by Councilor Paez to authorize execution of a Parking Services Agreement with Parkmobile, LLC and the Borough of Pottstown in a form acceptable to the Borough Manager and Borough Solicitor.

Councilor Kirkland expressed a concern for senior citizens that may not have access to a smart phone.

Mr. Keller advised that the agreement will be at no cost to the Borough. He has been working with Parkmobile to negotiate the transaction fees. If using Parkmobile's credit processing vendor, the cost would be \$.05-\$.35 per transaction.

Solicitor Garner added that the changes in the agreement will be reflected in an ordinance amendment for next month.

Motion carried: 6 ayes.

k. Ordinance Amendment/Parking - Motion by Councilor Procsal, seconded by Councilor Paez to authorize the Solicitor to prepare an ordinance amending the Master Traffic Ordinance associated with new parking regulations. Motion carried: 6 ayes.

l. Hanover Square Lofts – Motion by Councilor Procsal, seconded by Councilor Kulp to grant preliminary/final approval of the Hanover Square Lofts, Hanover Square Warehouse, LLC, located at 300 Cherry Street subject to the Applicant satisfying the following conditions within 90 days:

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- i. Compliance with the Cedarville Engineering Group, LLC letter dated May 10, 2018
- ii. Compliance with the Montgomery County letter dated May 3, 2018
- iii. Compliance with all conditions set forth in the Zoning Hearing Board Memorandum Decision dated December 20, 2017
- iv. Compliance with all conditions set forth in the Conditional Use Order dated May 14, 2018
- v. Applicant paying a Fee in Lieu of ten (10) trees @\$350 per tree prior to issuance of any building permits
- vi. Applicant paying a fee of Open Space in the amount of \$5000 paid prior to issuance of any building permits
- vii. Preparation and execution of a Developer's Agreement in a form acceptable to the Borough
- viii. Preparation and execution of an Agreement to improve portions of South Street and Charlotte Street in a form acceptable to the Borough Solicitor
- ix. Submission and approval of a minor subdivision and annexation plan for a portion of South Charlotte Street from Hanover Square Home Owners Association
- x. Payment in full of all Borough review fees

Attorney Hogan was present and agreed to the conditions as stated, confirming the zoning hearing date was December 20, 2017.

Motion carried: 6 ayes.

m. Hanover Square Lofts - Motion by Councilor Procsal, seconded by Councilor Kulp to grant the following waivers from the Pottstown Borough Subdivision and Land Development Ordinance relating to Hanover Square Warehouse Land Development Plan:

- i. Section 400.3.A - waiver showing physical features and topography on surrounding properties
- ii. Section A402.1 & 2 – requirement showing contour lines, elevation data and landscape features within 100 feet of the site
- iii. Section A504 – waiving requirement for dedication of open space
- iv. Section 505 - waiving the requirement to install street trees along street frontage
- v. Section A521.5 – waiving requirement to reduce clear sight triangles to those shown on plan

Solicitor Garner noted that a condition was made for a fee in lieu of open space and Section A504 and 505 of the ordinance requires the dedication of open space and the requirement of street trees and therefore requires the waivers.

Motion carried: 6 ayes.

n. Portnoff Agreement - Motion Councilor Kirkland, seconded by Councilor Paez to approve a one-year extension of the contract between Portnoff Law Associates and the Borough of Pottstown from July 1, 2018 to June 30, 2019 for the collection of delinquent accounts. Motion carried: 6 ayes.

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o. Victory Christian Life - Motion by Councilor Kirkland, seconded by Councilor Paez to ratify Council's action of June 6, 2018 approving the request of the Victory Christian Life Center, resulting in the closure of Washington Street between King Street and Buttonwood Alley on June 10, 2018, 9:00 a.m. – 4:00 p.m., subject to review and approval of the Police and Fire Departments. Motion carried: 6 ayes.

p. CCLU Event - Motion by Councilor Procsal, seconded by Councilor Kulp to grant request of the CCLU to hold a beer garden at is September 22, 2018 Latin Festival at Riverfront Park from 12:00 p.m. -5:30 p.m., subject to approval of the Police and Fire Departments and compliance with the Liquor Control Board regulations. Motion carried: 6 ayes.

q. Land Bank Board - Motion by Councilor Kirkland, seconded by Councilor Paez to appoint Madison Morton to the Land Bank Board for a one-year term.

Councilor Kirkland commented that it is important to support individuals who have no association with other entities.

Councilor Procsal noted that Ms. Fisher has the experience and has served on a Land Bank Board.

President Weand requested a roll-call vote.

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

Motion denied: 4 nays, 2 ayes.

r. Land Bank Board - Motion by Councilor Procsal, seconded by Councilor Kulp to appoint Twila Fisher to the Land Bank Board for a one-year term.

Councilor Paez commented that Ms. Fisher should not be considered as Council has already voted against her.

Solicitor Garner advised that the motion cannot be made by the same individual that made the previous motion.

Councilor Procsal confirmed that he did not make the previous motion.

President Weand requested a roll-call vote.

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

Motion carried: 4 ayes, 2 nays.

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s. PDIDA - Motion by Councilor Kirkland, seconded by Councilor Procsal to appoint Pamela Gormish to the Pottstown Downtown Improvement District Authority to fill a vacant term to expire January 1, 2022.

Ms. Dugan requested that only one appointment be made in order to interview the remaining three candidates.

Motion carried: 6 ayes.

t. PDIDA – Motion by Councilor Kirkland, seconded by Councilor Procsal to table the appointment of an individual to the Pottstown Downtown Improvement District Authority to fill a vacant term to expire January 1, 2023. Motion carried: 6 ayes.

u. Planning Commission - Motion by Councilor Kirkland, seconded by Councilor Procsal to appoint Thomas Hylton to the Pottstown Planning Commission to fill a vacant term to expire February 1, 2020.

Councilor Procsal noted that each candidate would be an excellent member to the Commission and was impressed with Mr. Hylton’s presence at this meeting and his resume and would welcome his points of view.

President Weand requested a roll-call vote.

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

Motion carried: 5 ayes, 1 nay.

v. HARB - Motion by Councilor Kirkland, seconded by Councilor Procsal to approve Certificates of Appropriateness for the following properties as recommended by HARB:

- i. 131 King Street
- ii. 1023 East High Street

Motion carried: 6 ayes.

w. HARB - Motion by Councilor Procsal, seconded by Councilor Kulp to ratify action of the Building Permit Officer approving Certificates of Appropriateness for the following properties:

- i. 240 Chestnut Street
- ii. 856 High Street
- iii. 1304 High Street
- iv. 944 High Street
- v. 1019 High Street

Motion carried: 6 ayes.

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x. HARB - Motion by Councilor Kirkland, seconded by Councilor Procsal to deny the application of Pete Gantert for a Certificate of Appropriateness for property located at 1122 High Street, as recommended by HARB.

Mr. Keller explained that it was HARB's recommendation to reject the administratively approved application regarding the installation of appropriate replacement gutter.

Motion carried: 6 ayes.

y. Digitalfirst - Motion by Councilor Kirkland, seconded by Councilor Paez to authorize Staff to send a letter to Digitalfirst Media regarding the closing of *The Mercury* Building, 24 North Hanover Street. Motion carried: 6 ayes.

REPORT OF BILLS

Motion by Councilor Procsal, seconded by Councilor Kulp to pay the outstanding bills in the amount of \$2,380,545.62. Motion carried: 6 ayes.

ANNOUNCEMENTS

Councilor Kirkland, along with Councilors Procsal, congratulated Ms. Lindsay on her appointment.

Councilor Paez commented on the excessive amount of construction and the bike lanes through High Street.

Councilor Kulp congratulated Ms. Lindsay and also commended the services of the dog groomers on North Evans Street. She also reminded all of the celebration for former Councilor Ron Downie, scheduled for June 15th in Riverfront Park.

President Weand announced his appointment of the Animal Control Officer, Jon Daywalt, to the Animal Committee, effective immediately.

EXECUTIVE SESSION

President Weand recessed the meeting to executive session at 8:15 p.m. for one item of personnel.

RECONVENED

President Weand reconvened the meeting at 8:35 p.m.

z. Borough Manager Ordinance Amendment – Motion by Councilor Kirkland, seconded by Councilor Paez to authorize the Solicitor to prepare an amendment to the Borough Manager Ordinance to modify the residency requirement.

President Weand opened a public hearing at 8:40 p.m. as this was not previously listed.

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Evan Brandt, *The Mercury*, questioned as to what are the changes.

Solicitor Garner commented that presently the Borough Manager Ordinance requires the Borough Manager to reside in the Borough. Any changes would require Council's discretion if required in all cases.

There were no further comments and the hearing closed at 8:43 p.m.

Motion carried: 6 ayes.

aa. Interim Borough Manager – Motion by Councilor Kulp, seconded by Councilor Paez to extend the agreement with the Interim Manager for a period of time not to exceed 30 days, which presently expires June 25, 2018. Motion carried: 6 ayes.

ADJOURNMENT

The meeting adjourned 8:45 p.m. on motion by President Weand.

Submitted by,

Justin M. Keller,
Interim Borough Manager