

March 14, 2022

## POTTSTOWN BOROUGH COUNCIL

### ANNOUNCEMENT

Borough Manager Keller explained the format for this evening's meeting, advising that the meeting is a GoTo Virtual Meeting and an in-person meeting. All persons wishing to speak during Public Comment, whether participating by GoToMeeting or telephone, must submit their name and address through chat or email at [administration@pottstown.org](mailto:administration@pottstown.org). Requests to speak will be accepted until 7:15pm, at which time chat will be closed, and no further requests for comment will be honored. As always, Public Comment will be limited to three minutes per person.

### CALL TO ORDER

The regular meeting of the Pottstown Borough Council was called to order on Monday, March 14, 2022 at 7:00 p.m. as a hybrid, in-person and Go-To Meeting, with President Weand in the Chair.

### INVOCATION

President Weand requested a moment of silence.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

Councilors present were Ryan Procsal, Lisa Vanni, Donald Lebedynsky, Trenita Lindsay and Dan Weand. Also present were Manager Justin Keller, Solicitor Charles Garner, Mayor Stephanie Henrick (virtual) and Borough Secretary Virginia Takach. Councilors Paules and Kirkland were absent.

### APPROVAL OF MINUTES

Motion by Councilor Lindsay, seconded by Councilor Lebedynsky to approve the minutes of the February 14, 2022 Council meeting as presented. Motion carried: 5 ayes.

### SUBCOMITTEE REPORTS

a. Finance & Administration – President Weand explained the term of Period 13, being bills and statements to be posted during the prior year. He advised that at the end of January, the General Fund revenues stand at 105% and expenses at 96%. The real estate taxes collected are at 102% and local taxes at 121% , based on the 94% collection rate. President Weand advised that the audit began February 21st. The Borough continues to review under-assessed properties with the School District and Portnoff collections continue. He added that the assessment change increased by \$399,310 as of January. There were no new LERTA applications.

### COMMITTEE REPORTS

a. EAC – There was no report.

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b. Regional Planning – Council Procsal reported that John Leshar, Montgomery County, provided a housing analysis and a discussion took place regarding the use of playgrounds and parks in conjunction with the Borough to obtain grants and funding.

c. Blighted Property Review Committee – There will be a meeting in April.

d. Economic Development & Business Liaison – Ms. Lee-Clark provided information on the Fete en Blanc and requested Council's consideration for approval, with an estimated attendance of 750 this year. She added that discussions to improve the downtown are on-going, with the possibility of contracting a service. Ms. Lee-Clark also advised that the Iron Gate is opening March 17<sup>th</sup> and the Alley, April 1<sup>st</sup>. She also noted that the Street Sweeping events are upcoming. Ms. Lee-Clark provided PAED information bags to Council members from the Economic Development luncheon and urged all to view the video.

e. Land Bank – Ms. Lee-Clark advised that the Land Bank Solicitor and Solicitor Garner are working on an agreement to resolve the property at 707 Hamilton Street.

Mr. Keller added that the trash pick-up in the downtown occurs usually Monday and Friday for the solar powered containers, which all have been updated.

#### COMMENTS FROM CITIZENS PRESENT

a. Bruce Madara, 543 North Adams Street – expressed appreciation to the Borough Manager for his recent response, but noted he received no response from any of the Councilors he addressed. He questioned the lack of a parliamentary procedure and noted that it was not followed during the recent Committee of the Whole meeting, wherein a Councilor interrupted the speaker.

Mr. Keller noted he would provide the Rules of Order to Mr. Madara.

b. Carol Richael, 344 West Beech Street – expressed a concern on the overwhelming trash in the Borough. She picks up trash continuously throughout the Borough. She also noted that the homeless situation is also out of hand, referring to excessive trash and needles. She advised that she removed six tents in the last year, with only one that didn't have needles and beer bottles. Ms. Richael noted that while cleaning the Sunoco station in the western end of town, six children thanked her for her efforts. She also advised that Licensing & Inspections is not picking up piles of trash as was previously done.

c. Deb Spence, 153 South Roland Street - had no comment.

d. Tom Winterbottom, 262 King Street, Apt. 722 – requested Council's approval of the Shelter.

#### UNFINISHED BUSINESS

None.

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NEW BUSINESS

a. Zoning Relief, LIFT - Possible action on the zoning relief request of Pottstown Living in Faith Together (LIFT) for a special exception pursuant to Chapter 27, Section 319.6 and A319.1 of the Pottstown Zoning Ordinance, for the property located at 163 North Charlotte Street for offices and an adult day care center. (March 15, 2022 Zoning Hearing Board hearing continued.)

Solicitor Garner explained that as the Zoning Hearing for March 15, 2022 has been continued, it may be a moot point to act on this matter as this time. If the application is amended or changed, it would need to be readvertised and reposted. He suggested that Council to take no action at this time.

President Weand requested comments from Council. Hearing none, no action was taken on this matter.

b. C2P2 Grant - Motion by Councilor Procsal, seconded by Councilor Vanni to adopt a Resolution authorizing submission of a C2P2 grant to the Department of Conservation and Natural Resources (DCNR) for the Chestnut Street Park and South Street Park Redevelopment

RESOLUTION NO. 2022 – 8

CHESTNUT STREET PARK AND SOUTH STREET PARK REDEVELOPMENT

WHEREAS, THE BURGESS AND THE TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN ("Applicant") desires to undertake the project, "Chestnut Street Park and South Street Park Redevelopment" ("Project Title"); and

WHEREAS, the applicant desires to receive from the Department of Conservation and Natural Resources Department a grant for the purpose of carrying out this project; and

WHEREAS, the application package includes a document entitled Terms and Conditions of Grant and

WHEREAS, the applicant understands that the contents of the document entitled "Terms and Conditions of Grant," including appendices referred to therein, will become the terms and conditions of a Grant Agreement between the applicant and the Department if the applicant is awarded a grant; and

NOW THEREFORE, it is resolved that:

1. The grant application may be electronically signed on behalf of the applicant by "Dan Weand" who, at the time of signing, has a TITLE of "Council President" and the email address of "dweand@pottstown.org".
2. If this Official signed the Grant Application Electronic Authorization prior to the passage of this Resolution, this grant of authority applies retroactively to the date of signing.
3. If the applicant is awarded a grant, the Grant Application Electronic Authorization, signed by the above Official, will become the applicant/grantee's executed signature page for the Grant Agreement, and the applicant/grantee will be bound by the Grant Agreement.
4. Any amendment to the Grant Agreement may be signed on behalf of the grantee by the Official who, at the time of signing of the amendment, has the "TITLE" specified in paragraph 1 and the grantee will be bound by the amendment.

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I hereby certify that this Resolution was adopted by the (identify the governing body of the applicant, e.g. city council, borough council, board of supervisors, board of directors) of this applicant, this 14<sup>th</sup> day of March 2022.

Motion carried: 5 ayes.

c. Local Share Grant - Motion by Councilor Procsal, seconded by Councilor Lebedynsky to adopt a Resolution authorizing submission of a Statewide Local Share Assessment Grant from the Commonwealth Financing Authority for the LED Streetlight and Security Camera Project.

RESOLUTION NO. 2022 – 9

LOCAL SHARE ACCOUNT

Be it RESOLVED, that the Borough of Pottstown of Montgomery County hereby request a Statewide Local Share Assessment Grant of \$1,000,000 from the Commonwealth Financing Authority to be used for LED Streetlight and Security Camera Project.

Be it FURTHER RESOLVED, that the Applicant does hereby designate Dan Weand, Borough Council President, and Justin Keller, Borough Manager, 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 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 Pottstown Borough Council at a regular meeting held on March 14, 2022 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 14th day of March, 2022.

Motion carried: 5 ayes.

d. Flood Mitigation - Motion by Councilor Lebedynsky, seconded by Councilor Lindsay to adopt a Resolution authorizing submission of a Flood Mitigation Program (FMP) grant from the Commonwealth Financing Authority to be used for the Stormwater Arch Rehabilitation

RESOLUTION NO. 2022 - 10

FLOOD MITIGATION PROGRAM

Be it RESOLVED, that the Borough of Pottstown of Montgomery County hereby request a Flood Mitigation Program (FMP) grant of \$500,000 from the Commonwealth Financing Authority of the Commonwealth of Pennsylvania to be used for Stormwater Arch Rehabilitation.

Be it FURTHER RESOLVED, that the Applicant does hereby designate Dan Weand, Borough Council President, and Justin Keller, Borough Manager 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.

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I, Virginia 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 Pottstown Borough Council at a regular meeting held on March 14, 2022 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 14th day of March, 2022.

Motion carried: 5 ayes.

e. CDBG Program - Motion by Councilor Lindsay, seconded by Councilor Procsal to authorize the submission of a grant application in the amount of \$200,000 to the Montgomery County Office of Housing and Community Development's Community Development Block Grant (CDBG) Program for the Stormwater Improvements Phase II Project.

Councilor Lindsay commented that the stormwater issue is a long over-due project.

Motion carried: 5 ayes.

f. Property Maintenance Code - Motion by Councilor Procsal, seconded by Councilor Lindsay to authorize the Solicitor to prepare and advertise the adoption of the Property Maintenance Code and International Fire Code to update to the 2018 edition of the Pennsylvania Uniform Construction Code (UCC). Motion carried: 5 ayes.

g. TIO MOU – Motion by Councilor Vanni, seconded by Councilor Lindsay to enter into a Memorandum of Understanding between TIO LLC, d/b/a Take it Outdoors and the Borough of Pottstown for the purpose of creating a kayak and canoe rentals program and free bike share program at the Riverfront Park, for a one-year term. Motion carried: 5 ayes.

h. Red Horse Car Shows - Motion by Councilor Procsal, seconded by Councilor Lindsay to grant the request of the Red Horse Motoring Club to hold its 2022 Car Shows on May 7, June 4, July 2, August 6, and September 3, 2022, resulting in the closing of High Street, from Manatawny to Evans Street and Hanover Street, from King Street to Norfolk Southern Railroad tracks, from 4:00 p.m. to 9:00 p.m., subject to review and approval of the Police and Fire Departments. Motion carried: 5 ayes.

i. MCCC Fireworks - Motion by Councilor Lindsay, seconded by Councilor Lebedynsky to grant the request of the Montgomery County Community College for an outdoor fireworks display event on April 21, 2022, 9:00 p.m., subject to review and approval of the Police and Fire Departments. Motion carried: 5 ayes.

j. Orchid Euro Car Show - Motion by Councilor Lebedynsky, seconded by Councilor Procsal to grant the request of Orchid Euro LLC to hold its Automobile Show/Display, resulting in the closure of the 100 to 300 blocks of High Street and the 100 block of South Hanover Street and 100 block of North Hanover Street on September 4, 2022, from 12:00 p.m. to 5:30 p.m., subject to review and approval of the Police and Fire Departments.

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Solicitor Garner confirmed that there is time to amend the timing of the show and Mr. Keller agreed to contact the applicant.

Motion carried: 5 ayes.

k. Memorial Day Parade – Motion by Councilor Lindsay, seconded by Councilor Vanni to grant the request of the Pottstown Joint Veterans Council to conduct its Memorial Day Parade on May 30, 2022 resulting in the closing of High Street from Bailey to Manatawny Streets, and Manatawny to the Memorial Park entrance, from 8:30 a.m. – 11:00 a.m., subject to review of the Police and Fire Departments. Motion carried: 5 ayes.

l. Fete en Blanc - Motion by Councilor Lebedynsky, seconded by Councilor Procsal to grant the request of PAED, Inc. to hold its Fête en Blanc event on September 9, 2022 in Smith Family Plaza, resulting in the closing of High Street between York and Hanover Streets from 4:00 p.m. – 10:00 p.m., and to allow alcohol in the Park, subject to review and approval of the Police and Fire Departments, the Federal Transit Administration and complying with the Liquor Control Board regulations. Motion carried: 5 ayes.

m. Ultra Low Sulfur Diesel Bid – Motion by Councilor Procsal, seconded by Councilor Lindsay to award the Ultra Low Sulfur Diesel for Buses bid award to Tioga Fuel Company, Philadelphia, PA, as per the bid tabulation of March 14, 2022 and subject to review and approval of the Solicitor.

Solicitor Garner referred to the bid tabulation with only one bidder, Tioga Fuel Company.

Motion carried: 5 ayes.

n. Civil Service Commission - Motion by Councilor Procsal, seconded by Councilor Lebedynsky to appoint Keith Edlund to the Civil Service Commission to fill a vacant term to expire July 22, 2025. Motion carried: 5 ayes.

o. HARB - Motion by Councilor Procsal, seconded by councilor Lebedynsky to approve a Certificate of Appropriateness for the Property located at 944 East High Street as recommended by HARB. Motion carried: 5 ayes.

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

- i. 259 Beech Street
- ii. 1290 East High Street
- iii. 1031 East High Street
- iv. 990 East High Street

Motion carried: 5 ayes.

REPORT OF BILLS – Motion by Councilor Lebedynsky, seconded by Councilor Lindsay to pay the outstanding bills in the amount \$1,817,515.90. Motion carried: 5 ayes.

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ANNOUNCEMENTS

Councilor Procsal wished all a Happy St. Patrick's Day.

Councilor Lindsay referred to a letter received from the Pottstown Area Children's Foundation in appreciation for Council's family support.

President Weand provided a statement for the concern Council has for the homeless shelter, noting the homeless need food and shelter. Council is very concerned and will continue to search for a location and to work to allow the Borough to move forward without concern or risk to the business owners and residents of Pottstown.

ADJOURNMENT

President Weand adjourned the meeting at 7:35 p.m.

Submitted by,

Justin M. Keller  
Borough Manager