

January 5, 2022

ANNOUNCEMENT

Borough Manager Keller explained the format for this evening's meeting, advising that the meeting is a public in-person and a GoTo Meeting and available on-line as well. Public comments are being accepted through email and chat prior to 7:00 p.m. and will be announced to all. Comments are limited to 300 words to be in compliance with Council's three-minute rule and participants shall be identified accordingly.

CONDIITONAL USE HEARING – Bryan Tuckey, 323 West High Street

Solicitor Hovey opened a Conditional Use hearing at 6:30 p.m. and entered several Council exhibits into evidence.

Bryan Tuckey was sworn in and testified that the applicant is MJ Nester Equipment Sales, LLD and will operate as an industrial distributor for food services and other materials. He agreed that all Borough ordinances and regulations shall be complied with and an exterior sign will be replaced with the business's logo. Mr. Tuckey also provided a rendering of a proposed fence for the property and the normal hours of operation would be 7:00 a.m. to 3:30 p.m. Calls are taken 24/7 and would employ approximately 23 people. He also confirmed that he has no conflicts with the operations of Tobas Montail business in the Borough.

There were no public comments and Solicitor Hovey closed the hearing at 6:55 p.m.

COMMITTEE OF THE WHOLE MEETING

The January 5, 2022 Committee of the Whole meeting was called to order at 7:05 p.m. by President Weand.

ATTENDANCE

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

INVOCATION

President Weand requested a moment of silence.

PLEDGE OF ALLEGIANCE

SUBCOMMITTEE REPORTS

- a. Infrastructure – Councilor Lebedynsky noted there was no meeting.
- b. Transportation – There was no meeting.

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- c. Efficient Methods Committee – Councilor Lebedynsky stated that there was nothing new to report.
- d. Ordinance Review Committee – Councilor Procsal noted there was no meeting.
- e. Economic Development – Manager Keller noted that two development projects are listed on the agenda for discussion, with the support of PAED.

BOARDS & COMMITTEE REPORTS

- a. Emergency Services Report – (arrived late) Chief Hand provided the statistics for 2021, which resulted in 1308 fire calls, including 107 calls for West Pottsgrove Township. He advised that since the recent tragic fire in Philadelphia, he received five call today for smoke alarms. Chief Hand advised that he will provide a full report for next month's meeting.
- b. Human Relations Commission – Ms. Levengood reminded all of the Martin Luther King, Jr. Day scheduled for January 17th and the next HRC meeting is January 11th, in Borough Hall.
- c. Land Bank – Manager Keller advised that there was no meeting in December. He added that the Borough Solicitor and Land Bank Solicitor will be working on an agreement associated with the 707 Hamilton Street property.
- d. Library – Ms. Hylton reported that Executive Director Holly Chang retired and Mindy Litsky is serving as the Interim Director for the next three months. She thanked the Borough for its assistance in closing the Washington Street drive-through.
- e. Ricketts Community Center – Councilor Kirkland referred to the report distributed and highlighted the ongoing programs. He added that the Center has nine new members.
- f. Pottstown School District – Councilor Lindsay had nothing new to report.

MAYOR'S REPORT

There was no report in the Mayor's absence.

MANAGER'S REPORT

Manager Keller referred to the Grants Summary report of December 2021 and confirmed the DCNR grant for the Memorial Park Bridge was received in the amount of \$150,000, in addition to the previous grants received, \$200,000 Montco 2040 and the \$43,000 from the Health and Wellness Foundation grant. Mr. Keller also advised that the DCED RCAP grant for the arch repair at 1200 High Street was denied. In addition, the CFA grant for the Borough-wide LED conversion was denied. He will be working with Representative Ciresi for additional and new funding opportunities.

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PRESENTATION – SEP -1 (SUSTAINABLE ENERGY PLANT)

Attorney Kenneth Picardi was present, along with Terry Planton to provide an update on the Sustainable Energy Plant to be located at 451 Keystone Boulevard, an 11 acre undeveloped area. Mr. Planton explained PSEP provides a residual material, a clean process and will have a net positive impact on the Pottstown water system and makes pipeline-ready Renewable Diesel. He also reported that the total investment in this project to date is estimated at \$208 million. The Plant will employ 110 full time jobs and 381 indirect jobs. He also explained that the Biochar product development may spur additional businesses in the local area. He provided sample Char for Council's review.

Mr. Planton also confirmed that the zoning relief was granted by the Zoning Hearing Board at the November 23, 2021 meeting. In addition, the KEEP Committee voted unanimously to recommend the PSEP development to Council. He outlined the conditions and waiver requests for Council's consideration.

President Weand advised that this would be listed for consideration on Monday's agenda.

PRESENTATION – POTTSTOWN BIKE RACE 2022

Dawn Gulick of the Pottstown Bike Race was present to request street closures for its June 11, 2022 annual Bike Race. She outlined the same course as in previous years, using the east-end of Pottstown as the course. Ms. Gulick noted that billboards have been sited on the PA turnpike promoting the Pottstown Bike Race. She also requested the Borough's assistance in having the street paving finalized prior to the Race.

Mr. Keller advised that he would contact PECO for the paving status and inform Ms. Gulick.

PA AMERICAN WATER COMPANY – ASSIGNMENT & ASSUMPTION AGREEMENT UPPER POTTSBORO SETTLEMENT AND SUPPORT AGREEMENT

Pottstown Borough Authority Solicitor Vincent Pompo joined the meeting virtually to explain the request for Council's approval for the three agreements associated with the sale of Upper Pottsgrove's system to PA American Water Company and the associated litigation matter initiated by Upper Pottsgrove Township.

Solicitor Pompo advised that under the Sanitary Sewage Treatment Service Agreement among the Authority, the Borough and the Township, any outstanding obligations must be satisfied. He added that after negotiations with the Township regarding the sale of the Township's system to PA American Water Company, the issue of the outstanding debt from the Hanover Street syphon project was raised. The Township initiated a litigation matter against the Borough and the Authority asking for relief from this obligation to proceed with the sale of the system. The Common Pleas Court of Montgomery County denied the relief and ordered the Township to pay the outstanding debt in the amount of \$470,184.22.

Solicitor Pompo recommended Council's approval of the Settlement Agreement to resolve the outstanding litigation and the reviewed the exceptions to the Agreement wherein only a municipality can address including adopting, maintaining and enforcing ordinances. Solicitor

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Pompo confirmed that these agreements have been approved by the Authority at its December 21, 2021 meeting.

CREDIT ENHANCEMENT AGREEMENT

Solicitor Pompo also explained the Agreement recommending a payment by the Authority to the Borough as related to the existing Management Agreement including a provision for the Borough to guarantee debt of the Authority. He added that the debt of the Authority is decreasing and is recommending a payment of \$85,000 to the Borough for the year 2022.

Assistant Solicitor Hovey advised that Solicitor Garner reviewed the Credit Enhancement Agreement and had no issues with the Agreement.

President Weand advised that these agreements will be listed for the regular agenda.

CHIPOTLE RESTAURANT 200 SHOEMAKER ROAD

Attorney Robert McNelly was present to represent Chipotle Restaurant, along with Engineer Nick Feola of Bursich Associates. Mr. Feola outlined the proposed Land Development Plan, including demolition in the existing Friendly's Restaurant. He added that Chipotle will be contributing \$1,200 in lieu of the required open space requirement and \$50,000 towards the proposed round-about traffic circle. Mr. McNelly addressed the waivers being requested for the Plan, in addition to the three retail stores for the development.

President Weand noted that this will be listed for consideration on Monday's agenda.

CONDITIONAL OFFER OF EMPLOYMENT

Mr. Keller requested authorization to allow the Chief of Police to extend a conditional offer to hire an additional officer to fill a position vacated by a detective.

MASTER TRAFFIC ORDINANCE

Mr. Keller reviewed the various intersections proposed for additional stop signs in order to reduce speed and accidents and requested that the Solicitor be authorized to prepare and advertise an amendment to the Master Traffic Ordinance. Several of the walk/bike route stop sign intersections that were previously removed, have been reevaluated.

SEWER ORDINANCE

Mr. Keller also requested authorization for the Solicitor to prepare and advertise an amendment to the Sewer Ordinance, related to sludge discharge and required by various regulating bodies.

RESOLUTION – DEPUTIZATION BY ELECTED TAX COLLECTOR

Manager Keller noted the requirement for a resolution authorized by the Elected Tax Collector to deputize the Borough as the collector of real estate and Borough taxes.

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RESOLUTION – AMENDMENT TO FEE SCHEDULE

Mr. Keller also reviewed several amendments to the Fee Schedule associated with the Right to Know Law, Public Works and the Police Department.

President Weand advised that these ordinance amendments and resolutions would be listed on Monday's agenda.

READING GRAVITY RACES

Mr. Keller referred to the request of the Reading Gravity Soap Box Race to hold it March 13th and October 9, 2022 races resulting in the closure of Wilson Street. Rain dates are March 20th and October 16th.

UPCOMING BOARD VACANCIES

President Weand reviewed the upcoming board vacancies including the Blighted Property Review Committee, Construction Code Board of Appeals, Planning Commission, Borough Authority and the Zoning Hearing Board. All members of the Blighted Committee wish to be reappointed and letters of interest have been received from Jeff Chomnuk for the Authority and Jay Harp for the Zoning Hearing Board.

COMMENTS FROM CITIZENS PRESENT

None.

COUNCILORS' GENERAL DISCUSSION

Councilor Kirkland thanked all for their support and for being reappointed to Council and asked all for continued support.

Councilor Lindsay also thanked constituents for their input regarding the request for additional stop signs.

Councilor Vanni commended the Polar Bear swim event and was grateful that it was an outside event.

Councilor Procsal noted the passing of former Fire Chief Michael Lessar.

President Weand agreed with all and is looking forward to another prosperous year, with a proposal for another 133 jobs in the Borough.

ADJOURNMENT

President Weand adjourned the meeting at 8:20 p.m.