

March 8, 2023

## 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 until 7:05 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.

## **COMMITTEE OF THE WHOLE MEETING**

The March 8, 2023 Committee of the Whole meeting was called to order at 7:00 p.m. with President Weand in the Chair.

## INVOCATION

President Weand requested a moment of silence.

## ATTENDANCE

Councilors present were Ryan Procsal, Lisa Vanni, Trenita Lindsay, Dan Weand, Andrew Monastra and Joseph Kirkland. Also present were, Borough Manager Justin Keller, Solicitor Charles Garner and Borough Secretary Virginia Takach. Councilor Lebedynsky and Mayor Henrick were absent.

## PLEDGE OF ALLEGIANCE

## SUBCOMMITTEE REPORTS

- a. Infrastructure – The report was in the packet.
- b. Transportation – There was no meeting.
- c. Efficient Methods Committee – There was no report in Councilor Lebedynsky's absence.
- d. Ordinance Review Committee – Councilor Procsal advised there was no meeting.
- e. Economic Development & Business Liaison – There was no report for this month.

## BOARDS & COMMITTEE REPORTS

- a. Land Bank – Mr. Keller provided an update on 848 Queen Street, with three applicants. This matter was tabled until the next meeting. The Board is reviewing its Policies and Procedures, which will eventually come to Council for review.

## DCED GRANT PRESENTATION – REPRESENTATIVE JOE CIRESI

Representative Ciresi presented a \$250,000 check to the Borough from a DCED Grant, for the LED Street Light Conversion project in order to continue with this endeavor.

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Representative Ciresi also informed Council that the new majority leader, Matthew Bradford and Governor Josh Shapiro, are both from Montgomery County. He provided an update on the budget, with education a top priority and action on the Main Street USA projects. He also commended Jamie Orr for his bus project with the children in Ukraine.

b. Emergency Services Report – Chief Hand noted that the report was in the packet.

c. Human Relations Commission – Ms. Levengood reported that March is Women’s History Month and International Women’s day is March 8<sup>th</sup>, celebrating the accomplishments of women. March is also Irish American Heritage Month and March 17<sup>th</sup> is St. Patrick’s Day. The next meeting is March 14<sup>th</sup>.

d. Library – Justin advised that Ms. Lipsky will be emailing the report to Council.

e. Ricketts Community Center – There was no report.

f. Pottstown School District – Councilor Lindsay praised the students and staff for the High School Musical event. She also noted that Judge Scott Palladino swore in two new student school board members, Elizabeth Adedeji and Tyler Broughton.

#### SOLICITOR’S REPORT

Solicitor Garner provided a brief update to Council on topics of interest to Council. He urged Council members wishing items on the agenda to contact Mr. Keller, Ms. Takach or himself. He noted that according to the Borough Council rules, The Manager, Solicitor, Council President and Vice President meet prior to the Committee of the Whole meeting to review items to be listed for that month’s agenda. He added that the meeting should consist of no more than three Councilors so as not to have a quorum of Council.

Solicitor Garner also explained rules and matters pertaining to an executive session. They include real estate matters, personnel, litigation and collective bargaining or contract discussions. Also included would be any quasi-judicial discussions, such as the matter of a Conditional Use hearing. These items may be discussed in Executive Session but must be voted upon in a public meeting.

#### MANAGER’S REPORT

Manager Keller reviewed the time line changes for the various park projects. Memorial Park Pedestrian Bridge has been delayed until 2024 and the Chestnut Street Parks is moving forward for 2023. He also commended Michael Lenhart and Andie Graham for receiving the Excellence in Parks and Recreation Award for their efforts in the Play Streets program.

Mr. Keller also updated Council on the BASF, 860 Cross Street project to establish a park with basketball courts. He corrected a statement that the issues are overseen by the EPA not DEP and the agreement is close to being finalized. Mr. Keller also provided an update on the roadway paving plan and the lead line replacement project. At this point, eighty locations have been tested with 18 services found with lead lines. Mr. Keller also noted that upcoming events and road closures will be posted under the ReadyMontco site. He also discussed plans for a leachate and sludge exchange program with J. P. Mascaro and working with West Pottsgrove Township on the

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proposed Wawa facility on Old Reading Pike and Grosstown Road and its proximity to the Water Treatment Plant.

PRESENTATION – MOSAIC – 400 BLOCK BEAUTIFICATION PROJECT – TRACY PURDY & MARIE HAIGH

Marie Haigh, Chairwoman of Pottstown Community Arts, provided renderings of the proposal to red stain and seal the tree wells in the 400 block of High Steet, initially on the south side. She also provide information on painting the benches in front of the Sydney Pollock House. Ms. Haigh provided a letter of support from PAED.

This will be listed for consideration on Monday's agenda.

PARKING LOT PAVING

Mr. Keller advised that the bid for paving the Borough Hall parking lot will be opened on March 10<sup>th</sup> and a recommendation will be provided for Monday's meeting.

POLICE VEHICLES – BID AWARDS

Mr. Keller also reviewed the bids for three police vehicles, which would total \$12,200 and requested that awards be listed on the regular agenda.

SASHA DIAZ, 279 NORTH HANOVER STEET – RIGHT OF WAY

Solicitor Garner explained the request of Sasha Diaz to install a fence on her property located at 279 North Hanover Street, which would encroach the Borough's right of way. He noted that Ms. Diaz had signed a Hold Harmless Agreement and requested Council's consideration be listed on Monday's agenda.

SUNDSTROM FIELD LEASE AGREEMENT

Solicitor Garner also reviewed the Addendum to the existing lease with Sundstrom Field. He advised that the addendum has been signed for Sports Enterprises and the change would allow the use of the field to serve American Legion Baseball, basically benefiting residents of Pottstown and to allow the Borough to use the field for the Volleyball Rumble. Sprots Enterprise would get a fee from the Borough for the using the field for the Rumble.

TAKE IT OUTDOORS MOU

Mr. Keller reviewed the Memorandum of Understanding between the Borough and Take it Outdoors for the kayaking and bike rentals at Riverfront Park. This MOU would be for one-year, expiring on March 13, 2024 and recommended approving the MOU.

MEMORIAL DAY PARADE

Mr. Keller reviewed the request of the Joint Veterans Council to hold the Memorial Day parade on May 29<sup>th</sup>, resulting in the closing of High Street.

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GOFOURTH FESTIVAL  
GOFOURTH BIERGARTEN

Mr. Keller also reviewed the request of the GoFourth Committee to close High Street on July 4, 2023 for its Street Festival. The Committee is also requested permission to hold a biergarten from 11:00 a.m. to 4:00 p.m. in Smith Family Plaza and from 5:00 p.m. to 9:00 p.m. in Memorial Park.

ORCHID EURO CAR SHOW

Jamie Orr was present and requested authorization to close High Street for the European car show on September 3, 2023 from 5:00 a.m. to 8:00 p.m. He commended Staff, participants and the restaurants for last year's successful show.

FETE EN BLANC  
FETE EN BLANC ALCOHOL IN PARK

Mr. Keller referred to the requests from PAED to close High Street for the annual Fete en Blanc scheduled for September 8, 2023. PAED has also requested permission for the sale and consumption of alcohol in Smith Family Plaza.

President Weand added that there may be consideration for food delivery during the Fete en Blanc and advised that these events will be listed for consideration on the Monday evening agenda.

UPCOMING BOARD VACANCIES

President Weand advised that one position will be available on the Historic Architectural Review Board in April and two terms on the Land Bank Board in April.

COMMENTS FROM CITIZENS PRESENT

a. Mr. Keller read a letter from David Mest, 461 North Franklin Street – addressing the code change for warming centers. He noted that the Borough has Section 8, food shelters and places that serve hot food to the poor and homeless. He added there are warming shelters in North Coventry.

b. Mr. Keller read a letter from Philip Thees, 63 South Evans Street – opposing the homeless shelter/warming center run by Beacon of Hope. He noted many reports of attempted break-ins and vagrants and may be the product of drugs and alcohol abuse. Mr. Thees also expressed a concern for the safety of the children at Franklin Grade School and noted that the homeless should remain in North Coventry.

c. Deb Spence, 153 South Roland Street – questioned the 500-600 homeowners that didn't pay taxes since 2019 and questioned when this will be enforced and when the taxes would be collected. She also questioned if there is training on fair housing and who handles matters of violations.

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d. Carl Kleinhenn, 900 North Franklin Street – expressed a concern regarding the safety of his family, being in close proximity to the warming center. He noted two separate incidents of homeless individuals being on his property. He also commented that Franklin Street is not the proper location for a homeless shelter and questioned the credibility of Beacon for not complying with the ordinances. If it continues in operation, he requested additional police presence on his street and lower property taxes in the next reassessment.

e. Tom Niarhos, 12 East Race Street – expressed a concern regarding negotiations with the Borough. He noted that several times, a matter is resolved in meetings but changes after a potential agreement is reached. He advised that this past weekend, President Weand’s wife was distributing a letter with false statements about the organization. He added this is no benefit to the organization and undermines the work being done by the Beacon of Hope, the churches and the community. Mr. Niarhos requested that a unified statement be issued to resolve these issues.

f. Bruce Lawler, 1002 North Evans Street – spoke in opposition of the non-profit to use St. Paul’s Church and requested that the ordinance be upheld. He added it needs to be stopped. He also questioned the Zoning Hearing Board’s previous determinations on this matter.

g. Dave Kurtz, 333 Grace Street – also spoke in opposition of the warming center and the 30-40 people in the location. He also expressed a concerns regarding the high taxes being a half block from a homeless shelter, having his grandchildren in his home and the students at Franklin Elementary School across the street from the center.

h. Robert Hines, 1101 North Franklin Street – commented that he has not seen any major incidents near his property but has seen an increase in littering. He expressed a concern that the shelter opened knowingly in violation of the ordinance and suggested that a Cease and Desist notice be issued.

i. Michael Albright, 961 North Franklin Street – stated that he agreed with most comments heard this evening. He added that the warming center is a great thing but disagreed as to where it is located. Mr. Albright added that when the center operated at St. Aloysius two years ago, it was approved. He added that a privacy fence was put up, but understand that was not yet approved. He added that he is a Vietnam Veteran and requested Council consider that when they act on this vote.

j. Carolyn Mock, 916 North Franklin Street – explained how she is now personally involved with the warming center and has had personal discussions with Mr. Niarhos. She added she brought a father and daughter to her home and took them to various agencies and now has there puppies. She questioned if members of the Beacon of Hope are paid or volunteers and where is the money behind the center. She also stated the needs of the homeless including social services and requested Council take command of the Borough and do right by all involved.

#### COUNCILORS’ GENERAL DISCUSSION

Mr. Keller clarified that the lighting upgrade project has 190 out of the 820 lights installed at this point and will address Wards 3, 4 & 7 with the \$250,000 presented by Representative Ciresi this evening.

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Councilor Vanni addressed the situation and the letter distributed over the weekend. She noted that she didn't know how the letter got circulated and had not seen the letter until today and stated that it is atrocious. She added that she does not support one thing in the letter, it is not factual and there is no ordinance change. Councilor Vanni noted her personal experience with Mr. Niarhos, noting that she encountered a person sleeping in his car in her development. She contacted Mr. Niarhos and he worked with her and the person for several days and the individual is now back home with his family. Councilor Vanni acknowledged that Mr. Niarhos did break the rules, however the letter is offensive and she is offended and her name will not be attached to it.

Councilor Lindsay also advised that she did not receive the letter. She was only told about it. Councilor Lindsay commended Ms. Mock for her actions, stating that's how a village works. She added this is Pottstown's problem and it needs to be fixed.

Councilor Monastra stated that Council has no jurisdiction over this matter and that it is a Zoning issue and the proper avenue is to seek a variance. He provided research on the myth that homeless people are either mentally ill or have a substance abuse. He cited [homelessness.org](http://homelessness.org) and advised that 1/3 of homeless people have a mental health issue or substance abuse issue. He also provided statistics from a study in San Diego. Councilor Monastra added that his responsibility is for the constituents of this town and their quality of life should not be impacted.

Councilor Kirkland stated that we should be careful how homeless people are labeled. He added that during the pandemic, 74% of families were two paychecks away from living on the street. He provided an incident wherein he provided housing and opened his home to 10 homeless people and his household bills tripled. Those people now have jobs and are now self-sufficient.

President Weand commented that we must take action and help those in need. He added that the situation is causing concerns for residents and businesses. Homeless shelters are not a quick fix. He noted that he and his wife discussed a program with Dr. Vernon Ross for individuals to return to work.

#### EXECUTIVE SESSION

President Weand recessed the meeting to executive session at 8:30 p.m. to discuss the Beacon of Hope and its zoning appeal as litigation. There will be no action taken.

Solicitor Garner added that potentially, there could be action listed for Monday's agenda.

#### ADJOURNMENT

President Weand adjourned the meeting at 10:30 p.m.