

April 12, 2021

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, April 12, 2021 at 7:00 p.m. as a Go-To-Meeting 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, Lisa Vanni, Donald Lebedynsky, Trenita Lindsay, Dan Weand and Michael Paules. Also present were Manager Justin Keller, Assistant Solicitor Matthew Hovey, Mayor Stephanie Henrick and Borough Secretary Virginia Takach. Councilor Kirkland was absent.

ANNOUNCEMENT

Borough Manager Keller explained the format for this evening's meeting, advising that the meeting is a GoTo Meeting and available on-line. Public comments are being accepted through email and chat 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.

APPROVAL OF MINUTES

Motion by Councilor Procsal, seconded by Councilor Lebedynsky to approve the March 8, 2021 Council Meeting minutes as presented. Motion carried: 6 ayes.

COMMENTS FROM CITIZENS PRESENT

- a. Jenifer Green, 81 North Franklin Street – expressed concerns regarding regulations of the animal ordinance and the only individual sited was Ms. Scanlan while other residents are known to have Guinea pigs, ducks and chickens.
- b. Thomas Winterbottom, 262 King Street – questioned if there was a location for a warming center that would not require a variance and he also thanked Councilor Procsal for keeping him informed.

REPORTS

- a. Finance & Administration – President Weand reported that the General Fund stands at 7% in revenues and 11% in expenses. The Real Estate taxes collected are at 21%. President Weand added that the Workers Compensation Audit was completed March 15th and Staff is working on the

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Liquid Fuels audit. Assessments have increased by \$27,000 and property transfers continue to be monitored. He also noted that there are no new LERTA applications and the Committee has authorized the transfer of \$50,000 from reserves to the Parks & Recreation Department.

BOARDS AND COMMITTEE REPORTS

a. EAC – Mr. Derr referred to the report distributed. He also noted that the Committee is working on long term goals for sustainable energy, including a proposal for hybrid vehicle charging stations.

Mayor Henrick requested a partnership with the EAC and the Pottstown Health and Wellness to assure that everyone, by 2023 – 2050, would be within walking distance of a green space.

b. Regional Planning – President Weand reported that there was a review of the Regional Planning annual report, which was approved. Also discussed was the High Street Corridor Study. He added that there was a presentation by New Hanover Township on its Comprehensive Plan. President Weand added that the County has requested a letter of support for the DCED Greenways and Trails program and the DCNR Community Conservation Partnership Plan.

c. Blighted Property – The minutes were provided in the packets.

UNFINISHED BUSINESS

None.

NEW BUSINESS

a. Conditional Use, Singh, Karmjit - Motion by Councilor Paules, seconded by Councilor Procsal to grant the Conditional Use request of Karmjit Singh to operate a Neighborhood Convenience Store at the property located at 223 Shoemaker Road, with conditions as stated in the Order dated April 12, 2021.

Councilor Vanni questioned where the applicant's gas station exists, wherein he has the license for lottery sales.

Mr. Keller agreed to provide the information to Council as received.

Motion carried: 6 ayes.

b. Conditional Use, Emrich, Amanda – Motion by Councilor Procsal, seconded by Councilor Vanni to grant the Conditional Use request of Amanda Emrich to establish a business/real estate office at the property located at 80 North Hanover Street with conditions as stated in the Order dated April 12, 2021. Motion carried: 6 ayes.

c. Al's Heart Warming Center – Motion by Councilor Vanni, seconded by Councilor Procsal to table this matter until the May meeting and allow Staff and Attorneys to provide details for a resolution to grant LIFT permission to operate the Al's Heart Warming Center next November.

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Councilor Vanni commented that she would like to see this go forward and allow to continue but in the most legal and permissible manner.

Motion carried: 6 ayes.

d. Permabond Variance request - Possible action on the variance request of Permabond, LLC, for property located at 14 Robinson Street.

Solicitor Hovey explained the variance requests of the applicant to install a structure outside of the zoning ordinance requirements.

Councilor Vanni commented that with specifics of the property unavailable, she preferred no action be taken and to allow the matter to proceed to the Zoning Hearing Board. No action occurred.

e. GTRP Program - Motion by Councilor Lebedynsky, seconded by Councilor Procsal to adopt a Resolution approving the application to the Greenways, Trails, and Recreation Program (GTRP) grant in the amount of \$250,000.00 from the Commonwealth Financing Authority to be used for Memorial Park Bridge and Streambank Restoration

RESOLUTION NO. 2021-11

Be it RESOLVED, that the Borough of Pottstown of Montgomery County hereby requests a Greenways, Trails, and Recreation Program (GTRP) grant of \$250,000.00 from the Commonwealth Financing Authority to be used for Memorial Park Bridge and Streambank Restoration

Be it FURTHER RESOLVED, that the Applicant does hereby designate Justin Keller, Borough Manager and Daniel Weand, Pottstown Borough Council President as the official(s) 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 L. Takach duly qualified Secretary of the Borough of Pottstown, Montgomery County, PA, hereby certify that the foregoing 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 and said Resolution has been recorded in the minutes of the Borough of Pottstown and remains in effect as of this date.

N WITNESS Thereof, I affix my hand and attach the seal of the Borough of Pottstown.
ENACTED and RESOLVED this 12th day of April 2021 A.D.

Motion carried: 6 ayes.

7:30 P.M. – PUBLIC HEARING – SALDO and ZONING ORDINANCE AMENDMENTS

Solicitor Hovey opened a public hearing as per the ordinance amendment requirements. He provided an outline of the proposed ordinance changes to Chapter 22, Subdivision and Land Development and Chapter 27, Zoning, including amendments to the engineering certifications, tree planting, permit fees, fencing, massage therapy centers and murals.

There was no public comment and the hearing closed at 7:32 p.m.

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f. Ordinance Amending SALDO and Zoning - Motion by Councilor Procsal, seconded by Councilor Lindsay to adopt an Ordinance amending various parts of Chapter 22, Subdivision and Land Development, and Chapter 27, Zoning, of the Code of Ordinances of Pottstown Borough, in order to effectuate various ordinance amendments recommended by the Ordinance Review Committee.

ORDINANCE NO. 2203

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING VARIOUS PARTS OF CHAPTER 22, SUBDIVISION AND LAND DEVELOPMENT, AND CHAPTER 27, ZONING, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED, BASED ON RECOMMENDATIONS MADE BY THE ORDINANCE REVIEW COMMITTEE.

Motion carried: 6 ayes.

g. Fee Schedule Amendment - Motion by Councilor Procsal, seconded by Councilor Lindsay to adopt a Resolution amending fees for the Subdivision and Land Development Ordinance and the Zoning Ordinance

RESOLUTION NO. 2021 – 10

A RESOLUTION AFFIRMING AND RE-ESTABLISHING THE BOROUGH OF POTTSTOWN'S FEES ASSOCIATED FOR ZONING PERMITS, REVIEWS, AND APPLICATIONS.

WHEREAS, the Burgess and Town Council of the Borough of Pottstown adopted a comprehensive Fee Resolution on July 10, 1995;

WHEREAS, on April 12, 2021, Council adopted Ordinance No. 2203 which established that the fees associated with zoning permits, reviews, and applications shall hereafter be adopted by Council by resolution and may thereafter be amended by further resolution of Council; and

WHEREAS, in conformance with this requirement, Council now desires to affirm and reestablish all existing zoning-related fees contained in the current Borough Fee Schedule.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Burgess and Town Council of the Borough of Pottstown, as follows:

SECTION 1. All zoning related fees presently listed in the mater Fee Schedule including but not limited to the fee schedule for zoning permits, reviews, and applications set forth and described in Exhibit A, attached hereto and incorporated herein by reference, is hereby reaffirmed.

SECTION 2. This Resolution shall become effective immediately upon enactment.

Motion carried: 6 ayes.

h. Blight Technical Assistance - Motion by Councilor Procsal, seconded by Councilor Lindsay to adopt a Resolution approving application to the Department of Community and Economic Development (DCED) for a Blight Technical Assistance Grant and approving a 10% match.

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RESOLUTION NO. 2021-12

DCED AND THE HOUSING ALLIANCE OF PENNSYLVANIA BLIGHT PLANNING

Be it RESOLVED, that the Borough of Pottstown of Montgomery County hereby requests a Blight Planning Five-Step, Fast-Track Method grant of \$13,500.00 from the Department of Community and Economic Development and the Housing Alliance of Pennsylvania to be used for technical assistance.

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 of 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 April 12, 2021 and said Resolution has been recorded in the Minutes of the Pottstown Borough Council 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 12th day of April 2021.

RESOLUTION NO. 2021-13

DCED AND THE HOUSING ALLIANCE OF PENNSYLVANIA CODE ENFORCEMENT BEST PRACTICES

Be it RESOLVED, that the Borough of Pottstown of Montgomery County hereby requests a Code Enforcement – Best Practices of Community and Economic Development and the Housing Alliance of Pennsylvania to be used for technical assistance.

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 of 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 April 12, 2021 and said Resolution has been recorded in the Minutes of the Pottstown Borough Council 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 12th day of April 2021.

RESOLUTION NO. 2021-14

DCED AND THE HOUSING ALLIANCE OF PENNSYLVANIA LAND BANKS – LOCALLY DRIVE TECHNICAL ASSISTANCE

Be it RESOLVED, that the Borough of Pottstown of Montgomery County hereby requests a Land Banks – Locally Drive Technical Assistance grant of \$13,500.00 from the Department of

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Community and Economic Development and the Housing Alliance of Pennsylvania to be used for technical assistance.

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 of 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 April 12, 2021 and said Resolution has been recorded in the Minutes of the Pottstown Borough Council 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 12th day of April 2021.

Motion carried: 6 ayes.

i. CDBG - Motion by Councilor Procsal, seconded by Councilor Lindsay to authorize the submission of the application to the Community Development Block Grant (CDBG) program in the amount of \$200,000 for stormwater improvements. Motion carried: 6 ayes

j. RCAP Grant - Motion by Councilor Lebedynsky, seconded by Councilor Vanni to authorize the submission of the application to the Redevelopment Assistance Capital Program (RCAP) to address the stormwater arch collapse at 1200 High Street with a \$500,000 required match.

Mr. Keller explained that the first two grants for stormwater arch repairs off set each other, totaling \$800,000 with no Borough cash or expenses required. This grant has a 50% match required, unless additional grants are acquired to off-set the match, which are being sought. He added that the property identified for this grant is on private property, and if the grant becomes available, there will need to be an agreement with the property owner to conduct the work on the property.

Mr. Keller advised that the collapsed arch projects were prioritized in the order they collapsed and if they were occupied. The first priority is the Walnut Street property, the second is the 1200 High Street property and third, the former Lumber Yard at Hanover and East Streets, which was a vacant property with no structure. He added that there exists approximately \$300,000 in capital funds for storm water arch repairs.

It was the consensus of Council that the first priority is the Walnut Street property.

Motion carried: 6 ayes.

k. Hobart's Run Lighting Project - Motion by Councilor Procsal, seconded by Councilor Lebedynsky to grant the request of Hobart's Run to install light poles on Beech Street, within the Borough's right-of-way, subject to approval of the Borough Manager and Public Works Director and authorize the Solicitor to prepare a Maintenance Agreement between the Borough, The Hill School and Hobart's Run. Motion carried: 6 ayes.

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l. Hill School Commencement – Motion by Councilor Lindsay, seconded by Councilor Procsal to grant the request of The Hill School, resulting in the closure of Beech Street, from Green to Grant Streets, on May 29, 2021, 9:00 a.m. – 1:00 p.m. for its annual Commencement Exercises, subject to review and approval of the Police and Fire Departments and the applicant submitting, at least two weeks prior to the event, for review and approval by the Manager, a safety plan demonstrating compliance with all applicable COVID-19 and CDC regulations, which, if approved, shall be enforced by the applicant.

Mr. Keller confirmed that the effected residents will be notified and the message trailer will be in place for assistance.

Motion carried: 6 ayes.

m. Memorial Day Parade - Motion by Councilor Procsal, seconded by Councilor Paules to grant the request of the Pottstown Joint Veterans Council to conduct its Memorial Day Parade on May 31, 2021 resulting in the closing of High Street from Bailey to Manatawny Streets, from 8:45 a.m. – 11:00 a.m., subject to review of the Police and Fire Departments and the applicant submitting, at least two weeks prior to the event, for review and approval by the Manager, a safety plan demonstrating compliance with all applicable COVID-19 and CDC regulations, which, if approved, shall be enforced by the applicant. Motion carried: 6 ayes.

n. Parks and Recreation Comedy Series - Motion by Councilor Lebedynsky, seconded by Councilor Vanni to grant the request of the Parks and Recreation Department to allow alcohol in the Memorial Park Island for its Comedy Series events, June 23rd, July 28th, August 28th, September 22, 2021 from 6:15 p.m. to 8:30 p.m., subject to review and approval of the Police and Fire Departments and compliance with the Liquor Control Board regulations, and the applicant submitting, at least two weeks prior to the event, for review and approval by the Manager, a safety plan demonstrating compliance with all applicable COVID-19 and CDC regulations, which, if approved, shall be enforced by the applicant.

Mr. Keller confirmed that approval can be denied for future events if conditions are not met.

Motion carried: 6 ayes.

o. Pottstown Rumble - Motion by Councilor Procsal, seconded by Councilor Vanni to grant the request of the Pottstown Rumble to include a beer garden for the June 25, 26, 27, 2021 Volleyball Tournament, from 12:00 p.m. to 12:00 a.m., to be held in Memorial Park, subject to approval of the Police and Fire Departments and compliance with the Liquor Control Board regulations, and the applicant submitting, at least two weeks prior to the event, for review and approval by the Manager, a safety plan demonstrating compliance with all applicable COVID-19 and CDC regulations, which, if approved, shall be enforced by the applicant. Motion carried: 6 ayes.

p. Independence Day Parade - Motion by Lindsay, seconded by Councilor Procsal to grant the request of Rotary Club to conduct the Independence Day Parade on July 4, 2021, resulting in the closure of High Street from Madison to Manatawny Streets, from 9:00 a.m. – 1:00 p.m., subject to review and approval of the Police and Fire Departments and the applicant submitting, at least two

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weeks prior to the event, for review and approval by the Manager, a safety plan demonstrating compliance with all applicable COVID-19 and CDC regulations, which, if approved, shall be enforced by the applicant. Motion carried: 6 ayes.

q. GoFourth Festival - Motion by Councilor Procsal, seconded by Councilor Lindsay to grant the request of the GoFourth Committee to hold its GoFourth Festival on July 4, 2021, resulting in the closure of High Street from York to Charlotte Streets, from 1:00 p.m. – 5:00 p.m., subject to review and approval of the Police and Fire Departments and the applicant submitting, at least two weeks prior to the event, for review and approval by the Manager, a safety plan demonstrating compliance with all applicable COVID-19 and CDC regulations, which, if approved, shall be enforced by the applicant.

Councilor Vanni commented that she is confident that the committee will be in compliance with all regulations.

Motion carried: 6 ayes

r. HARB - Motion by Councilor Lindsay, seconded by Councilor Vanni to reappoint Andrew Monastra to the Historic Architectural Review Board for a five-year term to expire April 1, 2026. Motion carried: 6 ayes.

s. Land Bank - Motion by Councilor Lindsay, seconded by Councilor Vanni to reappoint reappoint Carol Kulp to the Land Bank Board for three-year terms to expire April 9, 2024. Motion carried: 6 ayes.

REPORT OF BILLS - Motion by Councilor Lindsay, seconded by Councilor Vanni to pay the outstanding bills in the amount of \$3,012,437.27. Motion carried: 6 ayes.

ANNOUNCEMENTS

Councilor Lindsay commended all for participation in the Edgewood Cemetery Clean-up Day. There is also a clean-up day for the Borough parks on April 17th. She added that she will submit a chair for the Library's Chairity event, May 22nd. Councilor Lindsay reminded all of the PowWow on May 1 and 2nd in Riverfront Park.

Councilor Vanni announced the opening of the FARM on May 15th.

Mayor Henrick added that there will be a ribbon cutting for the Children's Autism Center. She also requested assistance for the South Street alleys, flooding and potholes. She is also requesting assistance from the DA's office for inmates to participate in trash pick-up.

President Weand adjourned the meeting at 8:00 p.m.

Submitted by,

Justin M. Keller
Borough Manager