

May 8, 2023

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. Requests to speak will be accepted until 7:05p.m., 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, May 8, 2023 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, Dan Weand and Andrew Monastra. Also present were Mayor Stephanie Henrick, Manager Justin Keller, Assistant Solicitor Matthey Hovey and Borough Secretary Virginia Takach. Councilor Joseph Kirkland was absent.

AMEND AGENDA - RESOLUTION TO AUTHROIZE SUBMISSION OF GRANT

Solicitor Hovey explained the process of amending the agenda. The request, from the Parks and Recreation Department is to authorize submission of a grant, to the Department of Community and Economic Development to obtain funding for the Pollock Park Phase 1 Construction project. This request has no funds being expended and is time sensitive.

Councilor Vanni moved to amend the agenda to add the Resolution as requested. Councilor Procsal seconded the motion and it passed unanimously.

PROCLAMATION – Public Service Week – May 7 – May 13, 2023

Mayor Henrick issued a Proclamation honoring public employees at the federal, state, county and local levels.

APPROVAL OF MINUTES

Motion by Councilor Monastra, seconded by Councilor Procsal to approve the minutes of the April 10, 2023 Council meeting as presented. Motion carried: 6 ayes.

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SUBCOMITTEE REPORTS

a. Finance & Administration – President Wean reported that at 25% of the year, the revenues are at 24% and expenses at 22%. He added that the real estate taxes collected are at 18% and local taxes at 31%. The audit is near completion with Maillie and assessments are up \$19,910,200. There are no new LERTA applications.

ADD-ON RESOLUTION

Department of Community and Economic Development – Pollock Park – Motion by Councilor Procsal, seconded by Councilor Vanni to adopt a Resolution authorizing the submission of a grant to seek funding from DCED for the Pollock Park Phase 1 Construction.

RESOLUTION NO. 2023-10

A RESOLUTION AUTHORIZING A REQUEST FOR FUNDING FROM THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT’S GREENWAYS, TRAILS AND RECREATION PROGRAM FOR THE POLLOCK PARK PHASE 1 CONSTRUCTION PROJECT.

NOW, THEREFORE, BE IT AND IT IS HEREBY ENACTED AND RESOLVED by the Burgess and Town Council of the Borough of Pottstown that hereby administration is hereby authorized to submit an application to the Commonwealth Financing Authority for a Greenways, Trails and Recreation Program (GTRP) grant in the amount of \$250,000, to be used for improvements Pollock Park in the Borough of Pottstown.

ENACTED and RESOLVED this 8th day of May, 2023.

Michael Lenhart, Director of Parks & Recreation explained the that the Pollock Park restoration is part of the Parks Master Plan of 2018.

Motion carried: 6 ayes.

COMMITTEE REPORTS

- a. EAC – There was no report.
- b. Regional Planning – Councilor Procsal advised that the committee discuss residential projects of Lower Pottsgrove and Limerick Townships.
- c. Blighted Property Review Committee – Ms. Sanchez advised that the next meeting is a bus tour scheduled for May 17th. She is awaiting a list of properties from Licensing & Inspections.

COMMENTS FROM CITIZENS PRESENT

a. Deb Spence, 153 South Roland – reminded all that she did not receive answers from last month’s meeting. She also questioned if the Borough receives federal, state and county funds and if so, should this be an equal opportunity employment. She noted that she does not see any black person that works in the Borough, other than ones on the Council who were elected to represent the

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community. Ms. Spence added that people that work in the Borough should also represent the community, as there is a diversity of people. She also questioned why the HARB appointment was not listed on the agenda as there were qualified applicants that submitted applications.

d. Bruce Madara, 543 North Adams Street – thanked the Councilors that expressed appreciation to him at the last meeting. He also thanked Kyle Muth in Public Works for his assistance with potholes. He also contacted representative Ciresi's office to report potholes to PennDOT including Charlotte Street.

a. Jamie Sanchez, 200 Maplewood Drive, #64 – commented that 12 PAED banners are missing from the poles. She understands that PAED has a budget and if they are short, the Borough should step up as this an embarrassment. Ms. Sanchez also noted that it's time the Borough should consider a Main Street Manager as other surrounding towns are progressing and Pottstown is not.

Mr. Keller commented that this is not true.

UNFINISHED BUSINESS

NEW BUSINESS

a. Possible action on the request of John Jones, owner of 215 South Washington Street, for clarification of the deed restrictions contained in the Declaration of Restrictive Covenants recorded against the property, concerning proposed outdoor storage.

Attorney Hovey reviewed the restrictions on the Declaration of Restrictive Covenants dated June 14 2022, granted in exchange for tax relief on the property. These restrictions were placed on the Restrictive Covenant to determine how the property was to be used moving forward. The owner agreed to the restrictions. Attorney Hovey added that after the presentation on Wednesday evening, it appears that the use is consistent with the deed restrictions based on what was agreed to and recorded against the property. The use is still subject to zoning and up to the Zoning Officer to determine if the proposed use is consistent with the Zoning Ordinance.

Councilor Monastra questioned the applicant's request for the outdoor storage deed restriction and referred to the Declaration of Restrictive Covenants prepared by the applicant's attorney, Michael Menkowitz. He also commented on the \$200,000 tax forgiveness, which tax payers money could have been used for more appropriate matters.

Attorney Hovey explained that after researching the covenant and the proposed use, it was determined that the proposed use is ancillary, not a primary use. He added that zoning relief may need to be requested and Council will be provided opportunity to review at that time. He added that his analysis at this time is that this restriction does not prohibit this use.

Councilor Procsal commented that it makes sense that the use is basically considering storage as a secondary use.

Mayor Henrick outlined her understanding of the deed restrictions between the Borough and the owner of the South Washington Street property. She added that the proposed tenant's use is not for

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the purpose of storing materials but for manufacturing. She questioned why the tenant's use is even being considered.

Councilor Lindsay also questioned why this is a problem if it will not be a storage location.

John Jones commented that the Deed Covenant was prepared by Solicitor Garner. He explained that this use will not be a storage facility but a manufacturing use, that could potentially bring in 50 employees. Mr. Jones also reminded Council of the Arch agreement for his 1200 High Street property in order to facilitate the tax forgiveness for the Washington Street property.

Mr. Keller reiterated his comments from Wednesday evening, noting that he and the Solicitor were directed to review and interpret the deed covenant.

After discussion, Attorney Hovey noted that no action is needed that he would recommend on this matter this evening.

President Weand advised that the zoning matters may come to Council when zoning relief applications are filed.

b. 327 Industrial Highway & 175 South Evans Street - Motion by Councilor Procsal, to approve and authorize execution of a Cooperative Agreement between the Borough of Pottstown and Pottstown Area Economic Development (PAED) for the marketing of 327 Industrial Highway and 175 South Evans Street. There was no second to the motion and the motion died.

c. Hill School Tennis Facility - Motion by Councilor Procsal, seconded by Councilor Lebedynsky to grant preliminary/final approval of The Hill School Tennis Facility Land Development Plan, 860 Beech Street, subject to complying with the following conditions within 90 days:

- i. Compliance with the Cedarville Engineering Letter of April 17, 2023
- ii. Compliance with the Montgomery County Planning Commission Letter of April 13, 2023
- iii. Compliance with the HRG letter of April 17, 2023
- iv. Voluntary contribution to provide a fee-in-lieu of Open Space in the amount of \$9,000
- v. The submission of an aerial photo and elimination of existing crosswalk
- vi. The preparation and execution of a Development Agreement in a form acceptable to the Borough Solicitor
- vii. Payment in full of all Borough review fees

Motion carried: 6 ayes.

d. Hill School Tennis – Motion by Councilor Procsal, seconded by Councilor Lebedynsky to grant the following waivers for The Hill School Tennis Facility, from the Borough's Subdivision and Land Development Ordinance (SALDO), which waivers are contained in the Langan Engineering letter dated April 24, 2023:

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- i. Section 22-202 preliminary/final approval required prior to final plan review
- ii. Section 22-400.3A, 22-A402.1 & 22-A402.2 – requirement to show existing feature and topography within 100’ of site
- iii. Section 22-400.5.A 7 22-A403.12 – requirement to provide a Certification of a “Phase One” Environmental Site Assessment
- iv. Section 22-503.1, 22-503.3, 22-504, 22-505.1, 22-505.2, 22-507, 22-508.1 & 22-508.2 – requirement to provide the minimum required number of trees needed for street frontage, parking lots & open space
- v. Section 22-A504.4, 22A505.1 & 22-A505.3 – requirement to offer a minimum 0.01 acres of land for dedication of each 1,00 sq feet of building
- vi. Section 22-511.A.1 – requirement to protect residential areas, buffering shall be provided where any non- residential use abuts a residential use

Motion carried: 6 ayes.

e. 232 East High Street – Motion by Councilor Procsal, seconded by Councilor Vanni to authorize the Solicitor to send a letter of support on the Zoning Relief Request of Vance Jaffe for the property located at 232 East High Street.

Councilor Vanni commented that there have been no issues with the applicant, who is in good standing with the Community.

Motion carried: 5 ayes. Councilor Monastra abstained from voting.

f. PART – Local Match - Motion by Lebedynsky, seconded by Councilor Procsal to adopt a Resolution certifying the local match for State Operating Financial Assistance for Fiscal Year 2023-2024.

RESOLUTION NO. 2023-11

LOCAL TRANSPORTATION ORGANIZATION RESOLUTION CERTIFYING THE LOCAL MATCH FOR STATE OPERATING FINANCIAL ASSISTANCE

The Pottstown Borough Council of Pottstown Area Rapid Transit resolves and certifies that the operating financial assistance of \$1,790,289 provided pursuant to 74 Pa.C.S. §1513 is needed in Fiscal Year 2023-2024 or in a subsequent fiscal year to help pay for projected operating expenses, including asset maintenance costs; and that these funds will be used for this purpose only, because these funds are ineligible to be used for asset, or capital improvements projects; and that any funds not used this Fiscal Year will be retained and used only for operating assistance in a subsequent fiscal year(s).

Further, the Pottstown Borough Council resolves and certifies that the required local matching funds of \$114,599 will be secured from local contributors no later than the end of Fiscal Year 2023-2024 to match the requested Section 1513 funds.

I Dan Weand, Borough Council President of the Pottstown Borough Council, do hereby certify that the foregoing is a true and correct copy of the Resolution adopted at a regular meeting of the Pottstown Borough Council held 8th day of May 2023.

Motion carried: 6 ayes.

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g. PART Operating Budget - Motion by Councilor Lebedynsky, seconded by Councilor Vanni to approve the Pottstown Area Rapid Transit (PART) Operating Budget for Fiscal Year 2023-2024, dated April 20, 2023.

Councilor Vanni commented that a woman told her that PART saved her life as she has been unable to drive.

Motion carried: 6 ayes.

h. PART – Extension - Motion by Councilor Vanni, seconded by Councilor Lebedynsky to authorize a one (1) year extension to the existing contract between the Borough of Pottstown and Pottstown Area Rapid Transit, exercising an option outlined in the existing contract. Motion carried: 6 ayes.

i. 2023 Street Overlay Paving - Motion by Councilor Lebedynsky, seconded by Councilor Procsal to award the 2023 Street Overlay Paving contract to H & K, Skippack, PA for a total base bid amount of \$749,700.00, as per the bid tabulation of May 5, 2023, as recommended by the Public Works Department and subject to review and approval of the Solicitor. Motion carried: 6 ayes.

j. Friends and Family Day – Motion by Councilor Procsal, seconded by Councilor Lebedynsky to grant the request of Victory Christian Life Center to hold a Friends and Family Day, resulting in the closure of Washington Street between King Street and Buttonwood Alley on June 11, 2023, 9:00 a.m. – 3:00 p.m., subject to review and approval of the Police and Fire Departments. Motion carried: 6 ayes.

k. Juneteenth - Motion by Councilor Lindsay, seconded by Councilor Vanni to grant the request of Troy Rivera to hold a Juneteenth Community Day on June 16, 2023 (rain date June 18th), 10:30 a.m. – 5:00 p.m. in Smith Family Plaza, subject to review and approval of the Parks & Recreation Department and the Federal Transit Administration

Councilor Lindsay noted that this location will be more beneficial than Riverfront Park.

l. Independence Day Parade - Motion by Councilor Monastra, seconded by Councilor Lindsay to grant the request of the Pottstown Rotary Club to hold the Independence Day Parade, resulting in the closure of High Street from Madison Street to Manatawny Street on July 4, 2023, from 9:00 a.m. to 11:00 a.m., subject to review and approval of the Police and Fire Departments. Motion carried: 6 ayes.

Councilor Vanni noted that she and Councilor Lindsay will be manning the Kid Zone events.

Motion carried: 6 ayes.

m. Patriotic 5K - Motion by Councilor Lindsay, seconded by Councilor Vanni to grant the request of the Parks and Recreation Department to hold the Patriotic 5K, resulting in the closure of various streets on July 4, 2023 from 8:00 a.m. to 10:00 a.m., subject to review and approval of the Police and Fire Departments. Motion carried: 6 ayes.

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n. HARB - Motion by Councilor Procsal, seconded by Councilor Monastra to approve a Certificate of Appropriateness for the property located at 62 North Hanover Street as recommended by HARB. Motion carried: 6 ayes.

o. HARB – Motion by Councilor Lebedynsky, seconded by Councilor Procsal to approve Certificates of Appropriateness for the following properties administratively approved:

- i. 824 High Street
- ii. 832 High Street
- iii. 69 North Charlotte Street
- iv. 103 North Hanover Street
- v. 237 Beech Street
- vi. 40 King Street
- vii. 886 High Street
- viii. 125 North Hanover Street
- ix. 910 High Street
- x. 155 North Hanover Street
- xi. 1035 High Street

Motion carried: 6 ayes.

REPORT OF BILLS - Motion by Councilor Procsal, seconded by Councilor Vanni to pay the outstanding bills in the amount of \$2,772,039.85. Motion carried: 6 ayes.

ANNOUNCEMENTS

Councilor Procsal commended all involved in the Edgewood Clean-up event.

Councilor Vanni praised all the events throughout the Borough this past weekend.

Councilor Lindsay thanked all for posting events on social media.

Councilor Monastra urged citizens to come out to the meetings and let Council know what is needed.

EXECUTIVE SESSION

President Weand recessed the meeting to executive session at 8:10 p.m. for one item of litigation.

ADJOURNMENT

President Weand adjourned the meeting at 8:40 p.m.

Submitted by,

Justin M. Keller. Borough Manager

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VOTING CONFLICT MEMORANDUM

In accordance with the Public Official and Employee Ethics Act, I am filing this memorandum to publicly announce and disclose my abstention from voting on the matter listed below, and the reasons for abstention.

Name of Official: ANDREW MONASTRA

Position Held: COUNCILOR 6TH WARD

Date of Public Meeting: MAY 8, 2023

Matter Voted Upon: DOING RELIEF OF VANCE JAFFE,
PROPERTY AT 232 EAST HIGH STREET

Reason for Abstention / Nature of Conflict of Interest:

I direct that this memorandum be filed, as a public record, with the person responsible for recording the minutes of the meeting in which the vote is taken.

Date: 6/7/23


Signature