

September 11, 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](mailto: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, September 11, 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 in remembrance of the 22<sup>nd</sup> Anniversary of September 11, 2001 attack on America in New York City, Shanksville, Pennsylvania and the Pentagon.

### 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, Solicitor Charles Garner (virtual) and Borough Secretary Virginia Takach. Councilor Kirkland was absent.

### APPROVAL OF MINUTES

Motion by Councilor Lebedynsky, seconded by Councilor Lindsay to approve the minutes of the August 14, 2023 Council meeting as presented. Motion carried: 6 ayes.

### SUBCOMITTEE REPORTS

a. Finance & Administration – President Weand reported that at 58% of the year, the General Fund revenues are at 80% and expenses at 46%. The real estate taxes collected are at 95% and the local taxes at 69%. The Liquid Fuels Audit is complete with no findings. President Weand added that assessed properties continue to be reviewed. The total monthly assessment change is down by \$691,140 and for the year it is up by \$17,822.670. There were no new LERTA applications.

### COMMITTEE REPORTS

a. EAC – There was no meeting.

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b. Regional Planning – Councilor Procsal advised that there was a presentation regarding the PART shelters by the DVRPC.

c. Blighted Property Review Committee – Councilor Procsal noted there was no meeting.

#### COMMENTS FROM CITIZENS PRESENT

a. Peggy Lee-Clark, 152 East High Street – thanked her Staff and all involved with the successful Fete en Blanc in spite of the rain and noted that attendance was at 600.

b. Ginette Beetem, 611 North Hanover Street – reiterated her concerns regarding the property of Randy Smith, East Street, with loud noises and music, extra vehicles and collecting cats. She added that she was told by the Director of Licensing & Inspections that Mr. Smith would not let Borough inspectors on his property. She also questioned why the 600 block of Hanover Street was not paved and questioned the condition of the former Frederick Lumber yard.

c. Sheila Dugan, 71 North Hanover Street – noted that there are numerous handouts throughout the Borough, including the free food distributed in the Smith Family Plaza. She added that providing free services is not the way to revitalize a community and stated that Pottstown needs to take a stand and make a plan. Ms. Dugan added that the Homeless Task Force of Montgomery County, with 46 members, accomplishes little and therefore relies on the Borough government to resolve its issues.

d. Barry Beasley, 338 Jefferson Street – thanked Mr. Keller for responding to his previous concerns. He also questioned why he should remain in Pottstown with all the gun shots and violence in his neighborhood, with no explanation from the Police Department and the trash and quality of life issues. He stated that he could come to Pottstown for events without living in Pottstown and calling it home.

e. Darlene Bainbridge, 548 Farmington Avenue – Praised all involved with the recent events in town. She also complained about Randy Smith's property on East Street. She reported recent break-ins, electric cords running from the property, people sleeping in a vacant garage and lawn equipment on sidewalks. She urged Council to address this matter as well as the known encampments.

#### NEW BUSINESS

a. MMO Police Pension 2024 - Motion by Councilor Monastra, seconded by Councilor Procsal to adopt a Resolution establishing the member contribution for the Police Pension Plan at 5% for calendar year 2024 and acknowledging that the 2024 Minimum Municipal Obligation (MMO) for the Police Pension Plan is \$1,784,485.00

#### RESOLUTION No 2023-14

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, ACKNOWLEDGING THE 2024 MINIMUM MUNICIPAL OBLIGATION (MMO) AND ESTABLISHING THE

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CONTRIBUTION FOR MEMBERS OF THE POTTSTOWN POLICE PENSION PLAN FOR THE CALENDAR YEAR 2024, ENDING DECEMBER 31, 2024.

WHEREAS, it has been determined by the plan actuary that member contributions for calendar year 2024 should be established at five percent (5%); and

WHEREAS, it is further required that the Minimum Municipal Obligation ("MMO") for 2024 as calculated by the plan actuary be presented to Council prior to September 30th of the preceding year.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Burgess and Town Council of the Borough of Pottstown in lawful session this day of September 2023, as follows:

1. The annual member contribution is established for the calendar year 2024 at five percent (5%) which shall begin January 1, 2024 and shall remain in effect through December 31, 2024.
2. The 2024 MMO, as calculated by the plan actuary, is One Million, Seven Hundred and Eighty-Four Thousand and Four Hundred and Eighty-five dollars (\$1,784,485.00).

ENACTED AND RESOLVED this 11<sup>th</sup> day of September 2023.

Motion carried: 6 ayes.

b. MMO Non-Uniform Pension 2024 - Motion by Councilor Vanni, seconded by Councilor Lindsay to adopt a Resolution acknowledging that the 2024 Minimum Municipal Obligation (MMO) for the Pottstown Pension Plan (Non-Uniform) is \$920,285.00

RESOLUTION NO. 2023-15

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, ACKNOWLEDGING THE 2024 MINIMUM MUNICIPAL OBLIGATION FOR THE POTTSTOWN BOROUGH NON-UNIFORMED PENSION PLAN.

WHEREAS, the Borough of Pottstown maintains a pension plan for the benefits of its municipal employees; and

WHEREAS, upon a yearly basis pursuant to law, the Borough is required to calculate the Minimal Municipal Obligation (hereinafter referred to as "MMO") for the next calendar year; and

WHEREAS, the MMO for 2024 has been computed to be Nine Hundred and Twenty Thousand, Two Hundred and Eighty-five dollars (\$920,285.00).

WHEREAS, the Borough is required to pass a Resolution recognizing the actuarial condition of the plan each year and acknowledges the required MMO; and

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Burgess and Town Council of the Borough of Pottstown that the Borough of Pottstown Municipal Non-Uniformed Pension Plan MMO for 2024 is Nine Hundred and Twenty Thousand, Two Hundred and Eighty-Five dollars (\$920,285.00).

ENACTED AND RESOLVED this 11<sup>th</sup> day of September, 2023.

Motion carried: 6 ayes.

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c. Amendment Fee Resolution - Motion by Councilor Lebedynsky, seconded by Councilor Vanni to adopt a Resolution amending the Fee Schedule of the Borough of Pottstown related to certain property transfer fees and residential rental inspection fees of the Licensing and Inspection Department.

RESOLUTION NO. 2023-16

A RESOLUTION AMENDING THE FEE SCHEDULE OF THE BOROUGH OF POTTSTOWN RELATED TO CERTAIN PROPERTY TRANSFER FEES AND RESIDENTIAL RENTAL INSPECTION FEES OF THE LICENSING AND INSPECTION DEPARTMENT.

WHEREAS, the Burgess and Town Council of the Borough of Pottstown has adopted a Comprehensive Fee Resolution on July 10, 1995; and  
WHEREAS, the Borough periodically reviews the Fee Schedule to determine if additions and/or amendments to the Fee Schedule are necessary and appropriate; and  
WHEREAS, based upon the recommendation of the Pottstown Borough Department of Licensing and Inspections, the Borough of Pottstown desires to amend and revise its Fee Schedule as it relates to certain Licensing and Inspection fees.

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

SECTION 1. The following fees associated with Use and Occupancy Property Transfers are amended for the following dwelling types:

PROPERTY TRANSFERS

c. Apartments with 7 or more units - \$300.00 plus \$50.00 per unit

h. Residential Rental License Administration Fee

(2) Apartment Buildings with 7 or more apartments - \$90.00 plus \$10.00 per unit

SECTION 2. The following Rental License Occupancy Inspection fee shall be amended to read as follows:

3.b. – Residential Rental Inspection Fee

(3) – Apartment building with 7 or more apartments - \$300.00 plus \$50.00 per

SECTION 3. There is hereby created an Administrative Fee for Licensing and Inspection Research Requests to be established as follows:

A base application fee of \$100.00 plus \$15.00 per unit, with a maximum of 20 properties per application.

Attached hereto and incorporated herein as Exhibit “A” is the proposed Licensing and

Inspection Administrative Research Request Application.

SECTION 4. All future modifications of these fees and other fees established by the comprehensive fee schedule shall be made by resolution from time to time, duly adopted by the Burgess and Town Council of the Borough of Pottstown. All other fees set forth in the Borough Fee Schedule are reaffirmed.

SECTION 5. This resolution shall become effective immediately upon enactment.

ENACTED and RESOLVED this 11<sup>th</sup> day of September, 2023.

Motion carried: 6 ayes.

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- d. Edgewood Playground - Motion to by Councilor Procsal, seconded by Councilor Vanni grant the following waivers for Edgewood Elementary School Playground project, 218 Mintzer Street, from the Borough's Subdivision and Land Development Ordinance (SALDO), which waivers are contained in the O & S Associates Engineering Firm letter, dated August 31, 2023:
- i. Section 22-400.3.A – requirement for Additional Topographic Survey within 100 feet of site
  - ii. Section 22-400.5.A; Section 22-A403.12 – requirement for Phase One Environmental Site Assessment
  - iii. Section 22-A404.18; Section 22-503.1; Section 22-503.3; Section 22-504; Section 22-505.1 – requirement of Final Landscaping Plan including street trees and open space trees
  - iv. Section 22-511.1; Section 22-511.2 – requirement for Fence or a Landscape Strip Buffer

Motion carried: 6 ayes.

e. Kingsley, 218 East High Street - Possible action on the zoning relief request of Heather Kingsley for property located at 218 East High Street. Council Procsal recommended this be forwarded to the Zoning Hearing Board with no action from Council.

f. Stack Storage, 120 Shoemaker Road - Possible action on the zoning relief request of Stack-Pottstown & Shoemaker, LLC for property located at 120-140 Shoemaker Road. Council Vanni recommended this be forwarded to the Zoning Hearing Board with no action from Council.

g. Lors, 799 State Street - Possible action on the zoning relief request of Luke Lors for property located at 799 State Street. Councilor Lebedynsky recommended this be forwarded to the Zoning Hering Board with no action from Council.

Solicitor Garner confirmed that no motions are required if Council takes no action.

h. TRAAC – Cheestoberfest - Motion by Councilor Lindsay, seconded by Councilor Lebedynsky to grant the request of the TriCounty Active Adult Center to hold a Biergarten in Riverfront Park at the October 21, 2023 Cheesetoberfest, from 12:00 p.m. -3:00 p.m., subject to compliance with the Liquor Control Board regulations. Motion carried: 6 ayes.

i. Aviation Fuel Bids - Motion by Councilor Lebedynsky, seconded by Councilor Vanni to reject the Airport Aviation Fuel bids as per the bid tabulation of September 5, 2023.

Solicitor Garner explained that the motion is to have on records were rejected and would then allow the Borough to contract directly with a fuel provider.

Motion carried: 6 ayes.

j. EAC - Motion by Councilor Monastra, seconded by Councilor Vanni to appoint Miles Feather to the Environmental Advisory Council for a three (3) year term to expire August 10, 2026.

Motion carried: 6 ayes.

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k. Zoning Hearing Board - Motion by Councilor Procsal, seconded by Councilor Monastra adopt a Resolution appointing Todd Thorne to the Zoning Hearing Board to fill a vacant term to expire January 1, 2024

RESOLUTION NO. 2023- 17

A RESOLUTION APPOINTING TODD THORNE AS A MEMBER OF POTTSTOWN BOROUGH ZONING HEARING BOARD FOR A TERM TO EXPIRE JANUARY 1, 2024.

WHEREAS, Article IX of the Pennsylvania Municipalities Planning Code and Section 901 of the Pottstown Borough Zoning Ordinance authorizes Borough Council to appoint, by Resolution, members of the Pottstown Borough Zoning Hearing Board; and

WHEREAS, Robert Johnson has submitted his resignation from the Pottstown Borough Zoning Hearing Board on August 1, 2023; and

WHEREAS, Borough Council wishes to appoint a successor to fill the vacancy caused by Mr. Johnson's resignation until the end of the current term.

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

1. Todd Thorne is hereby appointed as a regular/permanent member to the Pottstown Borough Zoning Hearing Board for the remaining term of to expire January 1 , 2024.
2. That the said permanent member shall participate in all proceedings of the Pottstown Borough Zoning Hearing Board to the same and full extent as provided by law.

ENACTED AND RESOLVED this 11 day of September, A.D. 2023.

Councilor Vanni suggested that new people be appointed that do not already serve on various boards.

Councilor Monastra commented that Mr. Thorne has served as the alternate position for many years and is well informed on zoning matters.

Motion carried: 4 ayes, 2 nays. Councilors Vanni and Lindsay cast the negative votes.

1. Zoning Hearing Board Alternate -Motion by Councilor Monastra, seconded by Councilor Lebedynsky to adopt a Resolution appointing Richard Bouher to the Zoning Hearing Board as the Alternate member for a term to expire January 1, 2024

RESOLUTION NO. 2023-18

A RESOLUTION APPOINTING RICHARD BOUHER AS AN ALTERNATE MEMBER OF THE POTTSTOWN BOROUGH ZONING HEARING BOARD TO FILL THE REMAINING TERM IN THE VACANCY OF THE ALTERNATE MEMBER.

WHEREAS, Article IX of the Pennsylvania Municipalities Planning Code and Section 901 of the Pottstown Borough Zoning Ordinance authorizes Borough Council to appoint, by Resolution, members of the Pottstown Borough Zoning Hearing Board; and

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WHEREAS, a vacancy exists in the term of the Alternate Member to the Pottstown Borough Zoning Hearing Board; and

WHEREAS, Borough Council seeks to fill the vacancy in the term of the Alternate Member of the Pottstown Borough Zoning Hearing Board.

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

1. Richard Bouher is hereby appointed as Alternate Member to the Pottstown Borough Zoning Hearing Board to fill the remainder of the three (3) year term of Todd Thorne expiring January I, 2024.
2. That said alternate member shall participate in all proceedings of the Pottstown Borough Zoning Hearing Board to the same and full extent as provided by law.

ENACTED AND RESOLVED this day of September, A.D. 2023.

Councilor Vanni reiterated her comments that she would not recommend someone who already sits on several boards.

Solicitor Garner noted that Mr. Bouher would be prohibited from serving on any board that he currently is a member, including resigning from the Planning Commission, which Mr. Bouher has already agreed upon.

President Weand requested a roll call vote.

Lebedynsky	yes	Procsal	yes
Lindsay	no	Vanni	no
Monastra	yes	Weand	yes

Motion carried: 4 ayes, 2 ayes.

m. Modern Conflicts Memorial – Motion by Councilor Lindsay, seconded by Councilor Procsal to appoint Michael Lenhart, Director of Parks and Recreation, as the Borough’s representative to the Modern Conflicts Memorial Committee. Motion carried: 6 ayes.

n. Modern Conflicts Committee - Motion by Councilor Lindsay, seconded by Councilor Vanni to authorize the Modern Conflicts Memorial Committee, comprising of Veterans and individuals who have served during recent conflicts such as Iraq, Afghanistan and the Gulf War, permission to oversee the design, fundraising, and installation of the memorial in Memorial Park on Veterans Island

Manager Keller announced the members of the Committee, who all served in this era and in recent combat facilities. The members include Len Gieseler, Michael Murphy, Vince DeJohn, Chuck Storti and Chuck Harders.

Solicitor Garner noted that the motion is to allow oversight by the committee for this project.

Motion carried: 6 ayes

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REPORT OF BILLS - Motion by Councilor Lebedynsky, seconded by Councilor Lindsay to pay the outstanding bills in the amount of \$3,916,083.39. Motion carried: 6 ayes.

### ANNOUNCEMENTS

Councilor Vanni thanked all involved with the successful Fete en Blanc and appreciated that the rain stopped.

Councilor Vanni requested that the Licensing & Inspections look at the property on East Street. She also praised all involved in the Fete.

Councilor Monastra also attended the successful Fete and thanked all involved. He also noted that he appreciates those that follow the law and it should not take months or years to address those that don't follow the law.

Mayor Henrick announced that Trick or Treat night is set for October 31<sup>st</sup>, 5:30 p.m. - 8:00 p.m.

Chief Markovich commented on the escapee, Danelo Cavalcante advising that he is not in the Borough or its vicinity, but in the area of East Nantmeal Township, Chester County.

President Weand urged all to remember the September 11, 2001 victims.

### EXECUTIVE SESSION

President Weand recessed the meeting to executive session at 7:40 p.m. for a litigation matter with no action to follow.

### ADJOURNMENT

President Weand adjourned the meeting at 9:15 p.m.

Submitted by,

Justin M. Keller  
Borough Manager