

## 1. Land Bank Go-to Link

Land Bank Board Meeting April 26, 2021 Mon, Apr 26, 11:00 AM - 12:00 PM  
(EDT) Join meeting from your computer, tablet or smartphone.  
<https://global.gotomeeting.com/join/489987469> by Phone US: 1 877 309 2073  
US +1 (571) 317-3129 Access Code: 489-987-469

## 2. Public Comment

## 3. Roll Call

## 4. Approval of Minutes

### Documents:

[2021-02-22.pdf](#)

[2021-03-22.pdf](#)

## 5. Bills and Communications

## 6. Report from Administrator and Consultant

- a. Transitioning Administration to PAID
- b. PHARE Grant Update
- c. Property Inquiries
- d. Pottstown Housing Coalition presentation
- e. Board Vacancy

## 7. Unfinished Business

- a. Biannual Review of Policies and Procedures
  - i. PBLB Policies and Procedures

### Documents:

[DRAFT REVISIONS 4.22.21 PBLB Policies adopted 1.28.19 approved by Council 2.11.19.pdf](#)

- ii. Blighted Property List - any updates?
    - iii. Sheriff, Upset and Judicial Sales

Montgomery County Judicial Sale List April 22, 2021

Judicial sale results

August 12, 2021 Judicial Sale scheduled

8. New Business

a. Annual Report to DCED

Documents:

[4.27.21 Letter to DCED re Land Bank Annual Report of Revenues and Expenditures.pdf](#)

b. Board Officer Vacancy - Vice Chair

c. Authorization to Open a Bank Account

9. Adjournment

Land Bank Board Meeting  
Feb. 22, 2021

Present: Carol Kulp, Justin Keller, Peggy Lee Clark, Deb Penrod

Guests: Craig Way

Called meeting to order at 11:13 a.m.

No comments from public

Twila made a motion to approve meetings of Jan. 25 pending change that Twila will make (# of firm companies instead of # of members); Carol seconded. Motion passed.

**Bills and communications:** We have one bill in the amount of \$1350 for land bank consulting through Branten Strategies; Borough will pay from funds allocated for this purpose.

We have Administrator agreement through PAID – we can address that later on in the meeting.

**PHARE Grant Update:**

Judy Memberg said there aren't funds deposited yet but they should be there in the next few weeks.

2<sup>nd</sup> item -- RFQ's:

Winnie needs to provide more information to the title companies

More direct outreach needed to explain what we need from them

Twila will send Winnie information for any title companies she suggested as possible collaborators.

We want to get a sense of what they will charge and then see if they will make a good longer-term partner for the land bank.

Biannual review of procedures: Justin, Peggy, Twila, and Winnie met to review policies and procedures. All members of board were invited to participate. It was a good meeting with good discussion about what is critical and what isn't. Winnie has some proposed changes that she will bring to the board in the March meeting. As a board, we would consider the changes, ask for public comment. Any substantive changes will go before council for approval.

**Unfinished Business:** scheduling another outreach meeting for talking to the public about how we will buy properties for the land bank: Some potential dates at noon would be:

March 23

March 25

We decided on Tuesday March 23 at noon

Deb said she would go to housing coalition's meeting last month – how do we promote this with PHC and other groups?

Other two items under unfinished business

Blighted Property List:

Deb hasn't heard more in the BP list. There was not a meeting this month; next one is in March.

Sheriff's Upset and Judicial Sales

Winnie is going to try to go on line on Feb. 24. There's a free and clear sale at 10 a.m. that involve some properties in the Borough. Justin and Peggy suggested sharing language with MontCo that we want included in these sales respective to the land bank and properties on those lists.

Process for Tax Sale Acquisitions: LB should be able to acquire the properties at two different types of sales: free and clear and judicial. Winnie is still trying to see if there are other LB jurisdictions similar to what Pottstown has – haven't found any. This will be a matter of first impression. Peggy and Justin are trying to schedule a meeting with Portnoff to better understand this process.

These two avenues in addition to the ones below, could serve as another source.

Donations

Transfers from other NGO

Transfers from tax claim bureau

The RFI form should now be fillable and is on the landbank page on the Borough website.

### **New Business**

Peggy has a draft for consideration for the agreement for PAID to administer the land bank.

Peggy went over the changes:

Full board at PAID has looked at this. At the previous time, it was suggested that PAID not take this on, but Matt Hovey had drafted something and shared it with PAID's solicitor.

1. RTK – Board and attorney determined it is not appropriate for PAID to serve as a RTK officer, rather as a RTK assistant, and Ginny would be the officer.
2. Termination: The original document was reviewed by exec committee and Jamie. We can't put PAID in a less than position. It was about shared reward and shared liability. Rather than the LB being able to cancel agreement within 15 or 30 days' notice, PAID is suggesting that it must be a mutual agreement so that the cancel agreement can go either way if either party is not happy with the arrangement. There would be need to be remuneration to PAID for any hours/work done up to the termination.
3. Mutual indemnification: There will be a mutual indemnification to hold harmless either party, not just the Land Bank.

LB board will read over these changes and take it vote next month.

Motion to adjourn made by Twila at 11:39 a.m. Next meeting will be on Monday, March 22 at 11:00 a.m.



# Pottstown Borough Land Bank Board Meeting

March 22, 2021

Present: Carol Kulp, Justin Keller, Peggy Lee Clark, Deb Penrod, Winnie Branton

Guests: Craig Way, Amanda Soskin

Meeting called to order at 11:17 a.m. by Deb Penrod

Review of meeting minutes: we will put off approval until next meeting.

**Justin's report:** there are quite a few inquiries about side lot transfers. The redevelopment authority is interested in getting rid of some of them if they can. The Borough is deciding what they want to do. They need to decide how the lots will be used. They would like it to be productive use as possible.

**Bills:** there was one invoice sent over the weekend from Branton Strategies for \$1200.

**PHARE Grant Update:** Funds still have not been dispersed. PHARE is waiting to receive a Certificate of Corporate Subsistence. We expect to receive that certificate in the next few weeks. Then we can work with Genesis Housing to work out final admin details between PAID, Genesis and the Borough. Winnie looked over PHARE grant this morning. There are four properties. One property needs to be transferred to a developer within a certain income bracket and who would use it for homeowner occupancy. There also is an affordable housing component that we are meeting by working with Genesis Housing.

Under property sourcing, think about the list that the tax claim bureau sent to us for the April sale (may be too soon to acquire) and for the August sale.

We also talked about a time to meet with Portnoff so that we can better understand the tax sale laws and how Portnoff works with the Borough and the school district.

Property transfers could be a source of acquisition for the land bank, as well as the county redevelopment authority transfers.

Disposition list from county: post to Land Bank website

We want to find that first property that is a clear success and aligns with the purpose of the land bank, etc.

Justin brought up side lot transfers again. We need to talk about how much we care if they are developed right away, or if we care that we are starting to move them along.

Twila said she thinks the onus of what happens to the lot, or proposal for the lot should be on the developer or person wanting to acquire it, then the Land Bank can respond to the feasibility of the proposal by using zoning and land bank ordinance requirements.

Carol mentioned the possibility of a conservation easement. This is something we could look into.

Request for Quotes: Winnie hasn't seen anything from Ginny about this, but she will follow up with her.

### **Bi-annual Review Status**

Winnie would like to schedule another work session to talk to the members who were not on the last call.

Lunch and Learn community outreach will be postponed until next month. Twila and Craig will reach out to Dave Garner from the PHC to see if we can hold an informational session on April 7 about the upcoming tax sale.

### **Blighted Property Update:**

There is not much of an update. We do know we have a next step now that the land bank is operational and there is a place for the properties to go. There is a lag in how constables serve the citations and we don't always know which ones have been served, etc. then it just gets pushed off until the next month. Kevin Brown, the new president of the BPC said we should prioritize the ones that have been sitting for a long time; he suggested we focus on that is where the Land Bank and development on High St. is happening.

Deb mentioned a property on Farmington and one on the 500 block of E. High. They will be talking to the owner of the latter. Deb encouraged board members to look at the list attached to the agenda.

How can we better document the constable's serving citations?  
Does the county notify the borough when a property changes hands?

### **MOU with PAID:**

Peggy is waiting for approval from the group. Twila made a motion to allow Deb to engage PAID as administrator of the land bank as proposed in previous meetings and outlined in the MOU. Carol seconded. Motion passed unanimously. Peggy will have the MOU executed.

Meeting was adjourned at 12:06 p.m. The next meeting will be on April 26, 2021 at 11:00 a.m.

**Pottstown Borough Land Bank**  
**Administrative Policies and Procedures**  
**As approved and adopted by the Land Bank Board of Directors, January 28, 2019**  
**As approved by the Council of the Borough of Pottstown on February 11, 2019**

These policies and procedures are a codification of all policies and procedures of the Pottstown Borough Land Bank (hereinafter “PBLB”).

**Section 1. Role as a Public Body.**

- 1.1 Public Entity.** PBLB is a public entity authorized by state law and created pursuant to Ordinance No. 2169 approved by the Burgess and Town Council of the Borough of Pottstown (“Council”) on November 13, 2017 (“Land Bank Ordinance”).
- 1.2 Governing Authority.** The core governing documents of PBLB are Act 153 of 2012, codified at 68 Pa.C.S. §§ 2101–2120 (hereinafter the “Land Bank Act”), the Land Bank Ordinance, and the Bylaws adopted by the Pottstown Borough Land Bank Board on January 28, 2019.
- 1.3 Purpose.** The purpose of PBLB is to effectively facilitate the return of blighted, abandoned and functionally obsolete properties to productive reuse through creative leadership that engages key partners to leverage a variety of resources.

**Section 2. Property Acquisitions by PBLB**

- 2.1 Sources of Property Inventory.** Sources of real property acquisitions of PBLB include, but are not limited to, the following:
  - (a) Transfers from local and county governments, authorities, or agencies;
  - (b) Acquisitions by PBLB at tax foreclosure and mortgage foreclosure sales;
  - (c) Donations;
  - (d) Market purchases; and
  - (e) Conduit transfers contemplating the simultaneous acquisition and disposition of property.
- 2.2 General Policies Governing the Acquisition of Properties.**
  - 2.2.1 Properties may be acquired through one of two methods: 1) a “standard acquisition” by PBLB for future disposition to an undetermined end user; or 2) a “conduit transfer,” in which PBLB purchases a property for transfer to an identified end user.
  - 2.2.2 In determining which, if any, properties shall be acquired, PBLB shall consider the following factors:
    - (a) Proposals and requests by the Borough of Pottstown;
    - (b) Proposals and requests by individuals and for-profit and nonprofit corporations that identify specific properties for ultimate acquisition and redevelopment;

- (d) Proposals and requests by governmental entities that identify specific properties for ultimate use and redevelopment;
- (e) Acquisition will create or preserve home ownership opportunities;
- (g) Improved properties that are appropriate for demolition of the improvements;
- (j)
- (k) Properties that form a part of a land assemblage development plan;
- (l) Properties that will generate operating resources for the functions of the PBLB;
- (m) Properties that support implementation of strategic neighborhood stabilization and revitalization plans

2.2.5 the case of an offer to donate a property to PBLB, staff should consider all the above factors as well as those described in paragraph 2.3 below. PBLB will not determine the value of the donated property for the purpose of tax benefits but will provide a letter describing the property donated.

### **2.3 Process for Acquiring Properties.**

2.3.1 The PBLB may use any process for acquiring properties as authorized by law and within its discretion.

2.3.2 The acquisition of any property by the PBLB must be approved by the Land Bank Board of Directors.

2.3.3 A transaction agreement must be executed by the PBLB and the grantor of the property except in those cases when the PBLB acquires the property at a mortgage or tax foreclosure sale.

In the case of conduit transfers, such a transaction agreement will generally be in the form of an Acquisition and Disposition Agreement prepared in accordance with these policies and procedures.

2.3.5 PBLB staff is authorized to create transaction agreements in the form and content as deemed by PBLB to be in the best interest of the PBLB and shall include to the extent feasible specification of all documents and instruments contemplated by the transaction as well as the rights, duties, and obligations of the parties.

2.3.6 For each proposed acquisition, PBLB staff shall prepare a written report for the Board with a recommendation to purchase that includes, at a minimum and where applicable, the following information and determinations:

- (b) If the purchase is consistent with paragraph 2.2 above.
- (c) If clear title can be conveyed by the transferor to the PBLB (see 2.4 below).
- (d) If there are any potential environmental or structural issues that should be investigated and resolved prior to the purchase by PBLB (see paragraph 2.5 below).
- (e) If the property is not to be donated or available for nominal consideration, a fair value of the property consistent with these policies and procedures.

2.3.8 PBLB’s acquisition of property at a tax foreclosure sale shall be in accordance with any approvals given by the PBLB Board, the Land Bank Act, the Land Bank Ordinance, these policies and procedures, and any agreements negotiated with the Tax Claim Bureau of Montgomery County, the Borough of Pottstown, or the Pottstown School District.

**2.4 Title Insurance.** In acquisitions of property by PBLB through transaction agreements, the PBLB generally requires a certificate of title based upon a full title examination and, in the case of Land Banking Agreements, a policy of title insurance insuring PBLB subject to such outstanding title exceptions as are acceptable to PBLB in its sole discretion. In those circumstances when the title is not insurable, PBLB may elect to acquire the property with the intention of initiating a quiet title action.

**2.5 Environmental Concerns.** PBLB reserves full and complete discretion to require in all transaction agreements that satisfactory evidence be provided to PBLB that the property is not subject to environmental contamination as defined by federal or state law. At a minimum, seller shall complete a disclosure noting any known potential environmental issues.

### **Section 3. Priorities for Property Repurposing**

**3.1 Disposition Priorities.** In transferring properties to organizations or individuals, the PBLB shall be guided by the disposition priorities established under the Land Bank Ordinance:

- (a) Owner-occupied market rate housing units;
- (b) Retail, commercial and industrial activities, including mixed-use development;
- (c) Housing options for every income level;
- (d) Vacant residential parcels conveyed to neighboring property owners for side and rear yards;
- (e) Urban agriculture and community open space; and
- (f) Public purpose.

**3.2 Community Improvement Purposes.** In transferring properties to organizations or individuals the PBLB shall keep in mind community improvement purposes consistent with:

- (a) Neighborhood revitalization plans;
- (b) Return of the property to productive tax-paying status;
- (c) Land assemblage for economic development;
- (d) Long term “banking” of properties for future strategic uses.

**3.3 Neighborhood and Community Development Considerations.** As indicated above, the PBLB reserves the right to consider the impact of a property transfer on short- and long-term neighborhood and community development plans. In doing so, the PBLB may prioritize the following in any order in which it deems appropriate:

- (a) Improving the quality of neighborhoods and attracting new residents and businesses;
- (b) Increasing the tax base of Pottstown Borough and creating opportunities for economic development and employment;

- (c) Preservation of existing stable and viable neighborhoods;
- (d) Neighborhoods in which a proposed disposition will assist in halting a slowly occurring decline or deterioration;
- (e) Neighborhoods which have recently experienced or are continuing to experience a rapid decline or deterioration; and
- (f) Geographic areas where market conditions are weak for the purposes of residential or commercial development.

## **Section 4. Conveyance of Properties**

### **4.1 Definitions.**

"*Property Costs*" shall be defined as the aggregate costs and expenses of the PBLB attributable to the specific property in question, including costs of acquisition, maintenance, repair, demolition, marketing of the property and indirect costs of the operations of the PBLB allocable to the property.

"*Transfer Closing Costs*" shall be defined as all costs incurred by the PBLB in the sale of the property to the transferee including but not limited to transfer taxes, legal fees, filing fees, notary fees, title fees, etc.

"*Transaction Fee*" shall be defined as a fee paid by the transferee of the property at closing in the amount of 2% of the selling price but not less than \$750.

**4.2 Consideration.** The consideration to be provided by the transferee to the PBLB may take the form of cash, deferred financing, performance of contractual obligations, imposition of restrictive covenants, or other obligations and responsibilities of the transferee, or any combination thereof, at the discretion of the PBLB.

### **4.3 Transfers to Governmental Entities**

- (a) To the extent that transfers of property to governmental entities are designed to be held by such governmental entities in perpetuity for governmental purposes, the aggregate consideration for the transfer may, at the discretion of the PBLB, consist of the "Property Costs" and "Transfer Closing Costs" to be paid in cash as well as a deed restriction upon the use of the property.
- (d) To the extent that transfers of property to governmental entities and authorities are anticipated as conduit transfers by such governmental entities to third parties, the aggregate consideration for the transfer may, at the discretion of PBLB, consist of not less than "Property Costs", "Transfer Closing Costs" and "Transaction Fee" to be paid in cash. Depending on the nature of the end use of the property by the third party, the PBLB reserves the right to sell the property for fair market value plus all fees and costs referenced above.

**4.4 Transfers to Individuals and Non-Governmental Entities.** In the case of transfers of property to individuals or non-governmental entities, other than side yard transfers described in Section 6, the aggregate consideration for the transfer may, at the discretion of the PBLB, consist of not less than the “Property Costs”, “Transfer Closing Costs” and “Transaction Fee” and not more than the fair market value as determined by the PBLB plus all costs and fees. Non-monetary consideration, such as in-kind services, that fulfill the mission and goals of the PBLB may be considered.

**4.5 Basic Transferee Qualifications.** All applicants seeking to purchase property from the PBLB will be required to submit an application on a form provided by the PBLB. Applicants shall provide as part of the application such information as may be requested by PBLB, including but not limited to (a) the legal status of the applicant, its organizational and financial structure, (b) its prior experience in developing and managing real property, and (c) affidavit stating that properties owned by applicant or in which applicant has an ownership interest located in the Borough of Pottstown or the County of Montgomery are not delinquent on taxes, and do not have any outstanding citations for unremediated violations of any applicable state and local codes and ordinances.

**4.6 Reserved Discretion.** PBLB reserves full and complete discretion to decline applications from individuals and entities that meet any of the following criteria:

- (a) failure to perform in prior transactions with the PBLB;
- (b) ownership of properties that became delinquent in tax payments and remain delinquent in tax payments during their ownership;
- (c) parties that have been debarred from transactions with local, state or federal government;
- (d) parties not able to demonstrate sufficient experience and capacity to perform in accordance with the requirements of the PBLB;
- (e) parties that owned property foreclosed on for tax delinquency;
- (g) properties that have been used by the purchaser or a family member of the purchaser as his or her personal residence at any time during the twelve (12) months immediately preceding the submission of application (except in rental cases).

**4.7 Process for Conveying Properties.**

4.7.1 The PBLB may use any process for conveying properties as authorized by law and within its discretion.

4.7.2 All conveyances of property shall be approved by the PBLB Board.

4.7.3 The process for conveying a property from the PBLB to an individual or entity shall include a completed application from the proposed transferee.

4.7.4 For each proposed conveyance, PBLB staff shall prepare a written report for the Board with a recommendation to convey the property to the proposed transferee that includes, at a minimum and where applicable, the following information and determinations:

- (a) The applicant meets the basic transferee qualifications set forth in paragraph 4.5 above;
- (b) If the applicant meets any of the criteria set forth in paragraph 4.6 above;
- (c) The proposed conveyance meets the priorities for property disposition set forth in Section 3 above;
- (d) The applicant has the capacity to undertake and complete the property development as proposed;
- (e) The applicant has the financial resources to undertake and complete the property development as proposed.

4.7.5 A Disposition Agreement shall be prepared by the PBLB staff that includes terms and conditions for the reuse of the property as well as a description of how the terms and conditions will be monitored in the future.

**4.11 Deed without Warranty.** All conveyances from PBLB to third parties shall be by Quitclaim Deed.

### **Section 5. Owner-Occupant Policy.**

**5.1 Requirements and Conditions.** Most of the properties the PBLB will acquire will be vacant. However, in the event that it acquires a property that is the primary place of residence for an owner-occupant through the tax or mortgage foreclosure sale process or other means, it shall make best efforts not to displace the owner-occupant and establish payment plans for any delinquent liens that have been acquired by the PBLB. To this end, if feasible, PBLB may offer to lease the premises to the prior owner-occupant at fair market value for a period not less the six months. The residence shall remain the primary residence of the household during the lease period.

### **Section 6. Side Lot Disposition Program.**

**6.1 Side Lot/Structure Transfers.** Improved (those with an existing structure that is feasible to rehabilitate) or unimproved parcels may be acquired by PBLB and transferred to individuals or entities owning contiguous property in accordance with the policies described below. The transfer of any given improved or unimproved parcel in the Side Lot Disposition Program is subject to override by higher priorities as established by the PBLB.

**6.2 Qualified Properties.** Parcels of property eligible for inclusion in the Side Lot Disposition Program shall meet the following minimum criteria:

- (a) The parcel shall be a vacant improved or unimproved real property;
- (b) The parcel shall be physically contiguous with not less than a 75% common boundary line at the side;
- (c) Intended use for the improved or unimproved parcel must be disclosed by the transferee and such use shall be consistent with local codes including but not limited to zoning codes.

### **6.3 Side Lot Transferees.**

- (a) All transferees must own the contiguous property, and priority is given to owner-occupied transferees.
- (b) The transferee must not own any real property in Montgomery County that is subject to any outstanding citation(s) for unremediated violation(s) of state and local codes and ordinances.
- (c) The transferee must not own any real property in Montgomery County that is tax delinquent.
- (d) The transferee must not have been the prior owner of any real property in Montgomery County that was acquired by a local government through execution of a judgment relating to municipal liens.
- (e) The eligibility requirements set forth in this Section 6 are guidelines and may be waived or modified as determined by the Land Bank to accommodate unique circumstances. This may include non-occupant owners and non-adjacent applicants.

### **6.4 Pricing.**

- (a) Parcels of property that are not capable of independent development, i.e., the parcel is not buildable under local zoning laws, may be transferred for a price to be determined by the PBLB consistent with value of the property, if any, as determined by PBLB plus “Transfer Costs” and “Transaction Fees”. The PBLB reserves the right, at its discretion, to waive “Transaction Fees” for these side lot transfers.
- (b) Parcels that are capable of independent development shall be transferred for consideration in an amount not less than the “Property Costs”, “Transfer Closing Costs” and “Transaction Fees” as described above.

### **6.5 Additional Requirements.**

- (a) As a condition of transfer of an improved or unimproved parcel, the transferee must enter into an agreement that the parcel is not subject to sale, subdivision or partition within a five-year period following the date of the transfer.
- (b) If multiple adjacent property owners desire to acquire the same side parcel, the improved or unimproved parcel shall either be transferred to the highest bidder for the property. An unimproved parcel may be subdivided and transferred among the interested contiguous property owners; the cost of the subdivision shall be borne by the property owners.
- (c) The improved or unimproved parcel must remain a separate parcel for assessment purposes so the PBLB may benefit from tax recapture going forward.

(d) The PBLB may include additional requirements for any transfer of parcels capable of independent development, including but not limited to,

POTTSTOWN BOROUGH LAND BANK  
100 E. High Street  
Pottstown, PA 19464  
[landbank@pottstown.org](mailto:landbank@pottstown.org)

April 27, 2021

*Sent via email*

Beverly Hutzal  
Commonwealth of Pennsylvania  
Governor's Center of Local Government Services  
400 North Street, 4<sup>th</sup> Floor  
Commonwealth Keystone Building  
Harrisburg, PA 17120-0225

Re: Land Bank Annual Report of Revenues and Expenditures

Dear Ms. Hutzal,

Pottstown Area Industrial Development, Inc. (PAID) is serving as the Administrator of the Pottstown Borough Land Bank. This letter is intended to comply with the Land Bank Annual Report of Revenues and Expenditures requirement. For calendar year 2020, the Pottstown Borough Land Bank did not transact any business and, therefore, did not have an audit prepared.

Please let me know if any additional information is required at this time. My phone number is 610-326-2900.

Sincerely,

Peggy Lee Clark  
Executive Director, PAID  
Pottstown Borough Land Bank Administrator

cc: Deborah Penrod, Pottstown Borough Land Bank Board Chair (via email)  
Justin Keller, Pottstown Borough Manager (via email)  
Virginia Takach, Pottstown Borough Secretary (via email)  
Winnie Branton, Branton Strategies LLC (via email)