

December 14, 2020

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, December 14, 2020 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, Michael Paules and Joseph Kirkland. Also present were Manager Justin Keller, Assistant Solicitor Matthew Hovey, Mayor Stephanie Henrick and Borough Secretary Virginia Takach.

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

November 9, 2020 Council Meeting Minutes – Motion by Councilor Procsal, seconded by Councilor Lebedynsky to approve the minutes of the November 9, 2020 meeting as presented. Motion carried: 7 ayes.

COMMENTS FROM CITIZENS PRESENT

None.

SUBCOMMITTEE REPORTS

a. Finance & Administration – President Weand reported that the revenues stand at 86% as of the end of October and expenses are at 80%. Taxes received are at 98%. He added that assessments dropped by \$2,240 and staff continues to monitor properties under assessed. There were no LERTA applications. President Weand also announced that the proposed tax increase is now 2.9%.

BOARDS AND COMMITTEE REPORTS

a. EAC – There was no report.

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b. Regional Planning – Councilor Procsal advised that there was a discussion on how Collegeville is assisting its restaurants through an interactive map.

Ms. Lee Clark added that she is working with the restaurants in the downtown as well. She added that the restaurants are aware of the requirements including allowing bathroom use, inside lighting and responsible for trash.

c. Blighted Property – There was no meeting.

UNFINISHED BUSINESS

None.

NEW BUSINESS

a. 2021 Budget - Motion by Councilor Procsal, seconded by Councilor Lebedynsky to approve the 2021 Budget with total revenues of \$49,297,140 and total expenditures of \$49,297,140 as outlined in the 2021 Draft Budget dated December 9, 2020. Motion carried: 6 ayes, 1 nay. Councilor Paules cast the negative vote.

b. 2021 Tax Ordinance - Motion by Councilor Procsal, seconded by Councilor Lebedynsky to adopt an Ordinance to fix the Borough tax rate for real property for the Year 2021 as follows:

Tax Rate for General purposes, the sum of	9.739 mills
For Street Light purposes, the sum of	.337 mills
For Parks and Recreation purposes, the sum of	1.150 mills
For Library purposes, the sum of	.230 mills
For Fire Protection purposes, the sum of	2.031 mills
For Debt purposes, the sum of	<u>.056 mills</u>
TOTAL	13.543 mills

ORDINANCE NO. 2200

AN ORDINANCE OF THE BOROUGH OF POTTSTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, FIXING THE TAX RATE FOR THE YEAR 2021.

BE IT ENACTED AND ORDAINED, and it is hereby ordained and enacted by the Borough Council of the Borough of Pottstown, Montgomery County, Pennsylvania, as follows:

SECTION 1. That a tax be and is hereby levied on all real estate within the Borough of Pottstown, subject to taxation for the fiscal year 2021, with total millage of 13.543 mills, as follows:

Tax Rate for General purposes, the sum of	9.739mills
For Street Light purposes, the sum of	0.337 mills
For Parks and Recreation purposes, the sum of	1.150 mills
For Library purposes, the sum of	0.230 mills
For Fire Protection purposes, the sum of	2.031 mills
For Debt purposes, the sum of	0.056 mills
TOTAL:	13.543 mills

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SECTION 2. That any ordinance, or part of ordinance, conflicting with this ordinance be and the same is hereby repealed insofar as the same affects this ordinance.

ADOPTED this 14th day of December 2020.

Motion carried: 6 ayes, 1 nay. Councilor Paules cast the negative vote.

c. Brookside Country Club Lot Line - Motion by Councilor Lebedynsky, seconded by Councilor Procsal to grant preliminary/final approval of the Brookside Country Club Lot Line Revision Plan, 850 North Adams Street, subject to satisfying the following conditions within 90 days:

- i. Compliance with the Cedarville Engineering letter of November 19, 2020
- ii. Compliance with the Montgomery County Planning Commission letter of November 12, 2020
- iii. Approval of Land Development by Lower Pottsgrove Township
- iv. Payment in full of all Borough review fees

Motion carried: 7 ayes.

d. Brookside Country Club Lot Line – Motion by Councilor Procsal, seconded by Councilor Lindsay to grant the following waiver requests from the Brookside Country Club Lot Line Revision Plan:

- i. Section 22-A403.2 – zoning data, including: a comparative table of requirements and provisions
- ii. Section 22-A403.3 – existing and proposed district lines
- iii. Section 22-A402.1 – requirement of property lines within 100 feet of site

Motion carried: 7 ayes.

e. Outdoor Dining - Motion by Councilor Procsal, seconded by Councilor Vanni to grant special pandemic-related authorization through March 18, 2021 to PAID to operate tented and heated outdoor dining space for use by the downtown restaurants in Lot #2 located at High & Charlotte Streets and Smith Family Plaza, and also for the disbursement of \$2,400 in seed money to PAID together with the payment of the permit fees associated with the operation required by PART not to exceed \$1,000.00, subject to the following conditions:

- i. Approval by the Borough Manager
- ii. Approval of the Federal Transit Administration for use of Smith Family Plaza
- iii. Execution by PAID and the participating restaurants of any agreements required by the Solicitor for the purpose of indemnifying and holding harmless the Borough

Solicitor Hovey explained the requirements for the protection of the Borough including the requirement for a Hold Harless agreement by the restaurants.

Ms. Lee-Clark added that several restaurants are frustrated with the sudden regulations, while big-box stores and outlets remain open, in addition to the loss of revenue and employees having to file for unemployment.

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Mr. Keller also advised that the locations of the Alley and the Iron Gate are private properties and would not need Borough approval.

Motion carried: 6 ayes, 1 nay. Councilor Paules cast the negative vote.

f. SALDO & ZONING AMENDMENTS – Motion by Councilor Kirkland, seconded by Councilor Vanni to authorize the Solicitor to prepare and advertise an ordinance amending Chapter 22 (SALDO) regarding Tree Ratio and Engineering Stamp on final plat and an ordinance amending Chapter 27 (ZO) regarding Message Centers, Permit fees and Fence Regulations, as recommended by the Ordinance Review Committee.

Solicitor Hovey explained the options to address the age limits regarding Message Centers. He advised that certain centers asked for the option to be able to treat high school athletes, which may be under the age of 18. Attorney Hovey reminded Council that there are criminal and civil laws that would govern any adverse conduct. The options would be to move forward with drafting the ordinance, propose a lesser regulation or remove this at the time of adoption, which may be as late as March.

Councilor Procsal recommended moving forward with the ordinance as presented by the Ordinance Review Committee.

Motion carried: 7 ayes.

g. Parks and Recreation Ordinance - Motion by Councilor Kirkland, seconded by Councilor Lindsay to authorize the Solicitor to prepare and advertise an ordinance amending certain rules and regulations for the Borough Parks. Motion carried: 7 ayes.

h. Parks and Recreation Fees - Motion by Councilor Kirkland, seconded by Councilor Lindsay to adopt a Resolution amending certain fees associated with the Parks and Recreation Department Rental and Service fees.

RESOLUTION NO. 2020-31

A RESOLUTION AMENDING THE FEE SCHEDULE OF THE BOROUGH OF POTTSTOWN TO AMEND AND/OR RE-ESTABLISH CERTAIN FEES ASSOCIATED WITH THE PARKS AND RECREATION 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 proper; and WHEREAS, based upon recommendation of the Parks and Recreation Department, the Borough of Pottstown desires to revise and amend/reapprove the Borough of Pottstown Park and Recreation Department's Schedule of Fees, as set forth in Appendix A to the current Fee Schedule.
NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Burgess and Town Council of the Borough of Pottstown, as follows:

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SECTION 1. The Borough of Pottstown Parks and Recreation Department Fee Schedule is hereby approved and amended as specifically set forth and described in Exhibit A, which is attached hereto and incorporated herein.

SECTION 2. All future modifications of fees established in the comprehensive Fee Schedule should be made by Resolution from time to time, duly adopted by the Burgess and Town Council of the Borough of Pottstown. All other fees not referenced in this Resolution, as presently set forth in the Fee Schedule, are reaffirmed.

SECTION 3. This Resolution shall become effective immediately upon enactment with changes contained herein to be effective January 1, 2021.

ENACTED and RESOLVED this 14th day of December 2020.

Motion carried: 7 ayes.

i. Fire Service Agreement with West Pottsgrove - Motion by Councilor Procsal, seconded by Councilor Lindsay to authorize the Solicitor to prepare an agreement with West Pottsgrove Township for fire service protection, in a form acceptable to the Borough and Fire Chief. Motion carried: 7 ayes.

j. VIST BANK ATM - Motion by Councilor Procsal, seconded by Councilor Vanni to authorize execution of the agreement between the Borough of Pottstown and Tompkins VIST Bank to install an ATM machine on Borough property. Motion carried: 7 ayes.

k. Police Chief's Contract - Motion by Councilor Procsal, seconded by Councilor Lindsay to approve and authorize the execution of a Second Addendum to the Police Chief's contract. Motion carried: 7 ayes.

l. Towing License - Motion by Councilor Procsal, seconded by Councilor Lindsay to award bids for Class I Towing Licenses (two) to Mann's Towing & Road Service, 235 West High Street, Pottstown and Sanatoga Auto Body, 14 South Sanatoga Road, Sanatoga, for the period of January 1, 2021 through December 31, 2022. Motion carried: 7 ayes.

m. 2021 Meeting Dates - Motion by Councilor Lindsay, seconded by Councilor Vanni to approve and authorize advertisement of the 2021 Borough Council meeting dates to include provisions of Council reserving the right to conduct its advertised public meetings virtually until further notice. Motion carried: 7 ayes.

REPORT OF BILLS – Motion by Councilor Kirkland, seconded by Councilor Lindsay to pay the outstanding bills in the amount of \$1, 889, 046.74. Motion carried: 7 ayes.

ANNOUNCEMENTS

Councilor Lindsay advised that she has been asked by the First Presbyterian Church to engage the Mayor and fellow-Councilors to handout food and meals during certain times in the new year. She will provide additional information to Council. Councilor Lindsay reminded all of the food drive and the coat drive.

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President Weand added that the food donations were filling the Santa house this past Saturday and will continue for another week. The food will then be delivered to the Cluster. Checks will also be accepted at the Borough.

Mayor Henrick advised that she attended the Children's Christmas Party on Saturday at Sunnybrook and commended Jim Frymoyer and Chuck Gulati for their efforts in making this event a success.

MIDDLE SCHOOL PRESENTATION

Councilor Lindsay presented a musical holiday concert by the 5th and 6th grade Pottstown Middle School students, led by Rachel Ficca and Nancy Mest.

President Weand thanked all involved for being flexible and tolerant during this difficult year and wished all Happy Holidays. He reminded all that Santa will be coming through all Borough neighborhoods on Sunday, December 20th.

ADJOURNMENT

President Weand adjourned the meeting 7:55 p.m.

Submitted by,

Justin M. Keller
Borough Manager