

September 13, 2021

## 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. 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.

### CALL TO ORDER

The regular meeting of the Pottstown Borough Council was called to order on Monday, September 13, 2021, 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, Michael Paules and Joseph Kirkland (virtual). Also present were Manager Justin Keller, Solicitor Charles Garner, Mayor Stephanie Henrick and Borough Secretary Virginia Takach.

### APPROVAL OF MINUTES

Motion by Councilor Lindsay, seconded by Councilor Lebedynsky to accept the minutes of the August 9, 2021 Council meeting as presented. Motion carried: 7 ayes.

### COMMENTS FROM CITIZENS PRESENT

a. Jason Morris, 340 West Chestnut Street – spoke on behalf of “Eye on Pottstown” and thanked all for their efforts in addressing the speeding and traffic issues throughout the Borough. He added that speed bumps may be beneficial in certain areas but not all. He also provided the definition of a hoon. “A hoon, in Australia and New Zealand, is a person who deliberately drives a vehicle in a reckless or dangerous manner, generally in order to provoke a reaction from onlookers.”

b. Jenifer Green, 841 North Franklin Street – commented that she has had the same Codes issues for 2 ½ years at the corner of Beech and Franklin Streets regarding a burned down house. She noted that there was a trailer with someone living in it but was addressed and removed by the Police Department. She also thanked the Police Department for addressing the speeding issues on Franklin Street.

c. Paul Desch, 248 Walnut Street – explained that when he purchased the building at 163

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North Charlotte Street, he realized that it should be used as a shelter. He encouraged Council to vote in favor of allowing this to be a shelter for the homeless as requested and presented by LIFT.

### SUBCOMITTEE REPORTS

a. Finance & Administration – President Weand reported that 81% of the General fund revenues were received and expenses are at 43%. The Real Estate taxes received are at 97% and local taxes at 62%. He added that the assessment changes have increased by \$67,690 since June and down for the year by \$914,400. Staff continues to work with the School District for under-assessed property transfers. There have been no new Lerta applications and Portnoff continues with collections.

### COMMITTEE REPORTS

- a. EAC – There was no report.
- b. Regional Planning – Councilor Procsal noted that the committee advised that businesses are consistent with the County Comprehensive Plan and noted that the Lower Pottsgrove Township Royal Farms plan was discussed.
- c. Blighted Property Review Committee – There was no meeting.

### UNFINISHED BUSINESS

None.

### NEW BUSINESS

- a. Sheridan Street Plan - Motion by Councilor Lebedynsky, seconded by Councilor Procsal to grant preliminary/final approval of the Sheridan Street Subdivision Plan, 759 Sheridan Street, subject to complying with the following conditions within 90 days:
- i. Compliance with the Cedarville Engineering letter of August 18, 2021
  - ii. Compliance with the Montgomery County Planning Commission letter of July 16, 2021
  - iii. Compliance with the HRG letter of July 29, 2021
  - iv. Preparation and execution of a Developer's Agreement in a form acceptable to the Borough
  - v. Payment in full of all Borough review fees
  - vi. Payment in fee of open space in the amount of \$1,000 prior to the issuance of a building permit

Motion carried: 7 ayes.

b. Sheridan Street Plan – Motion by Councilor Kirkland, seconded by Councilor Lebedynsky to grant the following waiver requests from the Subdivision and Land Development Ordinance Stormwater Management for the Sheridan Street Subdivision Plan, as set forth in the Crossroads LLC letter of August 19, 2021:

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- i. Section 22 – A527.1 - waiver to allow residential driveways less than 50 feet from street intersection
- ii. Section 22-A402.1 - Within 100 feet of any part of the land being subdivided or developed: the location, names, width, radii, curbs, sidewalks and subsurface conditions of existing streets and alleys; Location of existing rights-of-way and easements, watercourses, floodplains floodways, sanitary sewers, storm drains and catchment, curb cuts, boundaries
- iii. Section A4000 – requirement for plan to be submitted as a preliminary/final plan

Motion carried: 7 ayes.

c. Donato – Conditional Use - Motion by Councilor Lebedynsky seconded by Councilor Vanni to grant the Conditional Use request of Edward Donato to allow the use of a massage therapy center at the property located at 1200 High Street, with conditions as stated in the Order dated September 13, 2021. Motion carried: 7 ayes.

d. Permabond - Motion by Councilor Procsal, seconded by Councilor Lebedynsky to grant preliminary/final approval of the Permabond Minor Land Development Plan, 14 Robinson Street, subject to complying with the following conditions within 90 days:

- i. Compliance with the Montgomery County Planning Commission letter of July 19, 2021
- ii. Compliance with the Cedarville Engineering letter of August 11, 2021
- iii. Payment in full of all Borough review fees

Motion carried: 7 ayes.

e. Permabond - Motion by Councilor Procsal, seconded by Councilor Lindsay to grant the following waiver requests from the Subdivision and Land Development Ordinance for the Permabond Minor Land Development Plan:

- i. Section 22-400.3.A - requirement showing existing underground features on Parcel
- ii. Section 22-400-4.A.2.B(A)- requirement for existing structure on adjacent properties given scale and location of the project versus the property line
- ii. Section 22-400.5 – waiving off-site features, including topographical information
- iii. Section 22 – A402.1 - Within 100 feet of any part of the land being subdivided or developed: the location, names, width, radii, curbs, sidewalks and subsurface conditions of existing streets and alleys; Location of existing rights-of-way and easements, watercourses, floodplains floodways, sanitary sewers, storm drains and catchment, curb cuts, boundaries
- v. Section 22-A402.2 - Contour lines and elevation data within 100 feet of site
- vi. Section 22 – A525.1 – requirement for sidewalks and/or graded areas to be depending on road classification and intensity of development
- vii. Section 22-A525.2 – requirement for sidewalks to be place in the right-of-way and parallel to the street
- viii. Section 22-504 - Requirement for open space and recreational facilities
- ix. Section 22-505.1 – requirement of shade trees
- x. Section 22-508.1 – requirement for trees in perimeter of parking areas and within the interior parking areas

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- xi. Section 22 – 510.1.A.d - requirement of fencing
- xii. Section 22 – 510.2.A.f – requirement of fencing or walls material
- xiii. Section 22-510.3 – requirement of fencing height

Motion carried: 7 ayes.

f. Kuhn Crematorium - Motion by Councilor Lebedynsky, seconded by Councilor Lindsay to grant request of Dolan Construction, Inc., for a waiver of Land Development for the Kuhn (Warker-Troutman) Crematorium addition for property located at 726 East High Street and proceed with the issuance of a building permit application, subject to satisfying the Borough Engineer requirements.

Councilor Procsal noted that the Borough Engineer recommended not granting the waiver request.

Motion carried: 7 ayes.

g. Act 50 of 2021 - Motion by Councilor Lebedynsky, seconded by Councilor Lindsay to authorize the Solicitor to prepare and advertise an ordinance to establish regulations under Act 50 of 2021, relating to Small Cell Facilities. Motion carried: 7 ayes.

h. MMO – Police Pension Plan - Motion by Councilor Lebedynsky, seconded by Councilor Lindsay to adopt a Resolution establishing the member contribution for the Police Pension Plan at 5% for calendar year 2022 and acknowledging that the 2022 Minimum Municipal Obligation (MMO) for the Police Pension Plan is \$1,632,397.

#### RESOLUTION NO. 2021-26

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, ACKNOWLEDGING THE 2022 MINIMUM MUNICIPAL OBLIGATION (MMO) AND ESTABLISHING THE CONTRIBUTION FOR MEMBERS OF THE POTTSTOWN POLICE PENSION PLAN FOR THE CALENDAR YEAR 2022, ENDING DECEMBER 31, 2022.

WHEREAS, it has been determined by the plan actuary that member contributions for calendar year 2022 should be established at five percent (5%); and  
WHEREAS, the Pottstown Police Pension Board has formally acted to recommend to Borough Council a contribution to the plan consistent with the actuary's recommendation;  
WHEREAS, it is further required that the Minimum Municipal Obligation ("MMO") for 2022 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 13th day of September 2021, as follows:

1. The annual member contribution is established for the calendar year 2022 at five percent (5%) which shall begin January 1, 2022 and shall remain in effect through December 31, 2022.
2. The 2022 MMO, as calculated by the plan actuary, is One Million, Six Hundred Thirty-Two Thousand and Three Hundred Ninety-Seven dollars (\$1,632,397.00).

Motion carried: 7 ayes.

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i. MMO – Non Uniform Plan - Motion by Councilor Lebedynsky, seconded by Councilor Vanni to adopt a Resolution acknowledging that the 2022 Minimum Municipal Obligation (MMO) for the Pottstown Pension Plan (Non-Uniform) is \$915,394.

RESOLUTION NO. 2021-27

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, ACKNOWLEDGING THE 2022 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 2022 has been computed to be Nine Hundred and Fifteen Thousand, Three Hundred and Ninety-four dollars (\$915,394.00).

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

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 2022 is Nine Hundred and Fifteen Thousand, Three Hundred and Ninety-four dollars (\$915,394.00).

Motion carried: 7 ayes.

j. Fee Schedule for Laterals - Motion by Councilor Procsal, seconded by Councilor Lebedynsky to adopt a Resolution amending the Fee Schedule to establish and confirm a Lateral Replacement Fee as established by the Pottstown Borough Authority through Resolution No. 3-2021.

RESOLUTION NO. 2021-28

A RESOLUTION AMENDING THE COMPREHESIVE FEE SCHEDULE OF THE BOROUGH OF POTTSTOWN TO ESTABLISH AND CONFIRM A LATERAL REPLACEMENT FEE AS ESTABLISHED BY THE POTTSTOWN BOROUGH AUTHORITY THROUGH RESOLUTION NO. 3-2021

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 Resolution to determine if additions and/or amendments to the Fee Resolution are necessary and appropriate; and

WHEREAS, Pottstown Borough Authority through Resolution No. 3-2021 established a flat fee charge of one thousand dollars for lateral replacement from the new sewer main to the edge of pavement/curb performed under the 2021 Sewer and Water Replacement Project contact; and

WHEREAS, the Borough of Pottstown wishes to confirm and incorporate said lateral replacement fee into its Comprehensive Fee Schedule.

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

SECTION 1. The following fee is hereby confirmed and incorporated into the Borough Fee Schedule as part of the Pottstown Borough Authority Sanitary Sewer Fees:

Lateral Replacement Fee for the 2021 Sewer and Water Replacement Contract No. WS-I \$1000.00 (as set forth in Pottstown Borough Authority resolution No. 3-2021).

SECTION 2. All future modification of these fees and other fees established by the Borough shall be made by Resolution, duly adopted by the burgess and Town Council of the Borough of Pottstown.

SECTION 3. This Resolution shall become effective the date Resolution No. 3-2021 was approved by the Pottstown Borough Authority.

ENACTED AND RESOLVED this 13<sup>th</sup> day of September 2021.

Mr. Keller confirmed that the fee if \$1,000.

Motion carried: 7 ayes.

k. Sale of Borough Vehicles - Motion by Councilor Lindsay, seconded by Councilor Vanni to approve the sale of Borough Vehicles as outlined in the bid tabulations of August 25, 2021, resulting in a total bid amount of \$32,220 and subject to review and approval of the Solicitor.

Motion carried: 7 ayes.

l. Water Trench Restoration - Motion by Councilor Procsal, seconded by Councilor Vanni to award the 2021 Water Trench Street Restoration to Eagle Contracting & Landscaping, Chester Springs, PA as per the bid tabulation of September 7, 2021, subject to review and approval of the Solicitor.

Mr. Keller confirmed there was only one bidder on each these projects.

Motion carried: 7 ayes.

m. Overlay Street Paving - Motion by Councilor Lindsay, seconded by Councilor Lebedynsky to award the 2021 Overlay Street Paving to H & K Group, Skippack, PA as per the bid tabulation of September 7, 2021, subject to review and approval of the Solicitor, based upon the unit price of the low bidder.

Solicitor Garner requested that the award be based upon the unit price of the low bidder and be added to the motion.

Motion carried: 7 ayes.

n. Manhole Frames - Motion by Councilor Kirkland, seconded by Councilor Lindsay to reject the bids for the Manhole Frames & Lids Rehabilitation, dated September 7, 2021 and authorize Staff to rebid. Motion carried: 7 ayes.

o. Halloween Parade - Motion by Councilor Procsal, seconded by Councilor Lebedynsky to

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grant the request of the Parks & Recreation Department to hold the Halloween Parade on October 23, 2021, resulting in the closing of High Street from Adams Street to York Street from 12:00 p.m. to 2:00 p.m., subject to review and approval of the Police and Fire Departments.

Councilor Lebedynsky commented that the move to a daytime parade will enhance the safety of participants, children and members of the Police Department.

Motion carried: 7 ayes.

p. Reading Gravity Race – Motion by Councilor Lindsay, seconded by Councilor Lebedynsky to grant the request of Reading Gravity Racing League to hold a Soap Box Race on November 7, 2021,(rain date November 14th) resulting in the closure of Wilson Street from State Street to Farmington Avenue from 11:00 a.m. to 6:00 p.m., subject to review and approval of the Police and Fire Departments. Motion carried: 7 ayes.

q. REPORT OF BILLS – Motion by Councilor Lebedynsky, seconded by Councilor Procsal to pay the outstanding bills in the amount of 2,708,840.20. Motion carried: 7 ayes.

r. Public Hearing – 7:30 p.m. – Solicitor Garner opened a public hearing as required by the Borough's Zoning Ordinance and the Subdivision and Land Development Ordinance for any amendments to these ordinances. He reviewed the proposed changes that would create a business overlay district in portions of the Traditional Town Neighborhood and establish transitional land uses in adjacent to the Heavy Manufacturing District, similar to the Keim Street Gateway project of last year. Solicitor Garner noted that in addition to the required notices and advertising being in compliance, a letter was received from the Montgomery County Planning Commission in support of the amendments, with a minor comment to provide a map of the overlay. He also provided a brief outline of the proposed ordinance.

There was no public comment and the public hearing closed at 7:35 p.m.

s. Business Overlay District Ordinance - Motion by Councilor Lebedynsky, seconded by Councilor Procsal to adopt an Ordinance creating a Business Overlay District in portions of the Traditional Town Neighborhood District.

#### ORDINANCE NO. 2205

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING THE POTTSTOWN BOROUGH ZONING ORDINANCE TO CREATE A BUSINESS OVERLAY DISTRICT IN PORTIONS OF THE TRADITIONAL TOWN NEIGHBORHOOD TO ESTABLISH TRANSITIONAL LAND USES ADJACENT TO THE HM – HEAVY MANUFACTURING DISTRICT.

Councilor Procsal commented that this is a good step in promoting business.

Motion carried: 7 ayes.

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### ANNOUNCEMENTS

Councilor Lindsay praised all involved in the successful Fete en Blanc and the 10<sup>th</sup> annual Pet Fair. She added that members of Mosaic held a brief memorial service in Riverfront Park remembering the 9/11 events, along with a performance from the Steel River Playhouse. She also announced the NAACP fundraiser on September 15<sup>th</sup> at Applebee's.

Councilor Vanni and Councilor Lebedynsky praised all the recent events in town.

President Weand noted that his family attended the Fete and the committee may consider 750 guests next year.

Councilor Kirkland commented on the passing of Bishop Everett Debnam and his outstanding talents for making everyone feel important and special.

### EXECUTIVE SESSION

President Weand recessed the meeting to executive session for an item of Collective Bargaining at 7:40 p.m.

### ADJOURNMENT

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

Submitted by,

Justin M. Keller  
Borough Manager