

October 12, 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.

CONDITIONAL USE HEARING – Mohammed Ammouri, 21 North Hanover Street

Solicitor Matthew Hovey opened a Conditional Use Hearing on the application of Mohammed Ammouri for the property located at 21 North Hanover Street. Mr. Ammouri was represented by Attorney Michael Sheridan.

Attorney Hovey entered several items into evidence on behalf of Council.

Attorney Sheridan presented a binder with documents on behalf of property owner Mohammed Ammouri, including the property deed and the traffic and parking study.

Mr. Ammouri was sworn in and testified that he is the owner of 21 North Hanover Street and is proposing it as office space use. He advised that there will be one full-time person and a part-time bookkeeper and the space is essentially a call-center. Mr. Ammouri also advised that he is the owner of a storage lot in West Pottsgrove Township where trucks and equipment will be stored.

There was no public comment and the hearing closed at 7:03 p.m.

CALL TO ORDER

The regular meeting of the Pottstown Borough Council was called to order on Tuesday, October 12, 2021, at 7:10 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, Trenita Lindsay, Dan Weand and Joseph Kirkland (virtual). Also present were Manager Justin Keller, Assistant Solicitor Matthew Hovey, Mayor Stephanie Henrick and Borough Secretary Virginia Takach. Councilors Lebedynsky and Paules were absent.

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APPROVAL OF MINUTES

- a. September 8, 2021 Committee of the Whole – Motion by Councilor Kirkland, seconded by Councilor Procsal to approve the minutes of the September 8, 2021 Committee of the Whole meeting as presented. Motion carried: 5 ayes.
- b. September 13, 2021 Council – Motion by Councilor Kirkland, seconded by Councilor Vanni to approve the minutes of the September 13, 2021 Council meeting as presented. Motion carried: 5 ayes.
- c. September 30, 2021 Joint Council-School Board – Motion by Councilor Procsal, seconded by Councilor Vanni to approve the minutes of the September 30, 2021 Joint meeting as presented. Motion carried: 5 ayes.

COMMENTS FROM CITIZENS PRESENT

- a. Jim Frymoyer, President, Pottstown Area Children’s Foundation – announced a fundraiser scheduled for October 23rd at the Coventry Ice Cream Parlor and a November 19th event in Royersford to benefit the annual Children’s Christmas Party. The Party is scheduled for December 11th at Sunnybrook. He praised the Mayor and the Pottstown Police Department for their assistance in providing bikes and scooters as gifts for the event.

SUBCOMITTEE REPORTS

- a. Finance & Administration – President Weand reported that as of August 31, 2021, the General Fund revenues are at 88% and expenses at 49%. The Real Estate taxes collected are at 99% and local taxes at 81%. President Weand advised that the assessment changes have decreased by \$272,460. Portnoff continues collections on delinquent accounts and there were no new Lerta applications. He added that the preliminary budget will be discussed this evening.

COMMITTEE REPORTS

- a. EAC – There was no report.
- b. Regional Planning – Councilor Procsal advised that there was no quorum but the New Hanover Township developments were discussed.
- c. Blighted Property Review Committee – There was no meeting.

UNFINISHED BUSINESS

None.

NEW BUSINESS

- a. 2022 BUDGE PRESENTATION

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Manager Keller and Finance Director Marley Boone provided the 2022 Draft Budget. Mr. Keller announced that the current deficit stands at \$646,637. A transfer from reserves in the amount of \$147,637 and a tax increase of 7.18% would be required to balance the budget.

Ms. Boone advised that the 2022 Tax Assessment has decreased by \$1,399,760. He also reviewed the Cops Hiring Grant, noting that federal share decreases and the local share increases. Mr. Keller also noted that the MMO expenses for the pension plans total \$2,012,323 for both funds. He also reviewed the contractual obligations and the health insurance costs, which are still under review. .

Ms. Boone reviewed the General Fund budgets from 2014-2022. She also outlined the residential tax bill with the school portion being 70%, the County at 7% and the Borough at 23%.

Mr. Keller noted that in 2011 there were 305 tax exempt parcels and in 2021 there were 345. If taxes were paid on these parcels, the extra revenue would be in the amount of \$2,021,422.

Ms. Boone explained the Contractual wage obligations with AFSCME at a 3% increase and the PPOA at 4%. The 2022 Non-Uniform Plan expense is at \$915,394 and the Police Plan at \$1,632,397.

Mr. Keller outlined the 2022 General Fund Budget and the projected increases and explained the \$1.1 million received from the American Rescue Plan and the \$90,000 health insurance rebate received as less people utilized the medical services during the pandemic. He compared the health care costs from 2014 to the projected 2022 at \$2,700,000. He also referred to the Capital Fund Plan established in 2020. Capital expenditures for 2022 include \$60,000 towards police vehicles, \$51,000 for storm water arch repairs and \$56,000 for roof repairs.

Mr. Keller reviewed certain streamlining and cost efficient measures in place throughout the Departments. He added that the Parks and Receptions budget for 2022 stands at \$955,747 with expectations of grant announcements prior to next month. He also highlighted the Fire Fund, the Debt Service and the Trash Fund. Mr. Keller reviewed the tax increases from 2013 to 2021. He added that with the proposed tax increase of 7.41% or 1.055 mills, would be an annual tax increase of \$100 for a property assessed at \$100,000. He expects to provide an update for the November meetings.

b. James Martin – Conditional Use - Motion by Councilor Procsal, seconded by Councilor Vanni to grant the Conditional Use request of James C. Martin to allow the use of a tax office at the property located at 543-545 East High Street, with conditions as stated in the order dated October 12, 2021. Motion carried: 5 ayes.

c. Juan Carlos, Liquor License – Motion by Councilor Procsal, seconded by Councilor Vanni to adopt a Resolution approving the request of Juan Carlos Fine Mexican Cuisine Restaurant, 235 East High Street, for an Economic Development Liquor License

RESOLUTION NO. 2021- 28

BOROUGH OF POTTSTOWN
MONTGOMERY COUNTY, PENNSYLVANIA

October 12, 2021

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF POTTSTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, APPROVING THE APPLICATION FOR AN ECONOMIC DEVELOPMENT LIQUOR LICENSE AT THE PREMISES KNOWN AS 235 E. HIGH STREET, POTTSTOWN, MONTGOMERY COUNTY, PENNSYLVANIA.

WHEREAS, Juan Carlos, LLC (the “Applicant”) has applied to the Borough of Pottstown pursuant to Section 461(b.1) of the Liquor Code, 47 P.S. §4-461(b.1) for approval by the Council of the Borough of Pottstown of a request for an Economic Development Liquor License, proposed to be issued by the Pennsylvania Liquor Control Board for the premises located at 235 E. High Street, Pottstown, Pennsylvania 19464.

WHEREAS, the Borough has determined that the issuance of the license will permit economic development and that it will not adversely affect the welfare, health, peace and morals of the Borough of Pottstown or its residents; and

WHEREAS, the proposed location of the license is in an area designated for economic development, as required under Pa. Code Section 3.102(a);

WHEREAS, the Borough Council held a properly advertised public hearing pursuant to the notice provisions of Section 102 of the Liquor Code on October 6, 2021 to receive comments and recommendations regarding the grant of this Economic Development License; and

WHEREAS, the Borough Council has concluded that issuance of the requested Liquor License will promote economic development in the Borough of Pottstown:

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Pottstown, after considering the Applicant’s request for the grant of an Economic Development Liquor License of the Applicant’s by the Pennsylvania Liquor Control Board, Council approves the application of the Applicant for the grant of an Economic Development Liquor License subject to the following conditions:

1. The approval hereby granted shall be personal to the Applicant and specific to the Applicant’s premises and shall not be transferable or assignable in either respect without the prior written consent of the Borough as well as compliance with the requirements of the Pennsylvania Liquor Control Board.
2. Applicant shall otherwise comply with all relevant Ordinances, Rules, Laws or Regulations, including, but not limited to, the applicable Rules of the Pennsylvania Liquor Control Board and the Zoning Laws of the Pottstown Borough.

ENACTED and RESOLVED, this 12th day of October, 2021.

Councilor Kirkland questioned the number of liquor licenses throughout the downtown.

Mr. Keller advised that he would try to find the answer.

The owner’s wife, Jeanne Stratis-Garza, was present to answer any questions.

Councilor Kirkland also questioned the method of operations for the standards used to serve liquor.

Mr. Keller commented the standards would be controlled by the Liquor Control Board and most establishments would not serve a visibly intoxicated customer.

Councilor Procsal noted that he may send a letter to the owner in support of this action.

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Motion carried: 5 ayes.

d. Financial Statements – Motion by Councilor Lindsay, seconded by Councilor Procsal to acknowledge receipt of the Borough of Pottstown’s Financial Statements for year ended December 31, 2020 as presented by Maillie Accountants LLP, dated October 6, 2021. Motion carried: 5 ayes.

e. Amendment to Noise Ordinance - Motion by Councilor Procsal, seconded by Councilor Vanni to authorize the Solicitor to prepare an ordinance amending the Noise Ordinance to establish regulations for fireworks. Motion carried: 5 ayes.

f. Hanover Square Roads – Motion by Councilor Vanni, seconded by Councilor Procsal to approve and authorize execution of an agreement for traffic law enforcement on private roads within Hanover Square. Motion carried: 5 ayes.

g. Sale Police Vehicle - Motion by Councilor Procsal, seconded by Councilor Vanni to award the sale of a 2010 Ford Crown Victoria to Ralph DeAngelo in the amount of \$2,300 as per the bid tabulation of September 20, 2021. Motion carried: 5 ayes.

h. Deputy Emergency Management Coordinator - Motion by Councilor Procsal, seconded by Councilor Vanni to appoint Kevin Owens, Police Department Administrator, as the Deputy Emergency Management Coordinator for the Borough of Pottstown. Motion carried: 5 ayes.

i. Planning Assistance Contract - Motion by Councilor Procsal, seconded by Councilor Vanni to approve and authorize execution of a three (3) year Planning Assistance Contract with the Montgomery County Planning Commission for consulting services for the Borough of Pottstown, in the total amount of \$89,964. Motion carried: 5 ayes.

j. Ornamental Lighting Agreement – Motion by Councilor Procsal, seconded by Councilor Vanni to authorize execution of an Ornamental Lighting Maintenance Agreement between the Borough of Pottstown and Hobart’s Run Neighborhood District and The Hill School for streetlights along the north side of Beech Street within the Hobart’s Run District. Motion carried: 5 ayes.

k. Light the Night – Motion by Councilor Kirkland, seconded by Councilor Lindsay to grant the request of the Victory Christian Life Center to hold a Light the Night event on October 30, 2021, resulting in the closing of Washington Street, between King Street and Buttonwood Alley, from 3:00 p.m. - 8:00 p.m., subject to review and approval of the Police and Fire Departments. Motion carried: 5 ayes.

l. Trick or Treat Event – Motion by Councilor Procsal, seconded by Councilor Vanni to grant the request of Janet Freedline to hold a Halloween Trick or Treat event on October 31, 2021, resulting in the closing of Franklin Street between Wilson and Diamond Streets, between 3:00 p.m. – 9:00 p.m., subject to review and approval of the Police and Fire Departments. Motion carried: 5 ayes.

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m. HARB - Motion by Councilor Procsal, seconded by Councilor Vanni to approve a Certificate of Appropriateness for the property located at 866 East High Street as recommended by HARB. Motion carried: 5 ayes.

n. HARB (Administratively Approved) – Motion by Councilor Kirkland, seconded by Councilor Procsal to ratify action of the Building Permit Officer approving a Certificate of Appropriateness for the following properties: 1019 East High Street, 311 Walnut Street, 826 High Street, 990 East High Street. Motion carried: 5 ayes.

REPORT OF BILLS – Motion by Councilor Vanni, seconded by Councilor Procsal to pay the outstanding bills in the amount of 2,708,840.20. Motion carried: 5 ayes.

ANNOUNCEMENTS

Councilor Vanni questioned the quiet time for the trains, as horns have been going off at 2:30 a.m. and 4:30 a.m.

Mr. Keller commented that Norfolk Southern is regulated by the PUC and trains cannot cross a roadway without blowing a horn.

Solicitor Hovey agreed to research this matter.

Councilor Lindsay announced certain upcoming events at the Ricketts Center and reminded all to vote on November 2nd. She also commended the Mayor for providing assistance to a stranded young lady last Wednesday evening.

Mayor Henrick also reviewed upcoming events, including fundraisers for the Pottstown Children's Foundation.

President Weand also reminded all to vote on November 2nd and reported that the voting district for the 5th Ward has returned to the First Presbyterian Church, 750 North Evans Street.

Councilor Kirkland noted that the 7th Ward votes at the Ricketts Center. He also expressed a concern how the Liquor License for Juan Carlos was handled so easily compared to the request of the Montgomery Elks Club.

ADJOURNMENT

President Weand adjourned the meeting at 8:15 p.m.

Submitted by,

Justin M. Keller
Borough Manager