

August 8, 2022

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. 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, August 8, 2022 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. He asked all to remember Robert (Bob) Hartman, former Borough employee and Public Works Engineering Aide for 52 years, who passed away July 12, 2022.

PLEDGE OF ALLEGIANCE

ROLL CALL

Councilors present were Ryan Procsal, Lisa Vanni, Donald Lebedynsky, Trenita Lindsay and Dan Weand.. Also present were Manager Justin Keller, Solicitor Charles Garner (virtual), Mayor Stephanie Henrick and Borough Secretary Virginia Takach. Councilors Michael Paules and Joseph Kirkland were absent.

APPROVAL OF MINUTES

Motion by Councilor Lebedynsky, seconded by Councilor Lindsay to approve the minutes of the July 11, 2022 Council meeting as presented. Motion carried: 5 ayes.

EFFICIENT METHODS UPDATE

Manager Keller updated Council on the stream-lining project in the Public Works Department to internally process work orders more efficiently. In the near future, a link will be added to the website for constituents to provide requests regarding trash, street lights, potholes, etc. Mr. Keller noted that further information will be provided next month.

Councilor Vanni informed the public that the items listed on the Council meeting agenda are listed for approval or disapproval. All the items have been previously and publicly discussed at the Committee of the Whole meeting.

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MAYOR'S REPORT

Mayor Henrick provided updates on the events in which she participated. She also commended the success of the "Take it Outdoors" kayaking and bike rental business in Riverfront Park and also the Parks and Recreation Department for the "Play Streets" and "Water Wednesdays." Mayor Henrick thanked the Red Horse Car Club for hosting a barbecue event to assist victims of the May 26th house explosion. She also provided information on upcoming events throughout the Borough, including a public event to provide resource information for the victims of the explosion. She also urged Borough officials to make a statement regarding the process and progress of the ongoing investigation.

SUBCOMMITTEE REPORTS

a. Finance & Administration – President Weand advised that revenues received are at 78% and expenses at 41%. Real estate taxes collected are at 98% and local taxes at 70%. He added that assessment changes are down by \$109,000. Borough continues to review under-assessed properties with the School District and Portnoff collections continue. There were no new LERTA applications and President Weand advised that Mid-Year adjustments are listed for approval on the agenda.

COMMITTEE REPORTS

a. EAC – Jim Derr provided an outline for ongoing issues including sustainability initiatives. He added that he will be presenting a proposal for Council to consider adopting a goal for reduction of greenhouse gases.

Councilor Lebedynsky welcomed the proposal and requested it be provided to the Efficient Methods Committee.

7:20 P.M. – PUBLIC HEARING

Solicitor Garner explained the requirement for a public hearing to consider an ordinance vacating a portion of Manatawny Street from High Street to the Railroad Tracks. This matter would allow the Montgomery County Community College to improve its property at 144 West High Street. He also reviewed the advertising requirements for the proposed ordinance and noted that the College provided a formal petition agreement and release to Council. He noted that the street is still legally a Borough street. If the ordinance is adopted, it will no longer be a street.

There was no public comment and the hearing closed at 7:30 p.m.

- b. Regional Planning – Councilor Procsal noted there is no meeting until September.
- c. Blighted Property Review Committee – There was no meeting.

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COMMENTS FROM CITIZENS PRESENT

a. Deborah Spence, 153 South Roland Street – thanked all for the committee reports. She commended Parks & Recreation for the water events throughout the summer and thanked Councilor Lindsay for her block party event. Ms. Spence also commended the Police and Fire Departments for the National Night Out events.

UNFINISHED BUSINESS

None.

NEW BUSINESS

a. Vacate Manatawny Street - Motion by Councilor Lindsay, seconded by Councilor Lebedynsky to adopt an Ordinance vacating and closing a portion of Manatawny Street, from High Street South to the Reading Railroad Tracks.

ORDINANCE NO. 2213

AN ORDINANCE VACATING AND CLOSING TO PUBLIC USE THAT CERTAIN PORTION OF MANATAWNY STREET, OF VARIABLE WIDTH (BETWEEN 33' AND 47') FROM HIGH STREET SOUTH TO THE READING RAILROAD TRACKS, TOTALING APPROXIMATELY 6,100 SQUARE FEET, ALL OF WHICH IS SITUATE IN THE SECOND WARD OF THE BOROUGH OF POTTSTOWN, MONTGOMERY COUNTY, PENNSYLVANIA.

Motion carried: 5 ayes.

b. Assessment Fees/Unpaid Real Estate Taxes – Motion by Councilor Lindsay, seconded by Councilor Lebedynsky to adopt an Ordinance approving the appointment of a solicitor, interest assessment and attorney's fees and collection fees of Unpaid Real Estate Taxes and Municipal Claims for delinquent accounts.

ORDINANCE NO. 2214

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN, APPROVING APPOINTMENT OF SOLICITOR, INTEREST ASSESSMENT, AND ATTORNEY FEES AND COLLECTION FEES ADDED TO THE AMOUNT COLLECTED AS PART OF UNPAID REAL ESTATE TAXES AND MUNICIPAL CLAIMS FOR DELINQUENT ACCOUNTS

Motion carried: 5 ayes.

c. Portnoff – Real Estate Taxes – Motion by Procsal, seconded by Councilor Lebedynsky to approve and authorize execution of an amendment to the Agreement between Portnoff Law Associates and the Borough of Pottstown for collection of delinquent real estate taxes. Motion carried: 5 ayes.

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d. Portnoff – Delinquent Assessment - Motion by Councilor Lebedynsky, seconded by Councilor Lindsay to approve and authorize execution of an addendum to the agreement between Portnoff Law Associates and the Borough of Pottstown for the collection of delinquent municipal assessments. Motion carried: 5 ayes.

e. Fire Service Agreement - Motion by Councilor Lebedynsky, seconded by Councilor Lindsay to authorize the Solicitor to prepare a revised Fire Service Agreement between West Pottsgrove Township and the Borough of Pottstown. Motion carried: 5 ayes.

f. Stormwater Ordinance – Motion by Councilor Lebedynsky, seconded by Councilor Vanni to authorize the Solicitor to draft an ordinance amendment to the Stormwater Ordinance to incorporate the changes as recommended by the Pottstown Borough Authority Engineer, HRG. Motion carried: 5 ayes.

g. Noise Ordinance - Motion by Councilor Procsal, seconded by Councilor Lebedynsky to authorize the Solicitor to prepare and advertise amendments to the Noise Ordinance and the Registration of Vacant Commercial Units as recommended by the Ordinance Review Committee. Motion carried: 5 ayes.

h. Ordinance Amendments - Motion by Councilor Lindsay, seconded by Councilor Vanni to authorize the Solicitor to prepare ordinance amendments for the Zoning Regulations for Downtown business hours, Zoning Officer Duties and Responsibilities and Dumpsters for Contiguous Properties, as recommended by the Ordinance Review Committee, and advertise for public hearings. Motion carried: 5 ayes.

i. Panera Bread Project - Motion by Councilor Procsal, seconded by Councilor Lebedynsky to grant preliminary/final approval of the Tri-County Business Campus Expansion and Panera Bread Project, 204 Shoemaker Road, subject to satisfying the following conditions within 90 days:

- i. Compliance with the Cedarville Engineering letter of July 18, 2022
- ii. Compliance with the Montgomery County Planning Commission letter of June 10, 2022
- iii. Compliance with the HRG letter of June 10, 2022
- iv. Payment of a fee in lieu of required number of trees in the amount of \$4,500 (9 trees at \$500 per tree)
- v. The Applicant paying a voluntary contribution to the Borough in the amount of \$50,000 for traffic improvements, which amount shall be payable prior to the issuance of a Building Permit
- vi. The preparation and execution of a Development Agreement in a form acceptable to the Borough
- vii. The preparation, execution and recording of a Stormwater Operations and Maintenance Agreement in a form acceptable to the Borough
- viii. Payment in full of all Borough review fees

Attorney Monastra was present to represent the applicant and agreed to all conditions as presented. He also thanked all involved for the cooperation and assistance in moving this project forward.

Motion carried: 5 ayes.

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j. Panera Bread Project – Motion by Councilor Lebedynsky, seconded by Councilor Vanni to grant the following waivers for the Tri-County Business Campus Expansion and Panera Bread Project (204 Shoemaker Road) from the following sections of the Borough's Subdivision and Land Development Ordinance, as specifically set forth in the ARNA Engineering letter, last revised July 20, 2022:

- i. Section 22-400-3a – Show physical features and topography on the property within 100 feet
- ii. Section 22-A402 – Identification of features (off site) within 100 feet of site
- iii. Section 22-A-505 – quantity of street trees
- iv. Section 22-202 – requirement to allow submission of preliminary/final development plans
- v. Section 22-202 – requirement of submission of Phase 1 Environmental Site Assessment
- vi. Section 22-A528.7 – requirement of a minimum radius of 5 feet for all curb lines in parking areas
- vii. Section 22-501 – requirement of open space trees

Motion carried: 5 ayes.

k. Tellisvision – Motion by Councilor Lebedynsky, seconded by Councilor Vanni to approve and authorize execution of the Third Addendum to the Agreement between Tellisvision LLC and the Borough of Pottstown. Motion carried: 5 ayes.

l. 707 Hamilton Street – Motion by Councilor Procsal, seconded by Councilor Vanni to approve and authorize execution of an agreement between Hydiar Builders and the Borough of Pottstown for the weatherization project for the property located at 707 Hamilton Street, in an amount not to exceed \$24,980. Motion carried: 5 ayes.

m. Solid Waste Contract - Motion by Councilor Lebedynsky, seconded by Councilor Vanni to authorize Staff to advertise the bid specifications for the Solid Waste Collection Contract for 2023. Motion carried: 5 ayes.

n. Emergency Management Coordinator - Motion by Councilor Lebedynsky, seconded by Councilor Vanni to recommend the appointment of Francis Hand as Emergency Management Coordinator for the Borough of Pottstown, subject to the approval of the Governor. Motion carried: 5 ayes.

o. Retiree Rodney Stahl - Motion by Councilor Procsal, seconded by Councilor Vanni to adopt a Resolution honoring Retiree Rodney A. Stahl.

RESOLUTION NO. 2022-16

RECOGNIZING RODNEY A. STAHL FOR 25 YEARS OF DEDICATED SERVICE TO
THE BOROUGH OF POTTSTOWN

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WHEREAS' Rodney A. Stahl has served the Borough of Pottstown as a dedicated employee since 1997; and

WHEREAS for the past eighteen years Rod has worked in the position of Water Treatment Plant Operator I within the Utilities Department, and during that time he was called to duty at various times of the day and night in all types of weather conditions in order for our water system customers to receive the best level of service possible; and

WHEREAS' Rod's presence at the Water Treatment Plant will be truly missed by the people that have worked with him.

NOW' THEREFORE' BE IT A[D IT IS HEREBY RESOLVED by the Mayor and Town Council that Rodney A' Stahl is officially recognized for the outstanding service he has provided the Borough of pottstown through twenty-five years of employment; and further that he is extended best wishes for a happy and well-deserved retirement.

Adopted at Pottstown Borough Hall, 100 East High Street, this 8th day of August 2022.

Mr. Keller noted that Mr. Stahl was unable to attend the meeting but has been presented with the Resolution.

Motion carried: 5 ayes.

p. Traffic Enforcement Grant – Motion by Councilor Procsal, seconded by Councilor Lebedynsky to adopt a Resolution authorizing the submission of a 2023 Traffic Enforcement Grant in the amount of \$120,571.

RESOLUTION NO. 2022-17

BE IT RESOLVED, by authority of the Burgess and Town Council of the Borough of Pottstown Montgomery County, and it is hereby resolved by authority Council President of the same, that the of said Municipality, Authority be authorized and directed to sign the attached grant on its behalf .

ATTEST
Justin Keller, Borough Manager

Borough of Pottstown
Dan Weand, Council President

I, Justin Keller, Borough Manager of the burgess and Town council do hereby certify that the foregoing is a true and correct copy of the Resolution adopted at a regular meeting of the Town Council held the 8th day of August 2022.

Motion carried: 5 ayes.

q. Veterans' Island - Motion by Councilor Lebedynsky, seconded by Councilor Lindsay to adopt a Resolution officially naming a portion of Memorial Park as Veterans' Island.

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RESOLUTION NO. 2022-18

RECOGNITION OF NAMING A PORTION OF MEMORIAL PARK AS
“VETERANS’ ISLAND”

WHEREAS, the Veterans’ Island Project was founded in 2014 in an effort to develop a unified vision for the future of the Island in Memorial Park, located at 75 West King Street; and WHEREAS, the Project has been enhanced by working as an auxiliary support system with the Borough to help maintain the Island; and WHEREAS, over the past eight years, funding has provided for improvements, including the installation of a security system, refurbishing and relocating the WWII anti-tank gun (cannon), new monument lighting, new plaques and proposed murals for the newly rebranded Korean War Memorial; and WHEREAS, the Island has been unofficially referenced by residents and visitors as Veterans’ Island; and WHEREAS, the Veterans’ Island Project Board respectfully requests that a portion of 251 Manatawny Street be officially named “VETERANS’ ISLAND” in honoring Veterans that have served their Country. NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Town Council that the Borough of Pottstown officially recognizes the Veterans’ Island Project as

“VETERANS’ ISLAND”

Adopted at Pottstown Borough Hall, 100 East High Street, this 8th day of August 2022.

Motion carried: 5 ayes.

r. Mid-Year Adjustments - Motion by Councilor Lebedynsky, seconded by Councilor Lindsay to approve the Mid-Year Budget Adjustments dated August 3, 2022 and as recommended by the Finance Committee.

Mr. Keller explained an adjustment of \$30,000 for engineering costs has been added due to the joint project with Upper Pottsgrove Township for paving Mervine Streets and also for the grant for the Keystone Boulevard extension.

Motion carried: 5 ayes.

s. Red Horse Motoring Club - Motion by Councilor Procsal, seconded by Councilor Lebedynsky to grant the request of the Red Horse Motoring Club to amend the start time of the car shows to 3:00 p.m. and to allow food trucks during the car shows.

Mr. Keller confirmed that this would be only for the September 2022 show.

Motion carried: 5 ayes.

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t. Red Horse – Orchid Euro Car Show - Motion by Councilor Lebedynsky, seconded by Councilor Lindsay to grant the request of the Red Horse Motoring Club and Orchid Euro to hold a car show on September 3, 2022 and closing a portion of East Third Street from 9:00 a.m. - 3:00 p.m., subject to review and approval of the Police and Fire Departments.

Councilor Vanni commented that she received one complaint regarding this event.

Motion carried: 5 ayes.

u. Wyndcroft School - Motion by Councilor Lindsay, seconded by Councilor Procsal to grant the request of Wyndcroft School to hold a school picnic event on September 9, 2022 and closing a portion of Rosedale Drive from 4:30 p.m. - 8:30 p.m., subject to review and approval of the Police and Fire Departments. Motion carried: 5 ayes.

v. Halloween Parade – Motion by Councilor Lindsay, seconded by Councilor Vanni to grant the request of Parks & Recreation Department and the Pottstown Rotary to hold the Halloween Parade on October 22, 2022 (rain date October 29), resulting in the closing of High Street from 3:00 p.m. – 5:00 p.m., subject to review and approval of the Police and Fire Departments. Motion carried: 5 ayes.

w. EAC - Motion by Councilor Procsal, seconded by Councilor Lebedynsky to reappoint Lynn Dewees and Lisa Miller to the Environmental Advisory Council for three (3) year terms to expire August 10, 2025. Motion carried: 5 ayes.

x. HARB - Motion by Councilor Lebedynsky, seconded by Councilor Procsal to approve Certificates of Appropriateness for the following properties as recommended by HARB:

- i. 882 East High Street
- ii. 53 North Hanover Street

Motion carried: 5 ayes.

y. HARB - Motion by Councilor Vanni, seconded by Councilor Lebedynsky to ratify action of the Building Permit Officer approving Certificates of Appropriateness for the following properties:

- i. 949 High Street
- ii. 938 East High Street
- ii. 642-644 East High Street

Motion carried: 5 ayes.

REPORT OF BILLS – Motion by Councilor Lindsay, seconded by Councilor Vanni to pay the outstanding bills in the amount of \$2,125,211.90. Motion carried: 5 ayes.

ANNOUNCEMENTS

Councilor Lindsay reminded all of the Latino Festival scheduled for September 27th in Riverfront Park. She thanked all her successful block party, including the Police and Fire Departments and Houck and Gofus Funeral Home for allowing parking in their lot.

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Mayor Henrick noted that if someone does not get an email response from her they are welcome to call her cell phone number.

President Weand thanked the Red Horse show for the hot wheels races, which was a huge success.

ADJOURNMENT

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

Submitted by,

Justin M. Keller
Borough Manager