

January 9, 2023

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, January 9, 2023 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, Andrew Monastra and Joseph Kirkland. Also present were Manager Justin Keller, Solicitor Charles Garner (virtual), Mayor Stephanie Henrick (virtual) and Borough Secretary Virginia Takach.

APPROVAL OF MINUTES

Motion by Councilor Lebedynsky, seconded by Councilor Vanni to approve the minutes of the December 12, 2022 Council meeting as presented. Motion carried: 7 ayes.

SUBCOMITTEE REPORTS

- a. Finance & Administration – President Weand advised that at 92% of the year, General Fund revenues collected are at 107%. Real estate taxes collected are at 101% and local taxes at 127%. He added that the PART Audit is complete with no findings. President Weand noted that the assessment total year-to-date change is down by \$1,317,860. There were no new LERTA applications and the 2023 fee schedule was discussed.
- b. Efficient Methods Committee – Councilor Lebedynsky reported that the pilot program for trash complaints with Public Works and Licensing and Inspections was discussed and will launch this month. He added that the Sigma training continues with the Borough and the new phone system is in progress. Councilor Lebedynsky advised that a video tour of borough departments is also being planned.

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COMMITTEE REPORTS

- a. EAC – There was no report.
- b. Regional Planning – Councilor Procsal reported there was no meeting.
- c. Blighted Property Review Committee – There was no meeting.

COMMENTS FROM CITIZENS PRESENT

- a. Deb Spence, 153 South Roland Street – reiterated her concerns from the last meeting. She questioned the possibility of a shipping container community for the homeless. Ms. Spence also questioned the transparency of agreements made with tax payer money and the process of the Ward 6 Councilor and how was it decided prior to the meeting, while there were other applicants with no interviews or other candidates.
- b. Bruce Madara, 543 North Adams Street – expressed a concern regarding the numerous potholes throughout the Borough. He also questioned what qualifies for an executive session and noted that he cannot find anyone in the 7th Ward to talk to.
- c. Jamie Sanchez, 200 Maplewood Drive – advised that the Blighted Property Review Committee had only one tour last year and barely has a quorum to meet. She noted that 3 new candidates are willing to serve on the committee and advised that properties listed a blighted have been sold, one for \$275,000 and no longer blighted.
- d. Terri Kollar, 211 North Monroe ST., Boyertown – expressed a concern regarding the matter of St. Paul’s Church assisting the homeless. She noted that the old St. Pius School is dormant. Ms. Kollar also expressed a concern that the minimum wage is \$7.25.
- e. Johnny Corson, 544 Jefferson Avenue – reminded all of the upcoming Martin Luther King, Jr. celebrations and invited all to attend. Additional honorees include Mark Gibson, Firefighter and Stacey Woodland, YWCA. The events will be held on January 15th at First Presbyterian Church and January 16th, at Mt. Olive Baptist Church.

UNFINISHED BUSINESS

HOMELESS - Mr. Keller provide and update on the “tent city” on Norfolk Southern property clean-up near the railroad tracks for safety and right-of-way concerns. He added that the County was notified and individuals were placed in shelters.

President Weand thanked the County for its assistance in this matter and advised that Veterans in need of assistance may contact the Borough.

NEW BUSINESS

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- a. Roadway Maintenance Agreement - Motion by Councilor Kirkland, seconded by Councilor Procsal to approve and authorize execution of the Roadway Maintenance and Improvement Contribution Agreement between the Borough of Pottstown and the Pottstown Borough Authority. Motion carried: 7 ayes.
- b. Credit Enhancement Agreement - Motion by Councilor Lebedynsky, seconded by Councilor Vanni to approve and authorize execution of the First Amendment to the Credit Enhancement Agreement between the Borough of Pottstown and the Pottstown Borough Authority. Motion carried: 7 ayes.
- c. PARRC Agreement - Motion by Councilor Procsal, seconded by Councilor Lebedynsky to adopt an Ordinance adopting, approving and authorizing an amendment to the Intergovernmental Cooperative Implementation Agreement for the Pottstown Area Regional Recreation Committee, dated November 2022

ORDINANCE NO. 2221

ADOPTING, APPROVING AND AUTHORIZING THE ENTRY OF BOROUGH OF POTTSTOWN INTO THE INTERGOVERNMENTAL COOPERATIVE IMPLEMENTATION AGREEMENT FOR THE POTTSTOWN AREA REGIONAL RECREATION COMMITTEE DATED NOVEMBER 2022, PREPARED BY THE POTTSTOWN AREA REGIONAL RECREATION COMMITTEE

Motion carried: 7 ayes.

- d. Ordain Paper Alley - Motion by Councilor Lindsay, seconded by Councilor Monastra to adopt an Ordinance ordaining a portion of a paper alley, located between West Street and North Washington Street

ORDINANCE NO. 2222

AN ORDINANCE ORDAINING A PORTION OF A PAPER ALLEY, 20' IN WIDTH AND APPROXIMATELY 107' IN LENGTH, LOCATED BETWEEN WEST STREET AND N. WASHINGTON STREET, ALL OF WHICH IS SITUATE IN THE FIFTH WARD OF THE BOROUGH OF POTTSTOWN, MONTGOMERY COUNTY, PENNSYLVANIA.

Solicitor Garner advised that this was a request from the residents and provided the appropriate funding. There were no issues with Departments within the Borough and the property will be returned to the residents.

Motion carried: 7 ayes.

- e. Vacate Paper Alley - Motion by Councilor Kirkland, seconded by Councilor Monastra to adopt an Ordinance vacating and closing a portion of a paper alley between West Street and North Washington Street.

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ORDINANCE NO. 2223

AN ORDINANCE VACATING AND CLOSING TO PUBLIC USE THAT CERTAIN PORTION OF A PAPER ALLEY, 20' IN WIDTH AND APPROXIMATELY 107' IN LENGTH, LOCATED BETWEEN WEST STREET AND N. WASHINGTON STREET, ALL OF WHICH IS SITUATE IN THE FIFTH WARD OF THE BOROUGH OF POTTSTOWN, MONTGOMERY COUNTY, PENNSYLVANIA.

Motion carried: 7 ayes.

- f. Bulk Wastewater/Septage Fee Schedule – Motion by Councilor Lebedynsky, seconded by Councilor Vanni to adopt an Ordinance amending the Bulk Wastewater/Septage Fee schedule for septage and sludge hauler fees

ORDINANCE NO. 2224

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN, AMENDING SUBSECTION 302.2.E, BULK WASTEWATER/ SEPTAGE FEE SCHEDULE, OF SECTION 302, SANITARY SEWER RATES, OF CHAPTER 18, SEWERS AND SEWAGE DISPOSAL, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED

Motion carried: 7 ayes.

- g. H2OPA Grant - Motion by Councilor Lindsay, seconded by Councilor Monastra to adopt a Resolution authorizing submission of an H2OPA grant from the Commonwealth Financing Authority for Stormwater Arch Rehabilitation in the amount of \$1,488,146

RESOLUTION NO. 2023-2

H2O PA

Be it RESOLVED, that the Borough of Pottstown of Montgomery County hereby requests an H2O PA grant of \$1,488,146.00 from the Commonwealth Financing Authority to be used for Stormwater Arch Rehabilitation

Be it FURTHER RESOLVED, that the Applicant does hereby designate Dan Weand, Borough Council President and Justin Keller, Borough Manager as the official(s) to execute all documents and agreements between the Borough of Pottstown and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

I, Virginia Takach, duly qualified Secretary of the Borough of Pottstown of Montgomery County, PA, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the Pottstown Borough Council at a regular meeting held January 9, 2023 and said Resolution has been recorded in the Minutes of the Borough of Pottstown and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of the Borough of Pottstown, this 9th day of January, 2023.

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Motion carried: 7 ayes.

- h. PA Small Water and Sewer Grant – Motion by Councilor Kirkland, seconded by councilor Lindsay to adopt a Resolution authorizing submission of a PA Small Water and Sewer grant from the Commonwealth financing Authority for Stormwater Arch Rehabilitation in the amount of \$500,000

RESOLUTION NO. 2023-3

PA Small Water & Sewer

Be it RESOLVED, that the Borough of Pottstown of Montgomery County hereby requests an PA Small Water & Sewer grant of \$500,000.00 from the Commonwealth Financing Authority to be used for Stormwater Arch Rehabilitation

Be it FURTHER RESOLVED, that the Applicant does hereby designate Dan Weand, Borough Council President and Justin Keller, Borough Manager as the official(s) to execute all documents and agreements between the Borough of Pottstown and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

I, Virginia Takach, duly qualified Secretary of the Borough of Pottstown of Montgomery County, PA, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the Pottstown Borough Council at a regular meeting held January 9, 2023 and said Resolution has been recorded in the Minutes of the Borough of Pottstown and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of the Borough of Pottstown, this 9th day of January, 2023.

Motion carried: 7 ayes.

- i. Fee Schedule Amendment - Motion by Councilor Vanni, seconded by Councilor Lindsay to adopt a Resolution amending the Borough Fee Schedule associated with Parks and Recreation and Trash Fees

RESOLUTION NO. 2023-4

A RESOLUTION AMENDING THE FEE SCHEDULE OF THE BOROUGH OF POTTSTOWN TO AMEND CERTAIN FEES ASSOCIATED WITH THE COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLING AND 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 amendments to the Fee Schedule are necessary and proper; and

WHEREAS, based upon recommendation of various department heads, the Borough desires to revise and amend its Fee Resolution to amend certain fees for calendar year 2023.

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

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SECTION 1. The annual service charge for collection and disposal of solid waste and recycling for each residential unit shall be \$347.03 (\$86.76 per quarter).

SECTION 2. The following fees for the Parks and Recreation Department shall be amended as set forth on Exhibit A which is attached hereto and incorporated herein.

SECTION 3. All future modifications of these fees and other fees included in the comprehensive Fee Schedule shall be made by Resolution from time to time, duly adopted by the Burgess and Town Council of the Borough of Pottstown. All other fees set forth in the Borough Fee Schedule are hereby reaffirmed.

SECTION 4. This Resolution shall become effective immediately upon enactment.

ENACTED and RESOLVED this 9th day of January, 2023.

Motion carried: 7 ayes.

- j. Hoult, 992 North Washington Street - Motion by Councilor Kirkland, seconded by Councilor Vanni to authorize the Solicitor to send a letter to the Zoning Hearing Board in support of the zoning variance request of Michael Hoult for the property located at 992 North Washington Street. Motion carried: 7 ayes.
- k. St. Paul's Church – Solicitor Garner advised that the parties have agreed to continue the January 30th hearing, so no action is necessary at this time.
- l. Colebrookdale Railroad – Motion by Councilor Monastra, seconded by Councilor Lebedynsky to grant the request of the Colebrookdale Railroad to install a walkway in Memorial Park, subject to the execution of a construction and maintenance agreement, and review and approval of Cedarville Engineering Group. Motion carried: 7 ayes.
- m. Hill School Chapel - Motion to grant the Waiver of Land Development request of the Hill School for an addition to the existing Alumni Chapel, 860 Beech Street, and to proceed with the issuance of a building permit subject to compliance with all Borough ordinances.

Motion carried: 6 ayes, 1 abstention. Councilor Monastra abstained from voting.

Solicitor Garner advised that as per the Ethics Act, the Secretary will provide the appropriate disclosure form related to any abstentions from voting for any conflict or perceived conflict.

- n. MCHA Bright Hope – Motion by Councilor Vanni, seconded by Councilor Lindsay to grant the Waiver of Land Development request of the Montgomery County Housing Authority for the installation of an ADA compliant playground for the Existing Bright Hope Community, located at 540 West Walnut Street and to proceed with the issuance of a building permit subject to compliance with all Borough ordinances. Motion carried: 7 ayes.
- o. Towing License - Motion by Councilor Monastra, seconded by Councilor Lindsay to award the second Class 1 Towing License to Hawk's Towing & Recovery, 401 West High Street in an amount equal to the first Class I Towing License

President Weand noted that both towers have agreed to a \$1,000 License Fee.

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Motion carried: 7 ayes.

- p. Police Vehicle Bid – Motion by Councilor Lebedynsky, seconded by Council Vanni to award the bid for a Police Department 207 Ford Explorer to Caleb Ringelberg, Harrisburg, PA, in the amount of \$\$6,850 as per the bid tabulation of December 29, 2022, subject to review and approval of the Solicitor. Motion carried: 7 ayes.
- q. Water Pipe & Fittings – Motion by Councilor Procsal, seconded by Councilor Lindsay to award the bid for the Water Pipe, Fittings and Appurtenances, Items #1 to #15 and #17, to Ferguson, Whitehall, PA, as per the bid tabulation of December 30, 2022, as recommended by the Public Works Department and subject to review and approval of the Solicitor

Solicitor Garner noted that the bidder did not bid on Item #16.

Motion carried: 7 ayes.

- r. Traffic Signs & Posts – Motion by Councilor Vanni, seconded by Councilor Monastra to award the bid for the Traffic Signs and Posts to Garden State Highway, Millville, NJ, as per the bid tabulation of December 30, 2022, subject to review and approval of the Solicitor. Motion carried: 7 ayes.
- s. Breakaway Sign Posts – Motion by Councilor Kirkland, seconded by Councilor Monastra to award the bid for the Breakaway Sign Posts to US Municipal Supply, Huntingdon, PA as per the bid tabulation of December 30, 2022, subject to review and approval of the Solicitor. Motion carried: 7 ayes.
- t. Lawn Maintenance – Motion by Councilor Vanni, seconded by Councilor Lindsay to award the bid for Groups 1, 2 & 3 Lawn Maintenance bids to Green Leaf Landscaping, Gilbertsville, PA, as per the bid tabulation of December 30, 2022, subject to review and approval of the Solicitor. Motion carried: 7 ayes.
- u. Lawn Maintenance - Motion by Councilor Kirkland, seconded by Councilor Lindsay to award the bid for Group 4 Lawn Maintenance and Right of Way Maintenance to Green Advantage, Reading, PA, as per the bid tabulation of December 30, 2022, subject to review and approval of the Solicitor. Motion carried: 7 ayes.
- v. Zoning Hearing Board – Motion by Councilor Procsal, seconded by Councilor Vanni to adopt a Resolution appointing an individual to the Zoning Hearing Board for a three (3) year term to expire January 1, 2026

RESOLUTION NO. 2023-5

A RESOLUTION APPOINTING DOUGLAS LENHART AS A MEMBER OF THE POTTSTOWN BOROUGH ZONING HEARING BOARD FOR A TERM OF THREE (3) YEARS

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WHEREAS, Article IX of the Pennsylvania Municipalities Planning Code and Section 901 of the Pottstown Borough Zoning Ordinance authorizes Borough Council to appoint, by Resolution, members of the Pottstown Borough Zoning Hearing Board.

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

1. Douglas Lenhart is hereby appointed to the Pottstown Borough Zoning Hearing Board for a three (3) year term, expiring January 1, 2026.
2. That the said member shall participate in all proceedings of the Pottstown Borough Zoning Hearing Board to the same and full extent as provided by law.

ENACTED AND RESOLVED this 9th day of January, A.D. 2023.

The Secretary confirmed that Mr. Lenhart was the only applicant for this position.

Motion carried: 7 ayes.

w. Blighted Property Review Committee - Motion by Councilor Lindsay, seconded by Councilor Monastra to appoint Ryan Procsal to the Blighted Property Review Committee for a one (1) year term to expire December 31, 2023

Solicitor Garner explained that the Board must consist of one Councilor and one member of the Planning Commission and the members may be appointed by separate motions.

The Secretary confirmed that the current board members are Deb Penrod, Ryan Procsal, Brian Hydier and Denise Hughes. Additional applications were received by Jamie Sanchez, Richard Bouher and Phil Vontor.

Councilor Procsal added that Deb Penrod and Brian Hydier have consistently attended meetings and suggested that the Planning Commission member could be replaced by Mr. Bouher. He also noted that one or two tours for the year are common.

Motion carried: 7 ayes.

- x. BPRC – Motion by Councilor Vanni, seconded by Councilor Monastra to appoint Phil Vontor to the Blighted Property Review Committee for a one (1) year term to expire December 31, 2023. Motion carried: 6 ayes, 1 nay. Councilor Procsal cast the negative vote.
- y. BPRC – Motion by Councilor Monastra, seconded by Councilor Lebedynsky to appoint Jamie Sanchez to the Blighted Property Review committee for a one (1) year term to expire December 31, 2023. Motion carried: 6 ayes, 1 nay. Councilor Procsal cast the negative vote.
- z. BPRC – Motion by Councilor Procsal , seconded by Councilor Vanni to appoint Brian Hydier to the Blighted Property Review Committee for a ne (1) year term to expire December 31, 2023. Motion carried: 7 ayes.

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- aa. Pottstown Borough Authority – Motion by Councilor Procsal, seconded by Councilor Monastra to appoint Mark Gibson to the Pottstown Borough Authority for a five (5) year term to expire January 1, 2028.

The Secretary confirmed that there was only one applicant.

Motion carried: 7 ayes.

- ab. Vacancy Board - Motion by Councilor Lebedynsky, seconded by Councilor Procsal to appoint Jim Derr to the Vacancy Board for a one (1) year term to expire December 31, 2023. Motion carried: 7 ayes.

- ac. 5K Road Running Race - Motion by Councilor Lebedynsky, seconded by Councilor Vanni to grant the request of the Great American Brewery/Sly Fox to hold its 5K Road Running Race on May 20, 2023, resulting in the closure of portions of the Circle of Progress, Glasgow, Rice, West Chestnut and Prince Streets, from 10:00 a.m.-11:00 a.m., subject to review and approval of the Police and Fire Departments. Motion carried: 7 ayes.

REPORT OF BILLS - Motion by Councilor Vanni, seconded by Councilor Lebedynsky to pay the outstanding bills in the amount of \$2,030,528.86. Motion carried: 7 ayes.

ANNOUNCEMENTS

Councilor Procsal welcomed Jamie Sanchez and Phil Vontor to the Blighted Property Review Committee.

Councilor Vanni Praised all involved with the Polar Bear Plunge.

Councilor Lindsay also welcomed the new members of the Blighted Property Review Committee. She also noted that when she was appointed to Council, she was interviewed, along with the other applicant, at the Committee of the Whole meeting, and the vote took place at the regular meeting. She questioned the recent process for the new councilor position.

Councilor Vanni also questioned the recent process.

Councilor Monastra noted that he looks forward working with Council and the public to move forward to resolve issues and find solutions.

Mayor Henrick expressed condolences to recent passing of a former 5th Ward Councilor and Mayoral candidate, Thomas O'Connor, he contributed to many organizations, along with several veteran accomplishments. Mr. O'Connor was also an established electrician.

President Weand also noted that he is looking to bring prosperity, while protecting the Borough ordinances for all.

ADJOURNMENT

January 9, 2023

President Weand adjourned the meeting at 7:50 p.m. and deferred the executive session for another meeting.

Submitted by,

Justin M. Keller
Borough Manager

January 9, 2023

VOTING CONFLICT MEMORANDUM

In accordance with the Public Official and Employee Ethics Act, I am filing this memorandum to publicly announce and disclose my abstention from voting on the matter listed below, and the reasons for abstention.

Name of Official: Andrew J. Monastra

Position Held: Councilor

Date of Public Meeting: 1/9/23

Matter Voted Upon: Hill School Land Development

Reason for Abstention / Nature of Conflict of Interest:

I have performed legal services for the Hill School

I direct that this memorandum be filed, as a public record, with the person responsible for recording the minutes of the meeting in which the vote is taken.

Date: 1/9/23

[Signature]

Signature