

March 11, 2019

## POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, March 11, 2019 at 7:00 p.m. in the Council Meeting Room, Pottstown Borough Hall, 100 East High Street, Pottstown, Pennsylvania, 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, Carol Kulp, Donald Lebedynsky, Trenita Lindsay, Dan Weand, Rita Paez and Joseph Kirkland. Also present were Mayor Stephanie Henrick, Manager Justin Keller, Solicitor Charles Garner and Borough Secretary Virginia Takach.

### APPROVAL OF MINUTES

Motion by Councilor Kulp, seconded by Councilor Lebedynsky to approve the February 11, 2019 Council meeting minutes as presented. Motion carried: 7 ayes.

### COMMENTS FROM CITIZENS PRESENT

a. Bobby Watson, 593 North York Street – expressed a concern regarding the operations of the Ricketts Center and the status of the current management. He noted that several murals and pictures have been misplaced or covered over that have historic value for the Center. Mr. Watson also questioned the blighted status of 651 Beech Street.

b. Musoba Akona, 519 Chestnut Street – complained about the condition of the roads and alleys in the Borough

c. David Charles, 1105 Rambler Avenue – also expressed a concern regarding the management and legacy of the Ricketts Center. He noted that the youth of the Borough need a community center with education, recreation and spiritual programs.

d. Ted Josey, 5 Godshall Road – commented as a landlord for property located at 21 West 4<sup>th</sup> Street and the inspection process. He noted that he paid for a permit and the inspection for property damaged by the Borough's snow plow. He added that he also corrected requirements such as smoke detectors and carbon monoxide detectors and had to pay for an additional inspection after corrections were made and noted that the alley behind the property is deplorable.

e. Anthony Lyon, 415 Manatawny Street – also urged Council to review the status and management of the Ricketts Center.

March 11, 2019

### SUBCOMMITTEE REPORTS

a. Finance & Administration – President Weand reported that the General Fund revenues are at 2% and the expenses at 8% as of January 31, 2019. He added that certain expenses get paid in January and charge cards are addressed in March. President Weand also reported that the auditors have completed preliminary field work and the property assessments have increased approximately \$300,000.

### COMMITTEE REPORTS

- a. COG – Vice President Kulp noted the next meeting will be in April.
- b. EAC – There was no report.
- c. Regional Planning – Councilor Procsal reported that a presentation was made regarding energy efficiency and the use of solar panels.
- d. Blighted Property Review Committee – Councilor Procsal noted that the next meeting is March 20<sup>th</sup>.

### UNFINISHED BUSINESS

None.

### NEW BUSINESS

- a. Retiree David Evans - Motion by Councilor Procsal, seconded by Councilor Kirkland to adopt a Resolution honoring David W. Evans upon his retirement effective March 15, 2019.

#### RESOLUTION NO. 2019-6

#### RECOGNIZING DAVID W. EVANS FOR FIVE YEARS OF DEDICATED SERVICE TO THE BOROUGH OF POTTSTOWN

WHEREAS, David W. Evans has served the Borough of Pottstown as a dedicated employee since 2013; and

WHEREAS, for the past five years Dave has worked in the position of Engineering Inspector in the Public Works Department, and during that time he has streamlined the online bidding processes for municipal projects, monitored contract compliance, conducted many inspections, and assisted numerous customers with the best level of customer service possible; and

WHEREAS, David's presence in the Borough Hall will be truly missed by the people that have worked with him.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Town Council that David W. Evans is officially recognized for the outstanding service he has provided the Borough of Pottstown through five years of employment; and further that he is extended best wishes for a happy and well-deserved retirement as of March 15, 2019.

Motion carried: 7 ayes.



March 11, 2019

SECTION 2. All future modifications of these and all other fees established by 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.

SECTION 3. This Resolution shall become effective immediately upon enactment with the fee changes contained herein to be effective March 11, 2019.

Motion carried: 7 ayes.

d. PART Local Match – Motion by Councilor Kirkland, seconded by Councilor Procsal to adopt a Resolution certifying the Local Match for State Operating Financial Assistance for the Pottstown Area Rapid Transit System for Fiscal Year 2018-2019.

#### RESOLUTION NO. 2019-9

Consolidated Capital Grant Application (CCA): Board Resolution to File Application and to Certify Local Match

The Pottstown Borough Council resolves and certifies that the requested state amount of \$256,440 of Section 1517, and/or state amount of \$17,214 of Section 1514 state discretionary trust funds are requested for Fiscal Year 2018-2019 to help pay for projected capital costs, excluding asset maintenance, and that these funds will only be used for this purpose since these funds are ineligible to be used for operating costs. Any of these funds not used this Fiscal Year will be used for capital assistance in a subsequent year.

Further, the Pottstown Borough Council resolves that in Fiscal Year 2018-2019 that local, or if applicable private, cash matching funds of no less than \$574 will be provided to match the requested amount of state Section 1514 discretionary trust funds. No local matching funds are required for the requested state Section 1517 funds.

I, Dan Weand, President of the Pottstown Borough Council, do hereby certify that the foregoing is a true and correct copy of the Resolution adopted at a regular meeting of the Pottstown Borough Council held the 11th day of March 2019.

Motion carried: 7 ayes.

e. Destruction Resolution - Motion by Councilor Paez, seconded by Councilor Kulp to adopt a Resolution authorizing the destruction of certain municipal records pursuant to the Municipal Records Manual of December 16, 2008.

#### RESOLUTION NO. 2019-10

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN, AUTHORIZING THE DESTRUCTION OF CERTAIN MUNICIPAL RECORDS BY THE BOROUGH FINANCE/TAX, ADMINISTRATION, LICENSING AND INSPECTION, PARKS AND RECREATION, UTILITIES, AND POLICE DEPART-MENTS, PURSUANT TO THE MUNICIPAL RECORDS MANUAL OF DECEMBER 16, 2008.

WHEREAS, by virtue of Resolution No. 2009-24, adopted July 13, 2009, incorporation and modifying Resolution No. 2004-36, the Borough of Pottstown declared its intent to follow the

March 11, 2019

schedules and procedures for disposition of records as set forth in the Municipal Records Manual approved December 16, 2008; and

WHEREAS, in accordance with the Act 428 of 1968, each individual act of disposition shall be approved by Resolution of the governing body; and

WHEREAS, the Borough of Pottstown, through its Finance/Tax Department, Administration Department, Licensing and Inspection Department, Parks and Recreation Department, Utilities Department, and Police Department have accumulated certain records that no longer need to be retained pursuant to Borough guidelines and the requirements of the Municipal Records Manual; and

WHEREAS, the Burgess and Town Council of the Borough of Pottstown does further authorize the Borough Manager or those designated by the Borough Manager, to destroy the original copies of certain public records in accordance with the aforesaid requirements, formally declaring that said records that are to be disposed of, have no administrative, legal, or historical significances beyond the terms of retention as set forth in the Municipal Records Manual.

NOW, THEREFORE, BE IT and IT IS HEREBY RESOLVED by the Burgess and Town Council of the Borough of Pottstown, and it is hereby ENACTED and RESOLVED by the authority of same as follows:

SECTION 1. The Burgess and Town Council of the Borough of Pottstown hereby approves the following requests to allow for the destruction of municipal records as fully described in Exhibit "A" which is attached hereto and incorporated herein.

SECTION 2. The Borough Departments above described may utilize a third-party contractor for the document shredding and destruction to remove said records under a controlled environment as and when approved by the Borough Manager. At the conclusion of the process, the document shredding and destruction company shall provide to the Borough a Certificate of Destruction.

SECTION 3. All future requests to destroy municipal records pursuant to State Law and Borough policy shall be approved by Resolution enacted by the Borough Council.

Motion carried: 7 ayes.

f. Emergency Operations Plan – Motion by Councilor Procsal, seconded by Councilor Kulp to adopt a Resolution accepting and approving the 2019 Emergency Operations Plan of the Borough of Pottstown

#### RESOLUTION NO. 2019-11

THIS RESOLUTION approved and adopted by the elected officials of the Borough of Pottstown, Montgomery County, Pennsylvania, on the date hereinafter set forth.

WITNESS TO:

WHEREAS, Section 7503 of the Pennsylvania Emergency Management Services Code, 35 Pa. C.S.A. Section 7101 et seq. mandates that municipalities prepare, maintain and keep current an emergency operation plan for the prevention and minimization of injury and damage caused by a major emergency or disaster within this municipality; and

WHEREAS, in response to the mandate stated above, the Borough of Pottstown has prepared an emergency operation plan to provide prompt and effective emergency response procedures to be followed in the event of a major emergency or disaster; and

March 11, 2019

WHEREAS, the Borough of Pottstown has also prepared an emergency operation plan in order to reduce the potential effects of a major emergency or disaster and to protect the health, safety and welfare of the residents of this municipality.

NOW, THEREFORE, we the undersigned elected officials of the Borough of Pottstown do hereby approve, adopt and place into immediate effect the Emergency Operations Plan of the Borough of Pottstown. This Plan shall be reviewed to make certain that it conforms to the requirements of the Montgomery County Emergency Operations Guideline.

Motion carried: 7 ayes.

g. Ricketts Center Roof – Manager Keller explained that this matter would be postponed until the April meeting.

h. Memorial Park Phase III Bids - Motion by Councilor Kirkland, seconded by Councilor Kulp to reject the bids for the Memorial Park Phase III project, dated January 28, 2019 and authorize Staff to rebid. Motion carried: 7 ayes.

i. Police Substation – Motion by Councilor Paez, seconded by Councilor Procsal to approve and authorize execution of a Lease Agreement between Housing Vision and the Borough of Pottstown to establish a Police Substation at property located at 341 Beech Street, in a form acceptable to the Solicitor and Chief of Police. Motion carried: 7 ayes.

j. Pottstown Little League Lease - Motion by Councilor Kulp, seconded by Councilor Lindsay to approve and authorize execution of an Addendum to the Lease Agreement between Pottstown Little League, Inc. and the Borough of Pottstown. Motion carried: 7 ayes.

k. CDBG Application - Motion by Councilor Kirkland, seconded by Councilor Paez to authorize the submission of an application to Montgomery County for the Community Development Block Grant Program in the amount of \$250,000 for a Stormwater Inlet Project, Phase 1. Motion carried: 7 ayes.

l. Rock the Block - Motion by Councilor Procsal, seconded by Councilor Lindsay to grant the request of Habitat for Humanity to conduct the Rock the Block/Community Clean-Up day on April 13, 2019, resulting in the closing of the 400 block of Chestnut Street, from 6:30 a.m. - 4:00 p.m., and to waive the \$150 fees, subject to review and approval of the Police and Fire Departments.

President Weand questions waiving the \$150 fees.

Councilor Procsal noted that he is agreeable to waiving the fees.

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

m. Red Horse Car Shows - Motion by Councilor Lebedynsky, seconded by Councilor Lindsay to grant request of the Red Horse Motoring Club to conduct outdoor car shows resulting in the closing of High Street from Hanover to Franklin Streets, from 5:00 p.m. – 9:00 p.m. on the following dates: May 4, June 1, July 6, August 3 and September 7, 2019 (rain dates May 5, June 2,

March 11, 2019

July 7, August 4 and September 8, 2019), subject to review and approval of the Police and Fire Departments and execution of a Hold Harmless Agreement. Motion carried: 7 ayes.

n. Sly Fox Bock Fest/Goat Race – Motion by Councilor Paez, seconded by Councilor Procsal to grant request of the Sly fox Brewing Company for the use of Borough Property for overflow parking during the Sly Fox Bock Fest and Goat Race on May 5, 2019, subject to execution of a Hold Harmless Agreement. Motion carried: 7 ayes.

o. HARB - Motion by Councilor Kulp, seconded by Councilor Procsal to approve Certificates of Appropriateness for the property located at 61 North Franklin Street. Motion carried: 7 ayes.

p. HARB – Motion by Councilor Kirkland, seconded by Councilor Kulp to ratify action of the Building Permit Officer approving Certificates of Appropriateness for the following properties:

- i. 58 North Franklin Street
- ii. 38 King Street
- iii. 800 East High Street

Motion carried: 7 ayes.

q. HARB – Motion by Councilor Paez, seconded by Councilor Procsal to approve a Certificate of Appropriateness for the property located at 1124 East High Street. Motion carried: 7 ayes.

r. REPORT OF BILLS – Motion by Councilor Kirkland, seconded by Councilor Kulp to pay the bills in the amount of \$2,484,908.36. Motion carried: 7 ayes.

s. 7:30 P.M. – PUBLIC HEARING – Inter-Municipal Transfer of Restaurant liquor License

Solicitor Garner explained the application of WIN Global Investments for the transfer of a Restaurant Liquor License from Lower Merion Township to the property located at 152 East High Street. He added the application was received on February 14, 2019 from Attorney John McCreesh on behalf of the applicant.

Attorney McCreesh and client Pearl Somboonsong were present and explained that the applicants have an additional four restaurants in the area and provided sample menus for review.

Ms. Sombusong noted that the renovations to the 152 East High Street location will result in the amount of \$300,000 to \$400,000. She also provided a sketch of the restaurant to be named *Blue Elephant*.

i. Peggy Lee-Clark, PAID - commented that it's very exciting to have the Sombusong's investment in Pottstown and looks forward to the grand opening.

ii. Musoba Akona, 519 Chestnut Street – questioned if there would be local hiring of employees.

March 11, 2019

Ms. Somboonsong commented that the restaurant is hoping to hire locally and to use local vendors for food and beverages.

Solicitor Garner closed the public hearing at 7:38 p.m.

Motion by Councilor Procsal, seconded by Councilor Kulp to adopt a Resolution approving the Inter-Municipal Transfer of a Restaurant Liquor License in the Borough of Pottstown from Lower Merion Township, Montgomery County, Pennsylvania.

#### RESOLUTION NO. 2019-7

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, APPROVING THE INTER-MUNICIPAL TRANSFER OF A RESTAURANT LIQUOR LICENSE INTO THE BOROUGH OF POTTSTOWN FROM LOWER MERION TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA.

WHEREAS, Act 141 of 2000 and Act 10 of 2002 (hereinafter referred to as “the Act”) which amends the Commonwealth’s Liquor Code authorizes the Pennsylvania Liquor Control Board to approve, in certain instances, the transfer of certain restaurant liquor licenses across municipal boundaries within the same county; and

WHEREAS, the receiving municipality is required to issue a resolution or ordinance approving the transfer of the license outside the municipality to inside the municipality; and

WHEREAS, amendments to the Liquor Code require that, prior to adoption of such resolution by the receiving municipality, at least one public hearing will be held for the purpose of permitting interested parties to state their concerns regarding the transfer of a Restaurant Liquor License from Lower Merion Township to the receiving municipality; and

WHEREAS, the Borough of Pottstown held a public hearing on Monday, March 11, 2019, at 7:30 p.m. as required by the Act; and

WHEREAS, an application for transfer filed under the Act must contain a copy of the resolution adopted by the municipality approving the transfer of the restaurant liquor license into the municipality.

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

1. Petitioner, WIN Global Investment, LLC, a Pennsylvania Limited Liability Company, with a registered address of 704 Sturbridge Drive, Bryn Mawr, Pennsylvania, 19010, has requested approval from Pottstown Borough Council for the proposed transfer of a Restaurant Liquor License from Lower Merion Township into its restaurant at the Borough of Pottstown, to be operated at 152 E. High Street, Suite 110, Pottstown, Montgomery County, Pennsylvania, with the understanding that said transfer must be approved at a later date by the Pennsylvania Liquor Control Board.

2. The Burgess and Town Council of the Borough of Pottstown approves, by adoption of this Resolution, the proposed inter-municipal transfer of the aforesaid “License” into the Borough of Pottstown.

3. The “License” transfer, however, is under and subject to review and approval of the Pennsylvania Liquor Control Board.

Motion carried: 7 ayes.



March 11, 2019

t. PUBLIC HEARING – MINOR PLAN SUBMISSION REVIEW PROCEDURE

Solicitor Garner opened a public hearing to address the proposed ordinance to amend the minor plan submission review procedure. He noted the advertising requirements have been met and referred to the review letter from the Montgomery County Planning Commission. Solicitor Garner also outlined the intent of the ordinance is to provide different plan review processes for minor subdivision land development plans.

There were no comments and the public hearing closed at 7:42 p.m.

Motion by Councilor Kirkland, seconded by Councilor Lebedynsky to adopt an Ordinance creating and establishing a Minor Plan Submission review procedure and requirements for submission of Minor Subdivision and Land Development Plans.

ORDINANCE NO. 2181

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN, CREATING A NEW SECTION 204, MINOR PLAN SUBMISSION REVIEW PROCEDURE, AND A NEW SECTION 402, MINOR PLAN SUBMISSION REQUIREMENTS, BOTH PART OF CHAPTER 22, SUBDIVISION AND LAND DEVELOPMENT, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED, TO ESTABLISH A PROCEDURE AS WELL AS SUBSTANTIVE REQUIREMENTS FOR SUBMISSION OF MINOR SUBDIVISION AND LAND DEVELOPMENT PLANS.

Motion carried: 7 ayes.

ANNOUNCEMENTS

Councilor Lindsay commended David Charles for his efforts with students through the School District. She also noted that she attended the *Love Rocks* event, along with the Mayor.

Mayor Henrick reported that she attended a children's STEM event and the *Love Rocks* event.

EXECUTIVE SESSION

President Weand recessed the meeting to executive session at 7:45 p.m. for one item of personnel.

ADJOURNMENT

President Weand adjourned the meeting at 8:05 p.m.

Submitted by,

Justin M. Keller, Borough Manager