

January 11, 2021

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, January 11, 2021 at 7:00 p.m. as a Go-To-Meeting 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, Lisa Vanni, Donald Lebedynsky, Trenita Lindsay, Dan Weand, Michael Paules and Joseph Kirkland. Also present were Manager Justin Keller, Solicitor Charles Garner, Mayor Stephanie Henrick and Borough Secretary Virginia Takach.

ANNOUNCEMENT

Borough Manager Keller explained the format for this evening's meeting, advising that the meeting is a GoTo Meeting and available on-line. 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.

APPROVAL OF MINUTES

- a. December 9, 2020 Committee of the Whole – Motion by Councilor Lindsay, seconded by Councilor Lebedynsky to approve the minutes of the December 9, 2020 Committee of the Whole meeting. Motion carried: 7 ayes.
- b. December 14, 2020 Council Meeting Minutes – Motion by Councilor Lindsay, seconded by Councilor Paules to approve the minutes of the December 14, 2020 Council meeting as presented. Motion carried: 7 ayes.

COMMENTS FROM CITIZENS PRESENT

None.

SUBCOMMITTEE REPORTS

- a. Finance & Administration – President Weand reported that the revenues stand at 92% and expenses at 86%. He added that real estate taxes received are at 99% and the audit preparation has begun. President Weand added that property transfers continue to be monitored and no new LERTA applications were received.

January 11, 2021

BOARDS AND COMMITTEE REPORTS

- a. EAC – Mr. Derr noted that there was no meeting, adding that the Committee will be reviewing plans for the new plant on Keystone Boulevard.
- b. Regional Planning – Councilor Procsal advised that there was no meeting.
- c. Blighted Property – Councilor Procsal noted that a meeting is scheduled in January for reorganization.

UNFINISHED BUSINESS

None.

NEW BUSINESS

- a. Hill School Dormitory - Motion by Councilor Procsal, seconded by Councilor Lebedynsky to grant preliminary/final approval of The Hill School Dormitory Land Development Plan, subject to satisfying the following conditions within 90 day:
 - i. Compliance with the Cedarville Engineering letter of November 17, 2020
 - ii. Compliance with the Montgomery County Planning Commission letter of November 12, 2020
 - iii. Preparation and execution of a Developers Agreement in a form acceptable to the Borough
 - iv. Payment to Borough of Fee in lieu of open space in the amount of \$9,000 prior to issuance of a building permit
 - v. Payment in full of all Borough review fees

Motion carried: 7 ayes.

- b. Hill School Dormitory - Motion by Councilor Kirkland, seconded by Councilor Procsal to grant the following waivers from the Subdivision & Land Development Ordinance for The Hill School Dormitory Land Development Plan:
 - i. 402.2.C - requirement providing existing features within 100 feet of property
 - ii. 400.3.A – requirement showing existing underground features on Parcel
 - iii. A400 - requirement to submit a Preliminary Plan for review
 - iv. A400.5.A – requirement of a Phase One Environmental Site Assessment
 - v. A401.8 – requirement to provide abutting property information
 - vi. 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
 - vii. A402.2 - Contour lines and elevation data within 100 feet of site
 - viii. A403.6 - Existing and proposed sewer lines, water lines, fire hydrants, utility transmission lines and other an-made or natural features

January 11, 2021

- ix. A403.8 - Streets, to include names, right-of-way widths, cartway or pavement widths, radii, curb lines, sidewalks and approximate grades
- x. A403.12 - Existence and location of identified “recognized environmental conditions” per the standards of the American Society of Testing and Materials
- xi. A404.1 - The total tract boundary liens of the area with accurate distances to hundredths of a foot and bearings to nearest 15 seconds
- xii. A404.2 - The layout of streets, alleys, crosswalks sidewalks and public trails
- xiii. A405.1 - Plan scale shall be no smaller than 1-inch equals 100 feet
- xiv. 503.1 - Requirement of street trees, parking lot trees and open space trees
- xv. A503.4.E – Requirement to protect slopes in excess of 20 percent
- xvi. 504 – Requirement of shade trees
- xvii. A504 – Requirement for open space and recreational facilities
- xviii. 505 Requirement of street trees
- xix. 509 bollards of concrete-filled steel pipes, wooden frames, or wheel stops are preferred to curbing for protecting trees
- xx. 510 - Requirement for screening
- xxi. 511 – Requirement for buffering

Motion carried: 7 ayes.

c. Upper Pottsgrove Purchase Additional Capacity - Motion by Councilor Kirkland, seconded by Councilor Lindsay to extend the payment due date to March 31, 2021 under Paragraph 6 of the Upper Pottsgrove Agreement to Purchase Additional Capacity.

Manager Keller confirmed that this would simply extend the agreement for four months to allow the new developer additional time for development of the new homes and no capacity would be used until paid.

Motion carried: 7 ayes.

d. Blighted Property Review - Motion by Councilor Lindsay, seconded by Councilor Procsal to reappoint Ryan Procsal, Deb Penrod, Brian Hydier and Kevin Brown to the Blighted Property Review Committee for one-year terms to expire December 31, 2021. Motion carried: 7 ayes.

e. Human Relations Commission - Motion by Councilor Procsal, seconded by Councilor Lindsay to reappoint Jamie Ottaviano and Robert Watson to the Human Relations Commission for four-year terms to expire January 9, 2025. Motion carried: 7 ayes.

f. Borough Authority – Motion by Councilor Kirkland, seconded by Councilor Vanni to reappoint David Renn to the Pottstown Borough Authority for a five-year term to expire January 1, 2026. Motion carried: 7 ayes.

g. Vacancy Board -Motion by Councilor Procsal, seconded by Councilor Lebedynsky to reappoint James Derr to the Vacancy Board for a one-year term to expire December 31, 2021. Motion carried: 7 ayes.

January 11, 2021

h. Zoning Hearing Board - Motion by Councilor Procsal, seconded by Councilor Kirkland to adopt a Resolution reappointing Robert Johnson to the Zoning Hearing Board for a three-year term and to reappoint Douglas Lenhart to the alternate position for terms to expire January 1, 2024.

RESOLUTION NO. 2021- 1

A RESOLUTION APPOINTING ROBERT JOHNSON AS A MEMBER OF THE POTTSTOWN BOROUGH ZONING HEARING BOARD FOR A TERM OF THREE (3) YEARS AND APPOINTING DOUG LENHART AS AN ALTERNATE MEMBER OF THE ZONING HEARING BOARD FOR A TERM OF THREE (3) YEARS.

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. Robert Johnson is hereby appointed to the Pottstown Borough Zoning Hearing Board for a three (3) year term, expiring January 1, 2024.
2. Doug Lenhart is hereby appointed to the Pottstown Borough Zoning Hearing Board as an alternate member for a three (3) year term, expiring January 1, 2024.
3. That the said member and alternate 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 11th day of January, A.D. 2021.

Motion carried: 7 ayes.

i. Meeting Rules of Order - Motion by Councilor Kirkland, seconded by Councilor Lindsay to provide a 28-day notice to amend Rule #10 of the Meeting Rules of Order of Pottstown Borough Council.

Solicitor Garner referred to the Meeting Rules adopted at the January 6, 2020 Reorganization meeting. He noted that Councilor Paules suggested that Rule #10 be amended to change the three-minute rule to allow five minutes when there are less than five individuals requesting to speak at a meeting and if less than five individuals, then allow three minutes to speak. Mr. Garner also advised that a notice of 28-days is required under the rules and a vote can be taken at the next meeting following the expiration of the 28-day notice.

Councilor Paules commented that he has spoken to constituents that do not want to be timed and three minutes is not enough time to speak.

Councilors Procsal, Lindsay and Vanni agreed with the suggestion.

President Weand also noted that an individual could request to make a presentation.

Motion carried: 6 ayes, 1 nay. President Weand cast the negative vote.

January 11, 2021

REPORT OF BILLS - Motion by Councilor Lebedynsky, seconded by Councilor Lindsay to pay the outstanding bills in the amount of \$1,874,108.03. Motion carried: 7 ayes.

ANNOUNCEMENTS

Councilors Vanni, Lindsay and Lebedynsky expressed concern over the violence that occurred recently at the Nation's Capitol Building.

Councilor Lindsay requested that a traffic study be considered in the area of Oak Street at Hanover and Charlotte Streets.

Chief Markovich agreed to review and report to Council.

Councilor Lindsay reminded Council of the food distribution events at the First Presbyterian Church and requested volunteers from Council. She added that a COVID 19 Vaccination town meeting is scheduled for January 12th, 5:30 p.m. and will provide details to anyone interested. In addition, a Fair Funding event is scheduled for January 13th, 12:00 p.m.

Councilor Kirkland read a statement from his Facebook page regarding a message from former Governor Schwarzenegger regarding the assault on the Nation's Capitol. He added that many protesters took advantage of this opportunity.

j. 7:30 P.M. - PUBLIC HEARING - Keim Street Overlay Ordinance

Solicitor Garner opened the public hearing to amend the Subdivision and Land Development Ordinance and the Zoning Ordinance for the purpose of adopting the Keim Street Gateway Overlay Plan Ordinance. He noted that the plan for the district is to enhance growth and development of the Industrial Complex on South Keim Street. Mr. Garner added that the Plan has been recommended by the Montgomery County Planning Commission and the Borough Planning Commission, adding that the purpose of the Ordinance is to create the Keim Street Gateway Plan.

There were no comments from the public or Council and the hearing closed at 7:35 p.m.

Motion by Councilor Lebedynsky, seconded by Councilor Procsal to adopt an Ordinance amending parts of Chapter 22 in order to adopt and effectuate the Keim Street Gateway Plan.

ORDINANCE NO. 2201

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING VARIOUS PARTS OF CHAPTER 22, SUBDIVISION AND LAND DEVELOPMENT, AND CHAPTER 27, ZONING, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED, IN ORDER TO ADOPT AND EFFECTUATE THE KEIM STREET GATEWAY PLAN

Motion carried: 7 ayes.

January 11, 2021

ANNOUNCEMENTS (CONTINUED)

Mayor Henrick read a statement from NAACP President Jonathan Corson, thanking all for the food and winter clothing donation event. The Mayor also questioned the status of the Firebirds' sign.

Mr. Keller advised that the sign will be reviewed for size, text, location and regulations.

ADJOURNMENT

President Weand adjourned the meeting 7:45 p.m.

Submitted by,

Justin M. Keller
Borough Manager