

February 8, 2021

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, February 8, 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 and Joseph Kirkland. Also present were Manager Justin Keller, Assistant Solicitor Matthew Hovey, Mayor Stephanie Henrick and Borough Secretary Virginia Takach. Councilor Paules was absent.

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

Motion by Councilor Procsal, seconded by Councilor Lebedynsky to approve the January 11, 2021 Council Meeting minutes as presented. Motion carried: 6 ayes.

COMMENTS FROM CITIZENS PRESENT

None.

SUBCOMMITTEE REPORTS

a. Finance & Administration – President Weand reported that at the end of December, the general funds received were at 98% and expenses at 92%. Taxes received are at 99% and could exceed 100%. President Weand added that the audit will begin on February 15th and assessment changes continue to be monitored and addressed in conjunction with the School District. The assessments dropped by \$3,100,340 since October. He added that the 2021 assessment of the Borough is \$761,470,629 and collections continue with Portnoff. President Weand explained Period 13, which is the catch-up period for accounts not recorded as of the end of December 2020.

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BOARDS AND COMMITTEE REPORTS

- a. EAC – There was no report.
- b. Regional Planning – Councilor Procsal will report later on the agenda.
- c. Blighted Property – The minutes were in the packets.

UNFINISHED BUSINESS

None.

NEW BUSINESS

a. Conditional Use – Janelle Mockaitis - Motion by Councilor Lindsay, seconded by Councilor Lebedynsky to grant the Conditional Use request of Janelle Mockaitis to operate a Pet Grooming Facility at the property located at 345 King Street, with conditions as stated in the Order dated February 8, 2021. Motion carried: 6 ayes.

b. M & M Lube – Motion by Councilor Lindsay, seconded by Councilor Procsal to grant preliminary/final approval of the M & M Lube Minor Land Development project, 804 Farmington Avenue, subject to satisfying the following conditions within 90 days:

- i. Compliance with the Cedarville letter of January 20, 2021
- ii. Compliance with the Montgomery County Planning Commission letter of December 7, 2020
- iii. Payment of fee in lieu of two street trees in the amount of \$500.000 per tree
- iv. Payment in full of all Borough review fees

Motion carried: 6 ayes

c. M & M Lube – Motion by Councilor Lindsay, seconded by Councilor Vanni to grant the following waiver requests from the Subdivision and Land Development for the M & M Lube Minor Land Development Plan:

- i. Section 22-A402.1 & Section 22-A04202 – requirement to show existing features within 100 feet of site
- ii. Section 22-510.1.A – requirement of fencing along Wilson Street frontage
- iii. Section 22-511.2.A – to allow existing chain link fence to remain
- iv. Section 22-511.2.B – to allow existing hedge along the eastern property line to satisfy the 15-foot buffer requirement
- v. Section 22-505.1 – to waive the requirement to provide two additional street trees

Motion carried: 6 ayes.

d. Firebirds Sign - Motion by Councilor Lebedynsky, seconded by Councilor Procsal to adopt a Resolution to allow installation of the Firebirds Monumental sign to be installed on High Street, with conditions to include a maintenance agreement in a form acceptable to the Borough.

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RESOLUTION NO. 2021-2

A RESOLUTION APPROVING THE DESIGN AND INSTALLATION OF A POTTSTOWN FIREBIRDS MONUMENT SIGN WITHIN THE DOWNTOWN.

WHEREAS, Mr. Bruno Baltazar, a historian of the Pottstown Firebirds, a professional football team which existed from 1968 to 1970 and played at Pottstown's Grigg Memorial Stadium, and a group of former team members who seek to honor the team (the "Pottstown Firebirds") proposed the installation of a freestanding, pole sign in the Downtown (the "Sign"); and

WHEREAS, after both internal and public deliberations, the Burgess and Town Council of the Borough of Pottstown is generally supportive of the project and desires to conditionally approve the installation of the Sign subject to certain terms and conditions.

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

SECTION 1. The Pottstown Firebirds shall purchase and donate the Sign to the Borough in a form able to be affixed to a pole now existing or to be installed within the Borough's right-of-way..

SECTION 2. At the Borough's expense, the Borough shall install the Sign along High Street so as not create any public safety issues including issues with motor vehicle and pedestrian traffic, subject to the approval of the Borough Manager, Public Works Director, and Chief of Police.

SECTION 3. The Borough shall be unrestrained in its right and ability to relocate or remove the Sign for any reason including but not limited to its deterioration.

SECTION 4. The Pottstown Firebirds shall be responsible for the perpetual maintenance of the Sign and shall hereafter organize a group responsible for the maintenance of the Sign in an organizational structure satisfactory to the Borough Manager, and then the Borough and the group shall enter into a maintenance agreement, subject to the approval of the Borough Solicitor.

SECTION 5. The design of the Sign shall conform to Exhibit A, incorporated herein by reference, and the final design shall be subject to the approval the Borough Manager.

SECTION 6. The substance of the Sign shall be in conformance with the following and any revisions thereto shall be approved by the Borough Manager:

The Pottstown Firebirds, a professional football team which existed from 1968 to 1970, won two Atlantic Coast Football League titles. The team played at Pottstown's Grigg Memorial Stadium and brought honor to the town. The Firebirds served as the farm team for the Philadelphia Eagles.

Young men from all over the country came to play for the team. Their history is recorded by at least two documentaries produced by NFL films and several books. The Firebirds will forever be remembered and celebrated by the Pottstown community.

SECTION 7. Any sections of Chapter 27, Zoning, of the Pottstown Borough Code of Ordinances, as amended, in conflict with the design and location of the Sign are hereby waived.

SECTION 8. This Resolution shall become effective immediately upon enactment.

ENACTED and RESOLVED this 8th day of February 2021.

Mr. Keller noted that several grammatical corrections were made, which Mr. Baltazar has approved. He also noted that a new location was suggested but Mr. Baltazar has requested the site of High Street in front of the 152 High Street building.

Motion carried: 6 ayes.

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e. Memorial Park Bridge - Motion by Councilor Procsal, seconded by Councilor Lebedynsky to adopt a Resolution approving submission of the Montco2040 Grant for funding for the Memorial Park Bridge and Streambank Restoration, in the amount of \$200,000

RESOLUTION NO. 2021-3

A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR THE 2021 ROUND OF THE MONTCO 2040 IMPLEMENTATION GRANT PROGRAM

Whereas, Montgomery County has established the Montco 2040 Implementation Grant Program as a competitive funding program to assist municipalities in implementing the goals of the county comprehensive plan, Montco 2040: A Shared Vision; and
Whereas, the County is accepting application for projects that advance specific goals under either of the county comprehensive plan's three themes: Connecting Communities; Sustainable Places, and a Vibrant Economy; and
Whereas, applications and projects must meet all stated requirements within the Montco 2040 Implementation Grant Program Guidebook; and
Whereas, the Borough of Pottstown wishes to obtain \$200,000 from the Montco 2040 Implementation Grant Program to provide funding for the Memorial Park Bridge & Streambank Restoration; and
Whereas, the Borough of Pottstown will allocate \$40,000 to the project to be used as a match to the Montco 2040 Implementation Grant Program.
ENACTED AND RESOLVED, this 8th day of February 2021.

Motion carried: 6 ayes.

f. Memorial Park Bridge - Motion by Councilor Lebedynsky, seconded by Councilor Procsal to adopt a Resolution approving submission of the C2P2 DCNR grant for funding for the Memorial Park Bridge and Streambank Restoration project in the amount of \$200,000.

RESOLUTION NO. 2021-4

WHEREAS, THE BURGESS AND THE TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN ("Applicant") desires to undertake the project, "Memorial Park Bridge & Streambank Restoration" ("Project Title"); and
WHEREAS, the applicant desires to receive from the Department of Conservation and Natural Resources a grant for the purpose of carrying out this project; and
WHEREAS, the application package includes a document entitled Terms and Conditions of Grant and
WHEREAS, the applicant understands that the contents of the document entitled "Terms and Conditions of Grant," including appendices referred to therein, will become the terms and conditions of a Grant Agreement between the applicant and the Department if the applicant is awarded a grant; and
NOW THEREFORE, it is resolved that:

1. The grant application may be electronically signed on behalf of the applicant by "Virginia L. Takach" who, at the time of signing, has a TITLE of "Secretary" and the email address of "gtakach@pottstown.org".

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2. If this Official signed the Grant Application Electronic Authorization prior to the passage of this Resolution, this grant of authority applies retroactively to the date of signing.
3. If the applicant is awarded a grant, the Grant Application Electronic Authorization, signed by the above Official, will become the applicant/grantees executed signature page for the Grant Agreement, and the applicant/grantee will be bound by the Grant Agreement.
4. Any amendment to the Grant Agreement may be signed on behalf of the grantee by the Official who, at the time of signing of the amendment, has the "TITLE" specified in paragraph 1 and the grantee will be bound by the amendment.

I hereby certify that this Resolution was adopted by the borough council, of this applicant, this 8th day of February 2021.

Mr. Keller confirmed that the grant will be managed by the Parks and Recreation Department.

Motion carried: 6 ayes

g. Parks and Recreation Regulations – Motion by Councilor Lebedynsky, seconded by Councilor Lindsay to adopt an Ordinance to modify and amend rules and regulations for all parks and special regulations for certain Borough parks

ORDINANCE NO. 2202

AN ORDINANCE AMENDING PORTIONS OF SECTIONS 102, SECTION 103, AND SECTION 105, ALL OF PART 1, GENERAL REGULATIONS, OF CHAPTER 16, PARKS AND RECREATION, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED, TO MODIFY AND AMEND RULES AND REGULATIONS FOR ALL PARKS AND SPECIAL REGULATIONS FOR CERTAIN BOROUGH PARKS.

Motion carried: 6 ayes.

h. Mural Regulations – Motion by Councilor Procsal, seconded by Councilor Lebedynsky to authorize the Solicitor to prepare and advertise an ordinance amending mural distance regulations. Motion carried: 6 ayes.

i. Waiver of Fees Policy – Motion by Councilor Lebedynsky, seconded by Councilor Lindsay to authorize the Solicitor to draft an amendment to the Waiver of Fees Policy Resolution. Motion carried: 6 ayes.

j. Oak Street/One Way - Motion by Councilor Lindsay, seconded by Councilor Lebedynsky to authorize the Solicitor to prepare and advertise an ordinance establishing Oak Street as one-way street, west, from North Charlotte to North Hanover Street, as recommended by the Police Department.

Councilor Lindsay commended the Police Department for addressing this matter.

Mr. Keller noted that contact with the Public Works Department and PennDOT will need to occur prior to implementing the street as one-way, as Charlotte Street is a State road.

Motion carried: 6 ayes.

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- k. Traffic signs, etc. – Motion by Councilor Lindsay, seconded by Councilor Lindsay to award the traffic bids as per the bid tabulation of February 4, 2021 and as follows:
 - i. Group 1 – Airport to Green Leaf Landscaping, Gilbertsville, PA
 - ii. Group 2 – WWTP and Right of Ways to Green leaf Landscaping, Gilbertsville, PA
 - iii. Group 3 – Water Plan and Lots to Green Leaf Landscaping, Gilbertsville, PA
 - iv. Traffic/Street Signs and Posts to Garden State Highway Products, Millville, NJ
 - v. Property Maintenance to Green Advantage, Oley, PA
 - vi. Water Pipe, Fittings and Appurtenances to L/B Water Service, Inc, Selinsgrove, PA

Motion carried: 6 ayes.

l. Animal Control Officer's Contract – Motion by Councilor Lindsay, seconded by Councilor Lebedynsky to approve and authorize execution of the Addendum to the Animal Control Officer's contract. Motion carried: 6 ayes.

m. Parks and Recreation 5K – Motion by Councilor Procsal, seconded by Councilor Lebedynsky to grant the request of the Parks and Recreation Department to hold its April 18, 2021 5K race, resulting in the closure of portions of College Drive and Keystone Boulevard, from 8:00 a.m. to 11:00 a.m., subject to review and approval of the Police and Fire Departments and grant the waiver of road closure fees and submission of a plan to enforce any COVID-19 regulations. Motion carried: 6 ayes.

n. Pottstown Bike Race - Motion by Councilor Vanni, seconded by Councilor Procsal to grant the request of the Pottstown Bike Race to hold its June 19, 2021 Bike Race on June 19, 2021, resulting in the closure of several streets in the East End, from 8:00 a.m. to 8:00 p.m., subject to review and approval of the Police and Fire Departments; and the applicant submitting at least two weeks prior to the event for review and approval by the Manager a safety plan demonstrating compliance with all applicable COVID-19 and CDC regulations, which, if approved, shall be enforced by the applicant.

Councilor Vanni commended the planners of the Pottstown Bike Race. She noted that they complied with all requirements and regulations.

Ms. Gulick of the Pottstown Bike Race was present and advised Council that Pottstown will be featured for the 2020 event and applauding the Borough for this event as a national standard. She agreed to forward the newsletter and links to Council and Staff.

Motion carried: 6 ayes.

o. Red Horse Car Shows - Motion by Councilor Lebedynsky, seconded by Councilor Procsal to grant the request of the Red Horse Motoring Club to hold its 2021 Car Shows on May 1, June 5, July 3, August 7 and September 4, 2021, resulting in the closing of High Street, from Manatawny to Evans Street and Hanover Street, from King Street to Norfolk Southern Railroad tracks, from 4:00 p.m. to 9:00 p.m., subject to review and approval of the Police and Fire Departments; and the applicant submitting at least two weeks prior to the event for review and approval by the Manager a

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safety plan demonstrating compliance with all applicable COVID-19 and CDC regulations, which, if approved, shall be enforced by the applicant.

Mr. Keller commented that PAID may assist in informing merchants when the streets would be closed. He also confirmed that the sidewalks would not be closed and may be used to set up tables if needed. The Car Show would be reserving the street.

Councilor Vanni commented that she would be voting against the car shows as they did not comply with guidelines last year and had no consequences for not doing so.

Councilor Lindsay noted that she had concerns for the merchants during the car shows.

Councilor Lebedynsky commented that the disclaimers in the motion will be in place and Council would have the ability to reject if the Manager is not satisfied with the Plan.

Mr. Keller advised that PAID has monthly meetings to discuss events in the downtown and are open to the public. He also noted that the car show area has expanded its area in order to allow for the distance regulations.

Councilor Weand directed the Manager to have a conversation with the applicants advising them of the discussion this evening and if not in compliance the shows will be cancelled

Motion carried: 6 ayes

p. Planning Commission - Motion by Councilor Procsal, seconded by Councilor Lindsay to reappoint Dan Weand to the Pottstown Planning Commission for a four-year term to expire February 1, 2025. Motion carried: 6 ayes.

q. Reading Gravity Races - Motion by Councilor Lebedynsky, seconded by Councilor Lindsay to grant the request of the Reading Gravity Races to hold its Soap Box Derby races on March 14,(rain date March 21st),April 11,(rain date April 18th), June 6, (rain date June 13th), August 15 (rain date August 22nd) and October 24, 2021,(rain date October 31st) resulting in the closing of Wilson Street from 11:00 a.m. to 6:00 p.m., subject to review and approval of the Police and Fire Departments; and the applicant submitting at least two weeks prior to the event for review and approval by the Manager a safety plan demonstrating compliance with all applicable COVID-19 and CDC regulations, which, if approved, shall be enforced by the applicant. Motion carried: 6 ayes.

REPORT OF BILLS - Motion by Councilor Lebedynsky, seconded by Councilor Lindsay to pay the outstanding bills in the amount of \$2,313,847.37. Motion carried: 6 ayes.

ANNOUNCEMENTS

President Weand announced that two 4-year terms will be open on the Human Relations Commission and will be listed for the March meeting.

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Councilor Procsal reported that the Regional Planning Committee approved the Keim Street Overlay with a letter of support.

Councilor Lindsay, in honor of Black History Month, announced that Shirly Anita Chism, in 1964, was the first African American woman to be elected to Congress and in 1965 people of color were permitted to vote. She added that in 1972, Ms. Chism was the first African American candidate for a major party in the United States.

Mayor Henrick requested to be added to the agenda to review and discuss the Animal Ordinance. She also advised that she would be performing several weddings on Valentine's Day.

President Weand adjourned the meeting 7:40 p.m.

Submitted by,

Justin M. Keller
Borough Manager