

February 13, 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](mailto: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, February 13, 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 and Andrew Monastra. Also present were Manager Justin Keller, Assistant Solicitor Matthew Hovey, Mayor Stephanie Henrick and Borough Secretary Virginia Takach.

### APPROVAL OF MINUTES

a. Committee of the Whole - Motion by Councilor Lindsay seconded by Councilor Lebedynsky to approve the minutes of the January 4, 2023 Committee of the Whole meeting as presented. Motion carried: 6 ayes.

b. Council Meeting – Motion by Councilor Lebedynsky, seconded by Councilor Vanni to approve the minutes of the January 9, 2023 Council meeting as presented. Motion carried: 6 ayes.

### SUBCOMITTEE REPORTS

a. Finance & Administration – President Weand advised that at 100% of the fiscal year, 112% of General Fund revenues was received and expenses are at 96%. Real Estate taxes collected are at 103% and Local taxes collected are at 140% of the 94% budget. President Weand added that the audit will begin in 2 weeks. The Assessment changes for 2022 were down by \$1,317,860. There were no new LERTA applications. The Finance Department obtained new CD investments for the year.

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### COMMITTEE REPORTS

- a. EAC – There was no report.
- b. Regional Planning – Councilor Procsal reported that the committee reorganized at the last meeting and a letter of support was granted for the Keystone Boulevard extension.
- c. Blighted Property Review Committee – Chairperson Jamie Sanchez reported that a new property list was forwarded and will be working on 16 properties. The February meeting is cancelled and will resume in March, April and a tour scheduled for May. She also reviewed the Blighted grant from Montgomery County in 2001 and she will review the website.

### COMMENTS FROM CITIZENS PRESENT

- a. Kyle Weaver, 556 King Street – spoke as a new resident of the Borough and expressed a concern regarding the excessive trash throughout the Borough.
- b. Jamie Sanchez, 200 Maplewood Drive – provided a handout to Council from a 2022 survey of residents, with businesses and establishments they would like to see in the Borough. She noted this was a previous request of Council President Weand. She also advised that residents and visitors are not happy with the parking situation. She recently noticed several large vehicles taking up space and noted vehicles parking forward and not backing into the space.
- c. Philip Thees, 63 South Evans Street – provided a hand-out to Council regarding the St. Paul's Church and the Beacon of Hope warming center. He noted that the Beacon of Hope ignored all laws formed by Council in order to open the center at St. Paul's. He also expressed concerns regarding 5 homeless people that broke into the church school at St. John the Baptist, South Charlotte Street, over the past weekend.

### UNFINISHED BUSINESS

### NEW BUSINESS

- a. Pagnotti, 20 East 7<sup>th</sup> Street - Motion by Councilor Lebedynsky, seconded by Councilor Vanni to adopt the proposed order which conditionally grants the conditional use request of Angelo Pagnotti, Inc. to allow for the property located at 20 East Seventh Street to be used as an office with accessory storage of equipment, materials, supplies and company vehicles for a cleaning business.

Councilor Monastra revealed that he is a personal friend of owner, John O'Boyle.

Assistant Solicitor Hovey noted that he sees no financial interest in this matter.

Motion carried: 6 ayes.

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b. Dulce House of Glamour, 20 North York Street - Motion by Councilor Lindsay, seconded by Councilor Vanni to adopt the proposed order which conditionally grants the conditional use request of Dulce Velasco d/b/a Dulce House of Glamour to allow for the property located at 20 North York Street to be used as a permanent makeup studio. Motion carried: 6 ayes.

c. Chipotle - Motion by Councilor Procsal, seconded by Councilor Vanni to approve the elevations for the Chipotle Land Development Plan, 200 Shoemaker Road, as presented.

Attorney Richard R. Di Stefano, McNelly Law firm, was present for Chipotle.

Motion carried: 6 ayes.

d. Three Diamond Group, LLC, 454 King Street - Motion by Councilor Lebedynsky, seconded by Councilor Vanni to grant preliminary/final approval of the Lot Line Adjustment Plan of Three Diamond Group, LLC for property located at 454 King Street subject to the Applicant satisfying the following conditions:

- i. Compliance with the Cedarville Engineering letter of January 11, 2023
- ii. Compliance with the Montgomery County Planning Commission letter of December 20, 2022
- iii. Payment in full of all Borough Review fees

Motion carried: 6 ayes.

e. Three Diamond Group, LLC - Motion by Councilor Procsal, seconded by Councilor Lindsay to grant the following waivers from the Subdivision Land Development Ordinance for the Three Diamond Group Plan as reference in the OTM, LLC letter of January 16, 2023:

- i. Section 22-402.1.B.(8), 22A403.2 & 22-A403.3 – requirement for base dimensions
- ii. Section 22-A402.1 & 22-A402.2 – requirement to show existing features within 100 feet of site
- iii. Section 22-A529.4B – requirement to place monuments at property corners
- iv. Section 22-501.A505 – requirement for provision of Open Space
- v. Section 22-501.1 – requirement of installation of street trees

Motion carried: 6 ayes.

f. 759 Sheridan Street - Motion by Councilor Lebedynsky, seconded by Councilor Procsal to grant the request of Charles Gulati to waive the requirement for the installation of the proposed street light depicted on the land development plans for 759 Sheridan Street, provided the Applicant agrees to purchase of an outside LED Light for use elsewhere by the Borough, and subject to approval of the Public Works Department

Councilor Monastra questioned if the light has been purchased.

Attorney Hovey advised that the applicant will be obligated to make the payment for the light that would better serve the Borough.

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Mr. Keller also noted that this will be a standard light for the Borough and directed the matter to Public Works Director Doug Yerger.

Motion carried: 6 ayes.

g. Colebrookdale Railroad Walkway - Motion by Councilor Vanni, seconded by Councilor Lebedynsky to authorize the Solicitor to prepare a reimbursement and maintenance agreement for Colebrookdale Railroad Walkway in Memorial Park, with Colebrookdale Railroad assuming future maintenance responsibilities. Motion carried: 6 ayes.

h. Civil Service - Motion by Councilor Lindsay, seconded by Councilor Lebedynsky to certify the Borough's Civil Service Commission Police Department Entry Level Eligibility List, and as certified by the Civil Service Commission dated February 2, 2023. Motion carried: 6 ayes.

i. Civil Service - Motion by Councilor Procsal, seconded by Councilor Vanni to authorize the Chief of Police to extend conditional offers of employment to five (5) candidates from the Civil Service List dated February 2, 2023. Motion carried: 6 ayes.

j. Thriving Communities - Motion by Councilor Lebedynsky, seconded by Councilor Vanni to authorize submission of a Letter of Interest (LOI), to the US Department of Transportation (USDOT) as a finalist in the Fiscal Year (FY) 2022 Thriving Communities Program (TCP). Motion carried: 6 ayes.

k. Clark Industrial Supply – Motion by Councilor Procsal, seconded by Councilor Lindsay to take no action on the request for zoning relief filed by Clark Industrial Supply to permit oversized storage containers to be allowed at 301 West High Street.

Councilor Vanni recommended that Council take no action and pass on to the zoning hearing board.

Motion carried: 6 ayes.

l. Adele Munsey, 379 Cherry Street – Motion by Councilor Procsal, seconded by Councilor Vanni to authorize the Solicitor to send a letter to the Zoning Hearing Board outlining conditions related to the Animal and Noise Ordinances regarding the zoning relief request filed by Adele Munsey to allow her to operate an indoor doggy daycare and training center at 379 Cherry Street.

Assistant Solicitor Hovey noted that if the conditions are not met the zoning permit can be revoked.

Motion carried: 6 ayes.

m. Daniel Dull, 218 East High Street – Motion by Councilor Monastra, seconded by Councilor Lindsay to authorize the Solicitor to send a letter of support to the Zoning Hearing Board on the request for zoning relief filed by Daniel Dull to allow him to operate a tattoo studio at 218 East High Street.

Councilor Monastra commented that tattoos are not negatively looked upon as was in the 1960's. It is part of today's culture.

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Michael Jacobs and Brady VanDruff, Equitable properties owners, were present to explain the zoning request.

Mr. Jacobs noted that the applicant, Daniel Dunn, presently works for another tattoo location in the Borough and is seeking to operate his own business.

Mr. VanDruff added that the area businesses are supportive of the proposal.

Councilor Vanni welcomed this new type of business for the downtown.

Motion carried: 6 ayes.

n. Property Maintenance Bid - Motion by Councilor Lebedynsky, seconded by Councilor Vanni to award the Property Maintenance Bid to Green Advantage, Reading, PA, as per the bid tabulation of December 30, 2022, subject to review and approval of the Solicitor. Motion carried: 6 ayes.

o. Chemical Bids - Motion by Councilor Vanni, seconded by Councilor Lebedynsky to award the 2023 Water and Wastewater Plant Chemical bids to Univar Solutions USA, Inc., Morrisville, PA, as per the bid tabulation of January 5, 2023, subject to review and approval of the Solicitor. Motion carried: 6 ayes.

p. Fee Schedule - Motion by Councilor Lindsay, seconded by Councilor Vanni to adopt a Resolution amending the Fee Schedule with respect to various fees for the Licensing and Inspections, Public Works and Police Departments and the Pottstown Municipal Airport.

#### RESOLUTION NO. 2023 – 7

#### A RESOLUTION AMENDING THE FEE SCHEDULE OF THE BOROUGH OF POTTSTOWN TO AMEND CERTAIN FEES ASSOCIATED WITH THE LICENSING AND INSPECTION DEPARTMENT, THE PUBLIC WORKS DEPARTMENT, THE POTTSTOWN MUNICIPAL AIRPORT, AND THE POTTSTOWN POLICE 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 the recommendation of various Borough departments, the Borough desires to revise and amends its Fee Schedule to amend certain fees and establish certain other fees.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Burgess and Town Council of the Borough of Pottstown, Montgomery County, Pennsylvania, as follows: (On file.)

Motion carried: 6 ayes.

q. Destruction of Records - Motion by Councilor Vanni, seconded by Councilor Procsal to adopt a Resolution authorizing the destruction of certain records by the Administration Department, Parks and Recreation, Finance, the Police Department and the Utilities Department, pursuant to the Municipal Records Manual as last amended March 28, 2019.

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RESOLUTION NO. 2023-8

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN, AUTHORIZING THE DESTRUCTION OF CERTAIN MUNICIPAL RECORDS BY THE BOROUGH ADMINISTRATION, PARKS AND RECREATION DEPARTMENT, THE FINANCE DEPARTMENT, THE POLICE DEPARTMENT, AND THE UTILITIES DEPARTMENT, PURSUANT TO THE MUNICIPAL RECORDS MANUAL AS AMENDED MARCH 28, 2019.

WHEREAS, by virtue of Resolution No. 2009-24, adopted July 13, 2009, incorporating and modifying Resolution No. 2004-36, the Borough of Pottstown declared its intent to follow the schedules and procedures for disposition of records as set forth in the Municipal Records Manual approved December 16, 2008 and as amended March 28, 2019; 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 Administration Department, Parks and Recreation Department, and Utilities 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 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. Video recordings shall be retained for a period of one year. Recordings of public meetings can be disposed of once the official Meeting Minutes are approved. The approved written minutes of each Council Meeting is the official permanent record.

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 for the Borough Administration, Finance Department, Parks and Recreation Department, Police Department, and the Utilities Department all of which records are specifically described and identified 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 resolutions to destroy municipal records pursuant to State Law and Borough policy shall be approved by Resolution enacted by the Borough Council.

ENACTED and RESOLVED and this 13th day of February, 2023.

Motion carried: 6 ayes.

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r. Pottstown Rumble - Motion by Councilor Vanni, seconded by Councilor Procsal to grant the request of the Pottstown Rumble to allow the operation of a Biergarten in Memorial Park to be held June 23, 24 & 25, 2023 from 11:00 a.m. - 12:00 a.m., subject to review and approval of the Police and Fire Departments and compliance with the Liquor Control Board regulations. Motion carried: 6 ayes.

s. Half Marathon – Motion by Councilor Vanni, seconded by Councilor Lebedynsky to grant the request of the Parks and Recreation Department to hold its Half Marathon on April 15, 2023, resulting in the closure of College Drive at the intersections of Hanover Street and Keystone Boulevard, from 7:45 a.m. – 11:30 a.m., subject to review and approval of the Police and Fire Departments. Motion carried: 6 ayes.

t. Planning Commission - Motion by Councilor Procsal, seconded by Councilor Monastra to reappoint Brian Hydir to the Pottstown Planning Commission for a four (4) year term to expire February 1, 2027. Motion carried: 6 ayes.

u. Human Relations Commission – Motion by Councilor Vanni, seconded by Councilor Lindsay to appoint Charlotte Charles to the Human Relations Commission to fill a vacant term to expire January 9, 2025. Motion carried: 6 ayes.

REPORT OF BILLS - Motion by Councilor Lebedynsky, seconded by Councilor Vanni to pay the outstanding bills in the amount of \$2,920,808.26. Motion carried: 6 ayes.

## ANNOUNCEMENTS

Councilor Monastra reminded all of the Edgewood Cemetery clean-up and art fair scheduled for April 29th.

Mr. Keller welcomed the various clean-up projects and urged all to use brown disposable bags for yard waste and recycle bins and to inform the Borough of the event. He noted that this is being addressed in the Downtown Pioneers meetings and in the process of creating a Downtown Improvement District.

Councilor Lindsay suggested having Safety Committee meetings again to possibly include members of the Pottstown Community Action and its block captains and contacting Matt Green for assistance.

Councilor Vanni also expressed concerns on the trash situation.

Councilor Procsal advised that he reports delinquent or unkept properties to the Codes Department regularly and also recommended the Safety Committee.

Mayor Henrick noted that with the Walking School bus, the children were taught to pick up trash and keep properties clean and suggested getting the schools involved. She added that the Community College is having a clean up on April 15<sup>th</sup>.

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ADJOURNMENT

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

Submitted by,

Justin M. Keller  
Borough Manager



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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