

April 13, 2020

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, April 13, 2020 at 7:07 p.m. as a Go-To-Meeting with President Weand in the Chair.

CALL TO ORDER

INVOCATION

President Weand requested a moment of silence. He also announced that the Pottstown Fire Department is conducting an event at the Pottstown Hospital to honor first responders and in conjunction with the Bells Across Montgomery County.

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, Grants Assistant Kourtney High and Borough Secretary Virginia Takach

ANNOUNCEMENTS

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 from 6:30 p.m. – 7:10 p.m. 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. This format will continue with the Borough's public meetings, which have not already been cancelled.

APPROVAL OF MINUTES

a. Council Meeting - Motion by Councilor Lindsay, seconded by Councilor Vanni to approve the March 9, 2020 Council meeting minutes as presented. Motion carried: 7 ayes.

COMMENTS FROM CITIZENS PRESENT

None.

SUBCOMMITTEE REPORTS

a. Finance & Administration – President Weand reported that as of the end of February, the

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General Fund revenues received are at 7% and expenses at 13%. He added that the audit has begun, with in-house work completed. President Weand also noted that the assessments have dropped from \$763,718,569 to \$761,948, 200. There are no new LERTA applications.

BOARDS AND COMMITTEE REPORTS

- a. EAC – There was no meeting.
- a. Regional Planning – There was no meeting.
- b. Blighted Property – There was no meeting.
- c. Land Bank – Deb Penrod provided a written report noting that the March 24th meeting and Public Information session were cancelled. The April 27th meeting is also cancelled. The Public Information session will be rescheduled.
- d. Library – Library remains closed through at least the end of April.

UNFINISHED BUSINESS

None.

NEW BUSINESS

- a. Assistant Treasurer – Motion by Councilor Procsal, seconded by Councilor Lindsay to adopt a Resolution appointing Justin Keller as the Assistant Treasurer for the Borough of Pottstown.

RESOLUTION NO. 2020-10

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN APPOINTING JUSTIN M. KELLER AS THE ASSISTANT TREASURER OF THE BOROUGH.

WHEREAS, § 1107 of the Pennsylvania Borough Code permits Borough Council, by Resolution, to appoint an individual as the Assistant Treasurer of the Borough; and

WHEREAS, Pottstown Borough presently does not have an Assistant Treasurer; and

WHEREAS, Borough Council wishes to create the position of Assistant Treasurer and appoint an individual to the position of Assistant Treasurer to be able to perform duties as set forth in the Pennsylvania Borough Code.

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

SECTION 1. Justin M. Keller is hereby appointed to the position of Assistant Borough Treasurer.

SECTION 2. The Assistant Borough Treasurer shall assist the Treasurer in the performance of the Treasurer's duties, and in the absence or disability of the Treasurer, shall perform the duties and may exercise the powers of the Treasurer.

SECTION 3. This appointment shall become effective immediately, subject to the individual satisfying and complying with all applicable requirements of State Law.

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ENACTED and RESOLVED this 13th day of April 2020.

Motion carried: 7 ayes.

b. Extending Tax Deadlines - Motion by Councilor Lindsay, seconded by Councilor Vanni to adopt a Resolution extending the tax deadlines for payment of Borough Real Estate Taxes from April 30, 2020, until May 31, 2020.

RESOLUTION NO. 2020-11

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN EXTENDING THE DISCOUNT PERIOD FOR THE PAYMENT AND COLLECTION OF BOROUGH REAL ESTATE TAXES UNTIL MAY 31, 2020.

WHEREAS, on March 8, 2020, a widespread outbreak of Corona Virus (COVID-19) occurred, affecting the residents of Montgomery County, causing severe suffering to persons of Montgomery County and has overwhelmed first responders, healthcare providers and businesses within Montgomery County, necessitating the issuance of a Disaster Declaration by the Montgomery County Commissioners on March 8, 2020 and a Stay-at-Home order by the Governor on March 23, 2020; and

WHEREAS, on March 17, 2020, Mayor Stephanie Henrick, through proclamation declared an Emergency Disaster in the Borough of Pottstown pursuant to 35 Pa. C.S.A. § 7501 which was subsequently extended and thereafter confirmed by Pottstown Borough Council on April 8, 2020; AND

WHEREAS, the Pennsylvania Local Tax Collection Law (72 P.S. § 5511.1 et seq.) grants to municipalities the authority to establish the rates of taxes and penalties on real estate taxes, including providing for a two percent (2%) discount for those making payment of the entire amount thereof within two months after the date of the tax notice; and

WHEREAS, § 72 P.S. § 5511.13 requires the Tax Collectors hold open, in-person office hours in the period leading up to the end of the discount period; and

WHEREAS, given the Stay-at-Home order issued by the Governor and the Emergency Disaster Proclamation of the Mayor and Borough Council, compliance with 72 P.S. § 5511.13 is both impractical and contrary to the result of the COVID-19 crisis, Montgomery County has requested that all municipalities within the County consider moving the discount deadline; and

WHEREAS, the County has advised municipalities may retroactively move the date of the issued tax notices in order to comport with the requirements of 72 P.S. § 5511.10; and

WHEREAS, the Borough of Pottstown recognizes the need for extending the real estate tax discount period.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Burgess and Town Council of the Borough of Pottstown that for the purpose of 72 P.S. § 5511.10 of the Local Tax Collection Law, the Borough Council hereby formally extends the discount period for the payment of Borough Real Estate Taxes from April 30, 2020, until May 31, 2020. The Tax Collector is authorized to accept real estate tax payments for the discounted amount within the time period described above. ENACTED and RESOLVED, this 13th day of April 2020.

Motion carried: 7 ayes.

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c. PART Local Match- Capital - Motion by Councilor Procsal, seconded by Councilor Lindsay to adopt a Resolution certifying the Local Match for State Operating Financial Assistance for Fiscal Year 2020-2021.

RESOLUTION NO. 2020-12

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 \$275,809 of Section 1514 state discretionary trust funds are requested for Fiscal Year 2019-2020 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 only for capital assistance in a subsequent year.

Further, the Pottstown Borough Council resolves and certifies that in Fiscal Year 2019-2020 that local cash matching funds of no less than \$9,191 will be provided to match the requested amount of state Section 1514 discretionary trust funds.

I, Dan Weand, Council 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 13th day of April of 2020.

Motion carried: 7 ayes.

d. PART Local Match – Operating - Motion by Councilor Procsal, seconded by Councilor Lebedynsky to adopt a Resolution certifying the Local Match for State Operating Financial Assistance for Fiscal Year 2020-2021.

RESOLUTION NO. 2020-13

LOCAL TRANSPORTATION ORGANIZATION RESOLUTION CERTIFYING THE LOCAL MATCH FOR STATE OPERATING FINANCIAL ASSISTANCE

The Pottstown Borough Council of Pottstown Area Rapid Transit resolves and certifies that the operating financial assistance of \$1,406,875 provided pursuant to Pa.C.S. §1513 is needed in Fiscal Year 2020-2021 or in subsequent fiscal years to help pay projected operating expenses, including asset maintenance costs; and that these funds will be used for this purpose only, because these funds are ineligible to be used for asset, or capital improvements projects; and that any funds not used this Fiscal Year will be retained and used only for only operating assistance in a subsequent fiscal year(s).

Further, Pottstown Borough Council resolves and certifies that the required local matching funds of \$98,995 will be secured from local contributors no later than the end of Fiscal Year 2020-2021 to match the requested Section 1513 funds.

Dan Weand, Council President of the Pottstown Borough Council do hereby certify that the foregoing is a true and correct copy of the Resolution adopted as a regular meeting of the Pottstown Borough Council held the 13th day of April 2020.

Motion carried: 7 ayes.

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e. Addendum Fire Chief Agreement - Motion by Councilor Kirkland, seconded by Councilor Lindsay to approve and authorize the execution of an Addendum to the Employment Agreement of the Pottstown Borough Fire Chief. Motion carried: 7 ayes.

f. Suspensions - Motion by Councilor Procsal, seconded by Councilor Lindsay to ratify the Mayor's disciplinary actions of suspensions without pay upon two Pottstown Police Officers. Motion carried 7 ayes.

g. YMCA/Complex – Motion by Councilor Kirkland, seconded by Councilor Lindsay to authorize the Solicitor to send a letter of support to the Zoning Hearing Board regarding the zoning variance request of Ugana, LLC/Chuck Gulati to address signage for the YMCA/Complex, 724 North Adams Street. Motion carried: 7 ayes

h. Patriotic 5K - Motion by Councilor Lebedynsky, seconded by Councilor Lindsay to grant the request of the Parks and Recreation Department to hold the July 4, 2020 Patriotic 5K, resulting in the closure of portions of Beech, Price, High, Hanover, Chestnut and Grant Streets, from 8:00 a.m. to 9:00 a.m., subject to review and approval of the Police and Fire Departments and to waive the \$100 road closure fee.

President Weand noted that charging the fee to Parks and Recreation would be an internal process, costing more than the \$100 fee.

Motion carried: 7 ayes.

i. Tiburon 5K - Motion by Councilor Lebedynsky, seconded by Councilor Lindsay to grant request of Tiburon Endurance Sports to reschedule its May 16, 2020 Fox Trot 5K to October 10, 2020, resulting in the closing of the Circle of Progress and Glasgow Street from 10:00 a.m. to 11:00 a.m., and to utilize Borough owned property for event parking, subject to approval of the Police and Fire Departments. Motion carried: 7 ayes.

j. HARB - Motion by Councilor Procsal, seconded by Councilor Kirkland to reappoint Anthony Campbell to the Historic Architectural Review Board for a five (5) year term to expire April 1, 2025. Motion carried: 7 ayes.

k. Land Bank - Motion by Councilor Vanni, seconded by Councilor Lindsay to reappoint Deborah Penrod and Michael Mauger to the Land Bank Board for three (3) year terms to expire April 9, 2023. Motion carried; 7 ayes.

l. REPORT OF BILLS – Motion by Councilor Kirkland seconded by Councilor Vanni, to pay the bills in the amount of \$2,945,318. Motion carried: 7 ayes.

m. MOU SM.EP-1 - Motion by Councilor Procsal, seconded by Councilor Lebedynsky to authorize execution of a Memorandum of Understanding Agreement between the Borough of Pottstown and the SEP-I, LLC for the property located at 451 Keystone Boulevard. Motion carried: 7 ayes.

n. ZONING ORDINANCE AMENDMENT - Motion by Councilor Kirkland, seconded by

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Councilor Lindsay to authorize the Solicitor to prepare and advertise an ordinance amending the Zoning Ordinance creating a new Keystone Employment and Economic Plan (KEEP) Overlay. Motion carried: 7 ayes.

Mr. Keller provided a brief outline regarding the Memorandum of Understanding with the SEP-1 plan. The document specifies steps to be addressed including zoning ordinance amendments. It also includes a \$625,000 contribution for the extension of the Keystone Boulevard to the Stowe interchange and to assist in grant applications. Additionally, there will be a \$5 per truck tipping fee, which will result in approximately \$90,000 to \$100,00 per year and will assist in roadway improvements. Mr. Keller also referred to the rendering depicting the aesthetic improvements to the site.

7:30 P.M. PUBLIC HEARING, ZONING ORDINANCE AMENDMENT

Solicitor Garner opened a public hearing at 7:30 P.M. for a proposed adoption of a zoning ordinance amendment. He outlined the requirements met by the Borough for the requirements for the amendment of the zoning ordinance.

Solicitor Garner advised that the ordinance has several significant changes, including the elimination of the flood plain overlay district; an amendment to the parking requirements in the downtown district; and the requirements for swimming pools, both portable and storable pools.

There were no public comments and Solicitor Garner closed the hearing at 7:35 p.m.

o. Zoning Ordinance Amendment - Motion by Councilor Procsal, seconded by Councilor Lindsay to adopt an Ordinance amending the Zoning Ordinance related to Floodplain Regulations; Downtown District Parking Requirements and Swimming Pool Regulations.

ORDINANCE NO. 2196

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING VARIOUS PARTS OF CHAPTER 27, ZONING, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED, IN ORDER TO DELETE REDUNDANCIES RELATED TO FLOODPLAIN REGULATIONS; REDUCE MINIMUM PARKING REQUIREMENTS FOR THE DOWNTOWN DISTRICT; AND AMEND THE REGULATIONS FOR SWIMMING POOLS, INCLUDING STORABLE POOLS.

Motion carried: 7 ayes.

ANNOUNCEMENTS

Councilor Procsal, along with the other Councilors, expressed his appreciation for Juan Carlos and the other downtown restaurants for providing take-out options and urged all to support the businesses.

Solicitor Garner confirmed that the on-line go-to-meetings will most likely not be legal after the pandemic crisis is over. He is awaiting state legislation to be adopted.

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Mayor Henrick reminded all to complete the Census forms.

President Weand thanked Staff and all involved for their efforts during this crisis.

ADJOURNMENT

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

Submitted by,

Justin M. Keller
Borough Manager