

June 10, 2019

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, June 10, 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.

President Weand reminded all to use the microphones appropriately.

APPROVAL OF MINUTES

Motion by Councilor Paez, seconded by Councilor Lindsay to approve the May 13, 2019 Council meeting minutes as presented. Motion carried: 7 ayes.

COMMENTS FROM CITIZENS PRESENT

a. Dawn Varady, 7 West Second Street – complained about the condition of a neighboring property and the constant traffic in and out of the property. She stated that she contacted the police to witness these incidences through her home and was told that it would be entrapment. Ms. Varady also complained about the noise, fire pit smoke and dog feces and requested Council's assistance with this Section 8 property.

Councilor Lebedynsky agreed to meet with Ms. Varady after the meeting.

b. Janice Monger, 5 West Second Street – also complained of wood smoke from the neighboring property, burning from morning until night. She requested Council's consideration in rescinding the burning ordinance.

c. Rob Monger, 5 West Second Street – provided a video showing the various types of wood being burned and the smoke coming from several properties. He noted that it has gone on at times three days in a row and also the neighbor smokes meats 18 hours a day.

June 10, 2019

d. Michele Chayson, 1252 North Evans Street – provided a hand-out with statistics regarding geography, weather and smoke from harmful wood burning. She stated she has to get in her car and leave her home due to the smoke from neighboring properties. Ms. Chayson requested that the ordinance be completely eradicated.

e. Elaine Waltemate 1008 East Schuylkill Road – stated that she has been a sign-language instructor at the Ricketts Center for more than one year. She praised the students and the efforts of the Olivet Boys and Girls Club and urged Council to continue with Olivet and its programs, such as the fitness and workout programs. Ms. Waltemate read a letter from Representative Tim Hennessey praising the operation of Olivet and also urged Council to not displace this organization.

f. Johnny Corson, 544 Jefferson Avenue – stated that if the two organizations, Olivet and Strive, cannot work together, that the Ricketts Center should be returned to the Borough and operated by the Parks & Recreation Department. He stated that the Borough and School District seem to have “washed their hands” regarding concerns of the Center.

g. Terri Letterhouse, 22 East Second Street – spoke about forming community and neighborhood watch groups to make a presence in the streets.

h. Nicolette Sambrick, 775 North Washington Street – complained about the trash service from Mascaro and the numerous times her trash, recycling and yard waste have been missed and is tired of excuses from Mascaro. She would like to withhold her payment to the Borough in order for the Borough to withhold payment to Mascaro. Ms. Sambrick also complained about the speeding vehicles in the area of the Pottstown High School, including teachers arriving at 7:00 a.m. She requested additional police coverage at the time vehicles are coming into the school.

i. John Spittle, Jr. 775 North Washington Street - expressed a concern regarding the sewer main replacement on North Washington Street near the High School. He expressed a concern regarding the process of not putting laterals to the curb, which will force residents to pay if pipes in the street are damaged by contractors. He added that it will cost residents approximately \$10,000 to tie into the new service main.

SUBCOMMITTEE REPORTS

a. Finance & Administration – President Weand reported that the revenues are at 57% and expenses at 29% for the first quarter of the year. He also advised that assessments have increased by approximately \$80,000.

COMMITTEE REPORTS

- a. COG – Vice President Kulp noted that the minutes were in the packets.
- b. EAC – There was no report.
- c. Regional Planning – There was no meeting.

June 10, 2019

d. Blighted Property Review Committee – Councilor Procsal noted that a bus tour is scheduled for the next meeting.

UNFINISHED BUSINESS

None.

NEW BUSINESS

a. Presentation – 2018 Borough Audit

Bill Breslawski, Partner with Maillie, LLC, provided the Borough Audit for 2018. He advised that there were new account pronouncements related to Other Post Employment Benefits (OPEB) in place for this year and explained the Management Discussion and Analysis outline. He also reviewed the liability and assets as of 12/31/18 for both government activities and business type activities, such as the sewer operations.

Mr. Breslawski also referred to the general fund expensed and revenues, the sewer operations and the cash flow report for the year. He also addressed the assets and liability revenues and expenses for the pension and OPEB obligations.

Mr. Breslawski advised that his firm issued a clean opinion for the audit, meaning there were no material differences. He advised there was a single finding in the Federal Transit program, with reports not being filed timely, which was a timing issue, and it has been corrected and procedures are in place to avoid this in the future.

Mr. Breslawski commended the Financial Staff for its cooperation and assistance during the audit process. He added that several adjustments were addressed under the new accounting procedures, which were less than 10 in number.

b. OBOGC Lease Extension - Motion by Councilor Kirkland, seconded by Councilor Paez to authorize the Borough Manager to forward amended lease terms to Olivet Boys and Girls Club pursuant to Section 11.3 of the existing lease.

President Weand noted that this has nothing to do with who will be operating the Ricketts Center in the future.

Motion carried: 7 ayes.

c. Specialty Chemical Systems – Motion by Councilor Kirkland, seconded by Councilor Paez to grant preliminary/final approval of Specialty Chemical Systems Land Development Plan, 243 Shoemaker Road, subject to satisfying the following conditions within 90 days:

- i. Compliance with the Cedarville Engineering letter of May 9, 2019
- ii. Compliance with the Montgomery County Planning review letter of May 13, 2019
- iii. Applicant paying a fee in lieu of open space in the amount of \$9,600
- iv. Applicant agreeing to pay a voluntary contribution to the Borough in the amount of \$6,000 for traffic improvements

June 10, 2019

- v. Correction to plan consistent with notes A3, Setbacks and B1, Tree Removal and Protection
- vi. Preparation and execution of a Developer's Agreement in a form acceptable to the Borough
- vii. Payment in full of all Borough review fees

Chris Benfer, General Manager and George Hresko, Plant Manager, representing Specialty Chemicals stated that they were both in agreement with the conditions as stated.

Solicitor Garner advised that these comments should be reflected in the motion.

Motion carried: 7 ayes.

d. Specialty Chemicals - Motion by Councilor Kirkland, seconded by Councilor Kulp to grant the following waiver request from the Subdivision and Land Development Ordinance for Specialty Chemical Plan Project:

- i. Section 21-201 – waiver of sidewalk frontage requirement
- ii. Section 22- A504.4 – requirement for dedication of open space

Motion carried: 7 ayes.

e. PART Local Match – Motion by Councilor Paez, seconded by Councilor Lebedynsky to adopt a Resolution certifying the Local Match for State Operating Financial Assistance.

RESOLUTION NO. 2019-15

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 \$1,317,716 provided pursuant to 74 Pa.C.S. §1513 is needed in Fiscal Year 2019-2020 or in a subsequent fiscal year to help pay for 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 operating assistance in a subsequent fiscal year(s).

Further, the Pottstown Borough Council resolves and certifies that the required local matching funds of \$94,281 will be secured from local contributors no later than the end of Fiscal Year 2019-2020 to match the requested Section 1513 funds.

I Dan Weand, Borough Council President of the Pottstown Borough Council 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 10 day of June 2019.

Motion carried: 7 ayes.

June 10, 2019

f. PART Operating Budget – Motion by Councilor Procsal, seconded by Councilor Kulp to approve the Pottstown Area Rapid Transit (PART) Operating Budget for FY2019-2020, dated June 10, 2019. Motion carried: 7 ayes.

g. PART/Paratransit Service - Motion by Councilor Procsal, seconded by Councilor Paez to extend the existing agreement between Pottstown Area Rapid Transit/Paratransit Service and the Borough of Pottstown for a one-year term to expire June 30, 2020, with the same terms and conditions. Motion carried: 7 ayes.

h. Portnoff Contract - Motion by Councilor Paez, seconded by Councilor Lindsay to approve a two-year extension of the contract between Portnoff Law Associates and the Borough of Pottstown from July 1, 2019 to June 30, 2021 for the collection of delinquent accounts. Motion carried: 7 ayes.

i. PLGIT - Motion by Councilor Procsal seconded by Councilor Lindsay to adopt an Ordinance authorizing the Borough to join the Pennsylvania Local Government Investment Trust (PLGIT) for the purpose of purchasing investments

ORDINANCE NO. 2186

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AUTHORIZING THE BOROUGH OF POTTSTOWN (HEREINAFTER REFERRED TO AS THE “LOCAL GOVERNMENT UNIT”) TO JOIN WITH OTHER LOCAL GOVERNMENT UNITS AS A SETTLOR OF THE PENNSYLVANIA LOCAL GOVERNMENT INVESTMENT TRUST FOR THE PURPOSE OF PURCHASING THE SHARES OF THE TRUST

Motion carried: 7 ayes.

j. RESTORE PA - Motion by Councilor Kulp, seconded by Councilor Lindsay to adopt a Resolution in support of Restore Pennsylvania, a \$4.5 billion Infrastructure Improvement Plan.

RESOLUTION NO. 2019 – 16

RESOLUTION IN SUPPORT OF RESTORE PENNSYLVANIA A \$4.5 BILLION INFRASTRUCTURE IMPROVEMENT PLAN

WHEREAS, Pennsylvania must position its communities for success and position itself as a leader in the 21st century by investing in critical infrastructure needs that for too long have been neglected. WHEREAS, To help build a better future for all Pennsylvanians, Restore Pennsylvania will invest \$4.5 billion over the next four-years in significant, high-impact projects throughout the Commonwealth to help catapult Pennsylvania ahead of every state in the Country in terms of technology, development, and infrastructure.

WHEREAS, Restore Pennsylvania will provide funding to bridge the digital divide, supporting the installation of infrastructure to bring high-speed internet to communities across the Commonwealth and making Pennsylvania a better place to work, do business, and live.

June 10, 2019

WHEREAS, Restore Pennsylvania will prioritize communities with low to moderate income for improvements on private property.

WHEREAS, Restore Pennsylvania will provide funding to assist individuals who suffer severe weather-related losses and funding to help communities prepare for flooding and severe weather, upgrade flood walls and levees, replace high-hazard dams, and conduct stream restoration and maintenance.

WHEREAS, Restore Pennsylvania will address blight by providing financial resources to local communities to establish land banks and acquire and demolish blighted buildings in order to create new development opportunities or provide new green space.

WHEREAS, Restore Pennsylvania will fund expanded efforts to remove lead and other contaminants from communities.

WHEREAS, Restore Pennsylvania will enable new environmental projects and new recreational opportunities across the Commonwealth, including infrastructure and maintenance in state parks, local water quality improvements on farms, and funding for new hiking, biking and trail projects.

WHEREAS, Restore Pennsylvania will help to build manufacturing facilities and other downstream businesses while helping businesses and individuals use more of Pennsylvania's natural gas in their homes, creating jobs, lowering costs, and improving energy efficiency.

WHEREAS, Restore Pennsylvania will provide funding for local road and bridge upgrades, create new flexible funding options for businesses that need local infrastructure upgrades to enable development projects, and multimodal and large-scale capital projects for transit.

WHEREAS, Restore Pennsylvania projects will be driven by local input about local needs, and projects will be evaluated through a competitive process to ensure that high-priority, high-impact projects are funded and needs across Pennsylvania are met.

Now, therefore be it RESOLVED, that the Pottstown Borough Council hereby urges the Pennsylvania General Assembly to support Restore Pennsylvania.

Motion carried: 7 ayes.

k. Downtown District Amendment - Motion by Councilor Procsal, seconded by Councilor Lindsay to authorize the Solicitor to prepare ordinance amendments and advertise a Public Hearing regarding revisions to the Downtown District Ordinance. Motion carried: 7 ayes.

l. Sewer Specifications Amendment - Motion by Councilor Kirkland, seconded by Councilor Paez to authorize the Solicitor to prepare and advertise an Ordinance Amendment to address water and sewer specifications as recommended by the Pottstown Borough Authority. Motion carried: 7 ayes.

m. Disciplinary Action - Motion by Councilor Kirkland, seconded by Councilor Lindsay to ratify the Mayor's disciplinary action of a suspension without pay upon a Pottstown Police Officer. Motion carried: 7 ayes.

n. Zoning – 861 Cross Street - Motion by Councilor Kirkland, seconded by Councilor Kulp to authorize the Solicitor to send a letter to the Zoning Hearing Board in support of the zoning relief request of Keystone Industrial Corp. for the property located at 861 Cross Street. Motion carried: 7 ayes.

June 10, 2019

o. Zoning – 121 Shoemaker Road – Motion by Councilor Procsal, seconded by Councilor Paez to authorize the Solicitor to send a letter to the Zoning Hearing Board in support of the zoning relief request of West Pottstown Shopping Center for the property located at 121 Shoemaker Road. Motion carried: 7 ayes.

p. Land Bank Board - Motion by Councilor Procsal, seconded by Councilor Kulp to reappoint Twila Fisher to the Pottstown Land Bank Board for a three (3) year term to expire June 11, 2022.

Councilor Paez noted that Ms. Fisher may have conflicts of interest and would prefer to give someone else a position on the Board.

President Weand requested a roll-call vote.

Kirkland	no	Paez	no
Kulp	yes	Procsal	yes
Lebedynsky	yes	Weand	yes
Lindsay	yes		

Motion carried: 5 ayes, 2 nays.

q. Land Bank Board - Motion by Councilor Kirkland, seconded by Councilor Paez to appoint Michael Mauger to the Pottstown Land Bank Board to fill a vacant term to expire April 9, 2020

Kirkland	yes	Paez	yes
Kulp	no	Procsal	yes
Lebedynsky	no	Weand	yes
Lindsay	yes		

Motion carried: 5 ayes, 2 nays.

r. Kingdom Life Church - Motion by Councilor Kirkland, seconded by Councilor Lindsay to grant the request of the Kingdom Life Church to conduct a Church service on June 30, 2019, resulting in the closing North Franklin Street, from 8:00 a.m. – 2:00 p.m., subject to approval of the Police and Fire Departments.

Councilor Kulp questioned the time of the church service from 8:00 a.m. – 2:00 p.m.

Manager Keller noted that the request is to move the church service outside.

Motion carried: 7 ayes.

s. Reading Gravity Race – Motion by Councilor Lebedynsky, seconded by Councilor Kulp to grant the request of the Reading Gravity Racing League to hold the Racing Competition on July 14, 2019 (rain date July 28), resulting in the closing of Wilson Street from 10:00 a.m. – 7:00 p.m., subject to approval of the Police and Fire Departments. Motion carried: 7 ayes.

June 10, 2019

t. Sly Fox Track Club - Motion by Councilor Kulp, seconded by Councilor Lebedynsky to grant the request of the Sly fox Track Club to hold its 2019 Pottstown Half Marathon on December 15, 2019, resulting in the closing of portions of Glasgow, West Walnut, Berks, West King, West High Streets, Gable Avenue, College Drive and Keystone Boulevard, from 8:30 a.m. -12:30 p.m., subject to approval of the Police and Fire Departments. Motion carried: 7 ayes.

REPORT OF BILLS – Motion by Councilor Kulp, seconded by Councilor Lindsay to pay the bills in the amount of \$2,729, 643.81. Motion carried: 7 ayes.

ANNOUNCEMENTS

Councilor Lebedynsky reported that he and Councilor Lindsay attended Phoenixville's First Friday event. He advised that numerous vendors and crafters were present, along with music groups in the closed-off streets. He would like to see events such as this in Pottstown's downtown and to encourage merchants to stay open in order to keep people in the downtown during and after events.

Councilor Paez complained that kids are riding bikes on High, King ,Walnut and Beech Streets and not in the bike lanes and suggested that citations be issued.

Councilor Lindsay also advised that she attended the Carousel's first Friday event and the noted that she and Councilor Lebedynsky attended Phoenixville's event. She added that she had the opportunity to speak with merchants and organizers for Phoenixville. Councilor Lindsay also reported that she did some research regarding leasing of a community center and found nothing. She added that she did find that most Parks and Recreation Departments are in charge of recreation centers. She also reminded all of the June 12th bus trip to the Capitol Building for school fair funding.

ADJOURNMENT

President Weand adjourned the meeting at 8:10 p.m.

Submitted by,

Justin M. Keller
Borough Manager