

June 14, 2021

## POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, June 14, 2021, at 7:00 p.m. as a hybrid, in-person and 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 Virtual Meeting and an in-person meeting. 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. Committee of the Whole - Motion by Councilor Lindsay, seconded by Councilor Lebedynsky to approve the May 5, 2021 Committee of the Whole Meeting minutes as presented. Motion carried: 6 ayes.

b. Council Meeting – Motion by Councilor Lebedynsky, seconded by Councilor Procsal, to approve the May 10, 2021 Council meeting minutes as presented. Motion carried: 6 ayes.

### COMMENTS FROM CITIZENS PRESENT

a. Jim Lutz, 19 West 7<sup>th</sup> Street – reiterated his concerns regarding nine large dogs on the property located at 441 Johnson Street. He noted that the year-long problem continues to exist. He expressed a concern regarding the dog feces and the fly infestation problem. He suggested adopting a policy to limit the number of dogs allowed in a private residence. He also noted the deterioration of the outside of the property.

### REPORTS

a. Finance & Administration – President Weand reported that the General Fund stands at

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57% in revenues and 25% in expenses. The Real Estate taxes collected are at 86% and local taxes received are at 33%. Assessments have increased by \$501,240 for the year and property transfers continue to be monitored and following building permits. He also noted that there were no new LERTA applications.

b. Committee of the Whole Follow-up – Manager Keller advised that the Citizens’ Leadership Academy may resume in the fall and additional information will be provided as received. He added that regarding the traffic lights at South Evans and High Street, Staff is working with PennDOT to improve the timing and possibly removing the No Turn on Red provision. Mr. Keller also referred to HB 1318 to amend legislation allowing remote meetings to continue without a required quorum. This will be considered at the July Council meetings.

#### BOARDS AND COMMITTEE REPORTS

a. Emergency Services Report – Chief Hand provided an outline and directive for the upcoming fireworks season. Fireworks are not legal in the Borough. He added that firepits are allowed but only with real firewood. Chief Hand advised that any concerns should be addressed by calling 911.

Chief Markovich added that it is very difficult to catch the offenders during fireworks. They are legal to possess.

a. EAC – There was no meeting.

b. Regional Planning – Councilor Procsal reported that a discussion took place regarding New Hanover Township’s new developments.

c. Blighted Property – The minutes were provided in the packets.

#### UNFINISHED BUSINESS

None.

#### NEW BUSINESS

a. Conditional Use, 17 North Hanover Street - Motion by Councilor Procsal, seconded by Councilor Lebedynsky to grant the Conditional Use request of Maritza Agosto to operate a boutique, classified more specifically as a direct retail store, at the property located at 17 North Hanover Street, with conditions as stated in the Order dated June 14, 2021. Motion carried: 6 ayes.

b. PUC Protest - Motion by Councilor Kirkland, seconded by Councilor Lebedynsky to ratify the filing of the Protest with the Pennsylvania Public Utility Commission on behalf of the Borough of Pottstown, regarding the sale of Upper Pottsgrove Township’s Wastewater Collection and Conveyance System to Pennsylvania-America Water Company. Motion carried: 6 ayes.

c. Sly Fox Zoning Relief - Motion by Councilor Procsal, seconded by Councilor Kirkland to send a letter of support to the Zoning Hearing Board on the zoning relief request of the Sly Fox Brewery, 331-337 Circle of Progress.

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Solicitor Hovey explained the zoning relief requested by the applicant is considered an outside storage shed. The Zoning Board Hearing is scheduled for June 30<sup>th</sup> and explained the options for Council action.

Motion carried: 6 ayes.

d. Boyertown MultiService - Motion by Councilor Lindsay, seconded by Councilor Kirkland to grant MultiService's request to initiate the process for renewing its lease for the operation of the Ricketts Community Center, as outlined in its May 18, 2021 letter, and also to assign Special Counsel, R. Kurtz Holloway, Esquire, to assist, on behalf of the Borough, with the preparation of a lease renewal which shall be subject to the approval of Borough Council. Motion carried: 6 ayes.

e. Borough Treasurer - Motion by Councilor Lindsay, seconded by Councilor Procsal to adopt a Resolution appointing Marley A. Boone, Finance Director, as the Treasurer for the Borough of Pottstown.

#### RESOLUTION NO. 2021-17

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN APPOINTING MARLEY A. BOONE AS THE TREASURER OF THE BOROUGH.

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

WHEREAS, Pottstown Borough presently does not have a Treasurer; and

WHEREAS, Borough Council wishes to create the position of Treasurer and appoint an individual to the position of 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. Marley A. Boone is hereby appointed to the position of Borough Treasurer.

SECTION 2. The Borough Treasurer shall perform the duties of the Treasurer and 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.

ENACTED and RESOLVED this 14th day of June 2021.

Motion carried: 6 ayes.

f. Emergency Operations Plan - Motion by Councilor Kirkland, seconded by Councilor Lebedynsky to adopt a Resolution accepting and approving the 2021 Emergency Operations Plan of the Borough of Pottstown.

#### RESOLUTION NO. 2021 – 18

THIS RESOLUTION approved and adopted by the elected officials of the Borough of Pottstown, Montgomery County, Pennsylvania, on the date hereinafter set forth.

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WITNESS TO:

WHEREAS, Section 7503 of the Pennsylvania Emergency Management Services Code, 35 Pa. C.S.A. Section 7101 et seq. mandates that municipalities prepare, maintain and keep current emergency operations plan for the prevention and minimization of injury and damage caused by a major emergency or disaster within this municipality; and

WHEREAS, in response to the mandate stated above, the Borough of Pottstown has prepared emergency operations plan to provide prompt and effective emergency response procedures to be followed in the event of a major emergency or disaster; and

WHEREAS, the Borough of Pottstown has also prepared an emergency operations plan in order to reduce the potential effects of a major emergency or disaster and to protect the health, safety and welfare of the residents of this municipality.

NOW, THEREFORE, we the undersigned elected officials of the Borough of Pottstown do hereby approve, adopt and place into immediate effect the Emergency Operations Plan of the Borough of Pottstown. This Plan shall be reviewed to make certain that it conforms to the requirements of the Montgomery County Emergency Operations Guideline.

ENACTED AND RESOLVED, this 14th day of June 2021.

Motion carried: 6 ayes.

g. Telecommunications Policy - Motion by Councilor Kirkland, seconded by Councilor Procsal to adopt a Resolution accepting the Telecommunication Policy for the Borough of Pottstown, as presented, for the purpose of maximizing the Borough Code's authorization, under certain circumstances, for the participation of Councilors in public meetings by acceptable telecommunication devices upon the conclusion of any pandemic-related emergency authorizations related to virtual attendance by Councilors at public meetings

#### RESOLUTION NO. 2021-19

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN ADOPTING A TELECOMMUNICATIONS POLICY AS PERMITTED BY THE PENNSYLVANIA STATE BOROUGH CODE.

WHEREAS, the Pennsylvania State Borough Code permits Boroughs to allow participation of Councilors in meetings by means of certain telecommunication devices upon the adoption and enactment of a Telecommunications Policy; and

WHEREAS, the Pottstown Borough Council wishes to adopt a Telecommunications Policy

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED, as follows:

SECTION 1. The Burgess and Town Council of the Borough of Pottstown adopts the attached Telecommunications Policy pursuant to the authority provided in the Pennsylvania State Borough Code. A true and correct copy of the Pottstown Borough Telecommunications Policy is attached hereto, made a part hereof and is incorporated herein marked as Exhibit A.

SECTION 2. This Resolution shall become effective immediately upon enactment.

ENACTED and RESOLVED this 14th day of June, 2021.

Solicitor Hovey explained that this matter exists in the Borough Code. The only difference is Section 4-E as an additional option for participation in public meetings.

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Councilor Vanni commented that it would not be productive to cancel a meeting if there would be no physical quorum once Act 15 expires.

Ms. Takach noted that she could not recall a meeting being cancelled for lack of a quorum in the past 20 years.

Motion carried: 6 ayes.

h. Department of Justice Grants - Motion by Councilor Procsal, seconded by Councilor Lindsay to authorize the submission of the following grant applications:

- i. Department of Justice COPS Hiring Program in the amount of \$375,000 with a 25% required match (\$93,750) to hire three Police Officers
- ii. Department of Justice School Violence Prevention Program in the amount of \$100,000 with a 25% required match (\$25,000) to purchase and install surveillance cameras
- iii. Department of Justice Community Policing Development Microgrant Program under the Community Violence Intervention category in the amount of \$125,000 for street outreach details
- iv. Department of Justice Community Policing Development Microgrant Program under the Youth Engagement category in the amount of \$125,000 for overtime details during school dismissal

Councilor Kirkland questioned if any programs exist to enhance hiring minorities

Chief Markovich commented that the hiring of officers is governed by the Civil Service Commission and encouraged minorities to take the written exam.

Solicitor Hovey added that the Borough, due to the size of the Department is governed by the Civil Service Commission.

Mayor Henrick requested that the Chief provide the percentage of minorities hired by the Department

Motion carried: 6 ayes.

i. Airport Consultant - Motion by Councilor Procsal, seconded by Councilor Lindsay to authorize Staff and the Solicitor to negotiate a new contract agreement with Delta Airport Consultants, Harrisburg, PA, for the Engineering Consultant Services for the Pottstown Municipal Airport. Motion carried: 6 ayes.

j. Crossing Guard Services - Motion by Councilor Lindsay, seconded by Councilor Lebedynsky to authorize execution of the Agreement for Crossing Guard Services between the Borough and All City Management Services Inc. for a term to expire June 30, 2024. Motion carried: 6 ayes.

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k. Pottstown Rumble Fireworks - Motion by Councilor Lindsay, seconded by Councilor Procsal to approve the request of the Pottstown Rumble for the use of fireworks for its Fireworks Salute scheduled for June 25, 2021, subject to approval of the Fire Department. Motion carried: 6 ayes.

l. GoFourth Biergarten - Motion by Councilor Lindsay, seconded by Councilor Procsal to grant the request of the GoFourth Festival Committee to hold a Biergarten in Smith Family Plaza on July 4, 2021, 1:00 p.m. – 5:00 p.m., subject to review and approval of the Police and Fire Departments and the Federal Transit Administration..

Mr. Keller confirmed that the FTA approval was received.

Motion carried: 6 ayes

m. Funky Santa 5K - Motion by Councilor Lindsay, seconded by Councilor Vanni to grant the request of the Parks and Recreation Department to hold its Funky Santa 5K on July 25, 2021, resulting in the closing of College Drive from Hanover to High Street and Keystone Blvd, from 8:00 a.m. – 10:00 a.m., subject to review and approval of the Police and Fire Departments. Motion carried: 6 ayes.

n. Funky Santa 5K - Motion by Councilor Procsal, seconded by Councilor Lebedynsky to grant the request of the Parks and Recreation Department to hold its Funky Santa 5K on December 5, 2021, resulting in the closing of College Drive from Hanover to High Street and Keystone Blvd, from 9:00 a.m. -10:30 a.m., subject to review and approval of the Police and Fire Departments. Motion carried: 6 ayes.

o. Block Party - Motion by Councilor Lebedynsky, seconded by Councilor Lindsay to grant the request of Laura Johnson to hold a block party on August 14, 2021 (rain date August 15), resulting in the closing of Belmont Street from Reynolds Avenue to 8th Street, subject to review and approval of the Police and Fire Departments. Motion carried: 6 ayes.

REPORT OF BILLS – Motion by Councilor Kirkland, seconded by Councilor Lindsay to pay the outstanding bills in the amount of \$2,185,318.90. Motion carried: 6 ayes.

## ANNOUNCEMENTS

Councilor Vanni expressed a concern regarding the upcoming fireworks season. She encouraged all to attend the approved festivals during the holiday.

Councilor Lindsay announced the Juneteenth event in Memorial Park on June 19<sup>th</sup>, 11:00 a.m. – 5:00 p.m. She also advised that a Fair Funding rally will be held at the Pottstown Middle School on June 21<sup>st</sup>, 12:30 p.m.

Mayor Henrick commented that there are no street lights in the 600 block of Chestnut Street. She also requested that efforts be made to assist Mr. Lutz regarding the neighbor complaints from Johnson Street.

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President Weand added that he has been working with Representative Ciresi on the Fair Funding issue and encouraged all to attend on June 21<sup>st</sup>.

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

Submitted by,

Justin M. Keller  
Borough Manager