

July 8, 2019

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, July 8, 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 and Rita Paez. Also present were Manager Justin Keller, Solicitor Charles Garner and Borough Secretary Virginia Takach. Councilor Kirkland and Mayor Henrick were absent.

APPROVAL OF MINUTES

Motion by Councilor Paez, seconded by Councilor Kulp to approve the June 10, 2019 Council meeting minutes as presented. Motion carried: 6 ayes.

SWEARING-IN – OFFICER ADAM SEANOR

Magisterial District Judge Scott Palladino administered the Oath of Office and swore in Officer Adam Seanor as a Pottstown Police Officer in the presence of his family and fellow officers.

Chief Michael Markovich expressed his appreciation to Judge Palladino for filling-in for the Mayor on short notice.

COMMENTS FROM CITIZENS PRESENT

a. Tracy Daywalt, 231 North Charlotte Street – complained about the continual lack of service regarding the J. P. Mascaro trash pick up and noted that she refused to pay her utility bill and has now received a delinquent/shut off notice. Ms. Daywalt added that she recently had a \$1,000 repair bill on her truck due to damage caused by potholes.

b. Bill Ducommun, 1502 Glasgow Street – requested “bump” signs be posted at the intersection of Farmington Avenue and Wilson Street.

c. Bob Brown, 543 Grant Street – expressed his concern for resources cut from children’s activities and urged Council to keep the basketball courts open and provide services in the area of the Ricketts Center.

July 8, 2019

d. Bruce Madara, 543 North Adams Street – praised Chief Markovich and Mr. Lenhart for taking the time to listen to his concerns regarding the excessive use of fireworks.

e. Jeanne Wiggins, 750 North Franklin Street – complained about the damage done by Middle School students to her 89-year old godmother’s property located at 750 North Franklin Street. She expressed a concern that she was told she needed a licensed contractor to make the repairs. Ms. Wiggins also urged Council to do something about the excessive taxes on this property and other senior citizen’s properties.

f. Nicolette Sambrich, 775 North Washington Street – reiterated her concerns regarding the inefficient trash pickup. She advised that she will be calculating the cost of each pick up and deducting the cost of each missed pick up from her quarterly utility bill.

g. Ed Kelly, 6 Park Court – returned several bike lane bollards that he retrieved from North Roland and Jackson Street. He also commented that the “no winter maintenance” signs should simply read “no maintenance.” Mr. Kelly advised that the trash trucks and the mailmen use the bike lanes.

h. Bill Robertson, 1110 Wilson Street – spoke as a board member of the STRIVE initiative and questioned why no response was provided by Council regarding the concerns presented in an email dated June 25th with respect to the operation of the Ricketts Center. He also expressed a concern that a vote regarding the Center is listed on this evening’s agenda.

i. Terrence Shawell, 703 Grant Street – was present with several members of his basketball team and expressed a concern that the basketball court at the Ricketts Center was closed at 8:00 p.m. while still light out and pushed kids out to the street.

j. Andy DeJesus, 2224 Donna Lane – spoke as a Federal agent and a product of the Philadelphia streets. He noted the importance of having a sports facility for kids as an outlet and urged Council to have the basketball gates open.

SUBCOMMITTEE REPORTS

a. Finance & Administration – President Weand noted that there was no meeting this month.

b. Infrastructure – Councilor Kulp reported that Licensing & Inspections is progressing well. She also provided an update on the Parks & Recreation projects including the Ricketts Roof and noted that air-conditioning is being provided during the construction. Councilor Kulp also reported that a pre-construction meeting was held for the paving project and PCTV may be using space in the old Borough Garage.

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

Solicitor Garner opened a public hearing and requested comments on the proposed amendment to the Zoning Ordinance and explained the request to eliminate child care facilities as a conditional use in the downtown district. The ordinance will also define outdoor dining area, uses in

July 8, 2019

the dining areas and eliminating the proximity restrictions for taverns/bars in the downtown. Solicitor Garner advised that the ordinance is supported by the Montgomery County Planning Commission and is ready for adoption.

There were no comments and the hearing closed at 7:45 p.m.

c. Economic Development – Ms. Lee-Clark provided a recap of the June 20th annual Progress Luncheon, wherein existing businesses were highlighted and commended, including Dana – 100 years, Cody Computers since 1970, Bause Catering since 1980 and several long-time law firms. She also highlighted the weekend events and the opening of the Alley beer garden. Ms. Lee-Clark also reported that PAID will be taking the lead on establishing a community calendar.

d. Transportation – Councilor Kulp noted that there was no meeting.

e. Ad Hoc Zoning – Councilor Procsal reported that the proposed downtown ordinance was discussed along with window signs.

f. Efficient Methods Committee – Councilor Lebedynsky reported that a brief meeting was held and discussed the updates to zoning and new verbiage and signage on High Street.

BOARDS AND COMMITTEE REPORTS

a. COG – Councilor Kulp advised there was no meeting.

b. EAC – There was no meeting

c. Regional Planning – Councilor Procsal advised that Craig Colistra, Pottstown Health and Wellness, made a presentation regarding health comparisons of various municipalities.

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

e. Emergency Services Reports – Chief Hand provided statistics for the month of June. He also commended all involved with the successful July 4th Fireworks event.

f. Human Relations Commission – Marcia Levengood announced that July is National Ice Cream month. She also reported that a representative from the Pennsylvania Human Relations Commission provided a presentation at the June 11th meeting on Diversity and Occlusion. The next meeting is July 9th.

g. Land Bank – Deb Penrod reported that the Board is working on establishing policies and seeking grants for this organization to return blighted properties to the tax rolls.

h. Library – Ms. Penrod also reported on the upcoming events, including the Amazing Raise initiative with the TriCounty Network and advised that the Library has enrolled in the Amazon Smile program. She also advised that the Library was the recipient of furniture donations from The Hill School.

July 8, 2019

i. Olivet Boys and Girls Club – There was no report.

j. Pottstown School Board – Councilor Lindsay provided a report on the June 12th POWER event in Harrisburg, wherein three busloads of Pottstown constituents and officials attended to address fair funding issues. She also reported that at the recent School Board meeting the Jr. ROTC award was presented to Lieutenant James Porter and the PAID annual report was provided by Executive Director Peggy Lee-Clark. The Edgewood school project is not moving forward and therefore the 5th graders will remain at the Middle School.

Mayor's Report

There was no report.

Manager's Report

Manager Keller reported on the successful events throughout town, including the GoFourth Independence Day celebration and the Parade, the Trails on Tap and the Pottstown Rumble. He also reported that the Clock Tower will be redesigned without the clock, due to the costs and is seeking sponsors. Mr. Keller also noted that Staff is working with the Housing Coalition to establish the bid package for the upcoming trash contract.

UNFINISHED BUSINESS

None.

NEW BUSINESS

a. Zoning Ordinance Amendment - Motion by Councilor Procsal, seconded by Councilor Kulp to adopt an Ordinance amending the Zoning Ordinance to eliminate child care facilities as a conditional use in the downtown and amend outdoor dining regulations.

ORDINANCE NO. 2187

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, IN ORDER TO ELIMINATE CHLD CARE FACILITIES AS CONDITIONAL USE IN THE DOWNTOWN DISTRICT; DEFINE OUTDOOR DINING AREA; ALLOW OUTDOOR DINING AREAS AS AN ACCESSORY USE IN CERTAIN DISTRICTS; PERMIT OUTDOOR DINING AREAS WITHIN FIFTEEN (15) FEET OF TRANSIT STOPS; AND ELIMINATE THE PROXIMITY RESTRICTION FOR TAVERNS/BARS IN THE DOWNTOWN DISTRICT.

Solicitor Garner reviewed the proposed ordinance as explained in the Public Hearing and advised that it may be adopted at this time.

Motion carried: 6 ayes.

July 8, 2019

b. Standard Technical Specifications - Motion by Councilor Procsal, seconded by Councilor Kulp to adopt an Ordinance amending rules and regulations to update and adopt the Standard Technical Specifications and requirements for construction of water mains and appurtenances.

ORDINANCE NO. 2188

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING SECTION 108 OF PART 1, RULES AND REGULATIONS, OF THE POTTSTOWN BOROUGH AUTHORITY FOR THE OPERATION OF THE WATER TREATMENT AND DISTRIBUTION SYSTEM, OF CHAPTER 26, WATER, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN TO UPDATE AND ADOPT THE STANDARD TECHNICAL SPECIFICATIONS AND REQUIREMENTS FOR CONSTRUCTION OF WATER MAINS AND APPURTENANCES.

Mr. Keller advised that a resolution was adopted by the Pottstown Borough Authority revising specifications and regulations for splicing water connections and recommended that Council amend its ordinance as well.

Motion carried: 6 ayes.

c. Prochamps Contract Extension - Motion by Councilor Procsal, seconded by Councilor Paez to approve Amendment No. 3 for a one-year extension of the contract between Prochamps and the Borough of Pottstown, with terms and conditions acceptable to the Licensing & Inspections Department.

Solicitor Garner explained that as per the contract, the Borough may enter an additional one-year term from the original 2015 contract. He also confirmed that this was previously named Community Champions and Licensing and Inspections is fully satisfied with its performance and assistance in resolving vacant and abandoned property issues.

Motion carried: 6 ayes.

d. Vacant Property Ordinance - Motion by Councilor Procsal, seconded by Councilor Paez to authorize the Solicitor to prepare and advertise ordinance amendments to amend the Vacant Property Review Ordinance.

Mr. Keller explained that the Licensing & Inspections Department is continually adding tools to address vacant properties and is working with the Solicitor to amend the current ordinance.

Motion carried: 6 ayes.

e. Break Point Law - Motion to authorize the Borough to enter into an Agreement with Break Point Law, LLC for the collection of certain fees associated with Abandoned Real Property, subject to final review of the Borough Manager and Borough Solicitor.

July 8, 2019

Solicitor Garner recommended that this matter be postponed until the August meeting to allow for additional time to research. The Law firm works with Pro-Champs in collection matters and is out of the Florida area. Solicitor Garner would like to determine if the firm in fact is able to practice law in Pennsylvania.

No action was taken on this matter.

f. Olivet Boys & Girls Club - Motion by Councilor Lindsay, seconded by Councilor Paez to table any action regarding the extension of the contract between the Borough of Pottstown and the Olivet Boys & Girls Club for the operation of the Ricketts Center.

Solicitor Garner confirmed that no discussion is appropriate on a tabled motion.,

Motion carried: 6 ayes.

g. Contract 162, Airy Street - Motion by Councilor Kulp, seconded by Councilor Procsal to award Contract No 162, Airy Street and Alley Sewer Improvements to N. Abbonizio Contractors, Inc, Conshohocken PA, in the amount of \$288,232 as per the June 27, 2019 bid tabulation and subject to review and approval of the Borough Solicitor.

Mr. Keller explained that this project was originally part of the water and sewer replacement project but came in over the budgeted amount and therefore rebid. He added that with the \$278,000 grant from the Montgomery County Conservation District, he is recommending the bid be awarded to N. Abbonizio Contractors, who are also doing the roadway paving.

Motion carried: 6 ayes.

h. Civil Service - Motion by Councilor Paez, seconded by Councilor Lindsay to reappoint James Smale to the Civil Service Commission for a six-year term to expire July 22, 2025. Motion carried: 6 ayes.

i. Lee Avenue Block Party - Motion by Councilor Kulp, seconded by Councilor Procsal to grant request of Cameron Taylor to hold a block party on July 20, 2019, resulting in the closing of Lee Avenue between Feist Avenue and Spruce Street, subject to review of the Police and Fire Departments. Motion carried: 6 ayes.

j. Kingdom Life Church – Motion by Councilor Procsal, seconded by Councilor Lindsay to grant the request of the Kingdom Life Church to conduct a Church service on July 28, 2019, resulting in the closing of North Franklin Street, from 8:00 a.m. – 2:00 p.m., subject to approval of the Police and Fire Departments. Motion carried: 6 ayes.

k. Red Horse Car Shows - Motion by Councilor Procsal, seconded by Councilor Lindsay to grant request of the Red Horse Motoring Club to conduct its outdoor car shows for August 3 and September 7, 2019, resulting in the additional street closure on High Street from York to Franklin Streets, from 5:00 p.m. – 9:00 p.m., subject to review and approval of the Police and Fire Departments.

July 8, 2019

Councilor Lebedynsky commented that this is a great opportunity for businesses to remain open for visitors and residents to visit.

Motion carried: 6 ayes.

l. Red Horse Biergarten - Motion by Councilor Lebedynsky, seconded by Councilor Kulp to grant the request of the Red Horse Motoring Club to hold a biergarten in Smith Family Plaza during the August 3 and September 7, 2019 car shows, from 3:00 p.m. – 9:00 p.m., subject to approval of the Police and Fire Departments and compliance with the Liquor Control Board regulations. Motion carried: 6 ayes.

m. National Night Out - Motion by Councilor Procsal, seconded by Councilor Paez to grant request of the Victory Christian Life Center resulting in the closing of North Washington Street between Chestnut Street and Rowan Alley for the National Night Out event, August 6, 2019, 3:00 p.m. – 8:30 p.m., subject to approval of the Police and Fire Departments. Motion carried: 6 ayes.

n. Belmont Street Block Party - Motion by Councilor Lindsay, seconded by Councilor Lebedynsky to grant the request of Laura Johnson to hold a block party, resulting in the closing Belmont Street between Eighth Street and Reynolds Avenue on August 10, 2019 (rain date (August 18, (from 4:00 p.m. – 9:30 p.m. subject to review of the Police and Fire Departments. Motion carried: 6 ayes.

o. Community Summer Fest - Motion by Councilor Paez, seconded by Councilor Lindsay to grant request of the First Baptist Church to conduct a Community Summer Fest on August 11, 2019, resulting in the closing of King Street from Charlotte Street to North Evans Street from 12:00 p.m. – 5:00, subject to approval of the Police and Fire Departments. Motion carried: 6 ayes.

p. Sly Fox Run - Motion by Councilor Lindsay, seconded by Councilor Paez to grant request of the Sly Fox Brewery to hold a half-mile run on September 2, 2019 resulting in the closing of High Street from Hanover to Adams Streets from 8:00 a.m. -9:30 a.m., subject to approval of the Police and Fire Departments. Motion carried: 6 ayes.

REPORT OF BILLS – Motion by Councilor Kulp, seconded by Councilor Lebedynsky to pay the bills in the amount of \$2,216,553.76. Motion carried: 6 ayes.

ANNOUNCEMENTS

Councilor Lindsay highlighted the events she attended in the last month, including the POWER event in Harrisburg and the Independence Day festivities.

Councilor Paez expressed a concern regarding the number of potholes throughout the Borough and the ongoing trash issues.

Councilor Procsal thanked all involved with the GoFourth and Independence Day Parade activities.

Councilor Kulp commented on the successful Trails on Tap at Riverfront Park.

July 8, 2019

Councilor Lebedynsky praised the U.S. Women's Soccer Team for its championship.

President Weand also commended the groups involved in Pottstown's successful events.

EXECUTIVE SESSION

President Weand recessed the meeting to executive session at 8:25 p.m.

ADJOURNMENT

President Weand adjourned the meeting at 9:00 p.m.

Submitted by,

Justin M. Keller
Borough Manager