

July 12, 2021

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, July 12, 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 (virtual). Also present were Manager Justin Keller, Solicitor Charles Garner, 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

Motion by Councilor Lindsay, seconded by Councilor Lebedynsky to accept the minutes of the June 14, 2021 Council meeting as presented. Motion carried: 6 ayes.

SWEARING IN – POLICE OFFICERS

Mayor Henrick read the oath and swore in Pottstown Police Officers Darnell Hatcher and Troy Viola in the presence of Chief Markovich, fellow-officers and families.

COMMENTS FROM CITIZENS PRESENT

a. Jim Lutz, 19 West 7th Street – reiterated his concerns regarding the residents and property at 441 Johnson Street. He commented on the physical condition of the owner and elderly resident. He also complained about the trash pick-up and missed items. Mr. Lutz also questioned the length of the contract with Comcast.

Mr. Keller advised that the contract is a 10-year contract, 2020 to 2030.

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b. Ron Williams, 245 Walnut Street – expressed his gratitude to the participants and Police Department Color-Guard for their time and assistance during the successful May PowWow event. He also advised that the Indian Memorial Landmark, which he maintains, may be establishing a medicine wheel.

c. Rachel Brady, 117 East High Street – spoke as an Occupational Therapist regarding the importance of establishing a quiet zone throughout the Borough. She provided a pamphlet to pioneer a better health and community though sleep.

d. Gina (chat format) – also questioned the Comcast contract and if it effected Verizon. She also commented on fireworks and suggested a local ordinance. She questioned how to file a complaint against a Council member violating the local noise ordinance.

Solicitor Garner advised that the Comcast contract does not effect Verizon. He also replied that the State law preempts any local ordinance on fireworks.

Mr. Keller added that any complaints should be directed to the Police Department.

REPORTS

a. Finance & Administration – President Weand reported that the General Fund revenues received are at 63% with expenses at 31%. The real estate taxes collected are at 89% and local taxes at 50%. The assessment decreased by \$816,200 from the beginning of the year. President Weand added that Portnoff collections are in progress and there are no new Lerta applications. He also advised that Staff continues to work with the School District to address under assessed properties.

COMMITTEE REPORTS

- a. EAC – There was no report.
- b. Regional Planning – Councilor Procsal noted that Matt Edmond, Assistant Director of Transportation, Montgomery County, made a presentation.
- c. Blighted Property – The minutes were provided in the packet.

UNFINISHED BUSINESS

None.

NEW BUSINESS

a. Conditional Use – Malachi - Motion by Councilor Lindsay, seconded by Councilor Kirkland to grant the Conditional Use request of Tamika Malachi, d/b/a Soles Shoes, to operate a retail shoe store, at the property located at 866 East High Street, with conditions as stated in the Order dated July 12, 2021. Motion carried: 6 ayes.

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- b. Sly Fox Land Development - Motion by Councilor Kirkland, seconded by Councilor Lebedynsky to grant preliminary/final approval of the Sly Fox Revised Land Development Plan, 331-337 Circle of Progress, subject to complying with the following conditions within 90 days:
- i. Compliance with the Cedarville Engineering Letter of October 14, 2020
 - ii. Compliance with the Wolf Baldwin letter of November 11, 2020

Motion carried: 6 ayes.

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

Solicitor Garner explained the request of Sly Fox for zoning relief for its outdoor bar facility.

Motion carried: 6 ayes.

- d. Fee Scheduled Amendment - Motion by Councilor Lebedynsky, seconded by Councilor Kirkland to adopt a Resolution amending the Fee Schedule associated with the Police and Special Police Services.

RESOLUTION NO. 2021-21

A RESOLUTION AMENDING THE FEE SCHEDULE OF THE BOROUGH OF POTTSTOWN RELATED TO FEES ASSOCIATED WITH POLICE AND SPECIAL POLICE SERVICES.

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/or amendments to the Fee Schedule are necessary and appropriate; and

WHEREAS, based upon recommendations of the Pottstown Police Department, the Borough of Pottstown desires to amend and revise its Fee Schedule, as it relates to certain police and special police services.

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

SECTION 1. Police and Special Police Service fees are hereby amended to increase the following Police Service fees:

Functions on school property needing security - \$ 90.00 per hour

Intoxilyzer/BAC Datamaster Tests - \$ 100.00 per prisoner, per occurrence

Outside services - \$ 90.00 per hour

SECTION 2. All future modification of these fees and other fees established by the comprehensive Fee Schedule shall be made by Resolution from time to time, duly adopted by the Burgess and Town Council of the Borough of Pottstown. All other fees set forth in the Borough Fee Schedule are reaffirmed.

SECTION 3. This Resolution shall become effective immediately upon enactment.

ENACTED and RESOLVED this 12th day of July, 2021.

Motion carried: 6 ayes.

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e. JAG Grant - Motion by Councilor Procsal, seconded by Councilor Lebedynsky to adopt a Resolution authorizing entry into a Memorandum of Understanding with the Municipality of Norristown and Cheltenham Township for the 2021 Edward Byrne Memorial Justice Assistance Grant (JAG)

RESOLUTION NO. 2021-22

RESOLUTION OF POTTSTOWN BOROUGH COUNCIL

MEMORANDUM OF UNDERSTANDING FOR 2021 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM APPLICATION

WHEREAS, the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance has approved the submission of a joint application from the Municipality of Norristown, and Pottstown Borough for the 2021 Edward Byrne Memorial Justice Assistance Grant Funds contingent on a Memorandum of Understanding as Exhibit "A".

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

1. The Borough of Pottstown hereby honors the request of the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance as outlined in the Memorandum of Understanding (MOU) for the 2021 Edward Byrne Memorial Justice Assistance Grant Application, designating the Borough of Pottstown as the applicant/fiscal agent for the allocation of the joint funds. The MOU is attached to the grant application as Exhibit "A".

RESOLVED, ENACTED and APPROVED by the Burgess and Town Council of the Pottstown Borough this 12TH Day of July 2021.

Motion carried: 6 ayes.

f. Multimodal Transportation Fund - Motion by Councilor Lebedynsky, seconded by Councilor Kirkland to adopt a Resolution authorizing submission to DCED Multimodal Transportation Fund for a grant in the amount of \$700,000 with a 30% match of the total project, for the LED Streetlight Conversion project

RESOLUTION NO. 2021-23

Appendix II – Authorized Official Resolution

Be it RESOLVED, that the Borough of Pottstown of Montgomery County hereby requests a Multimodal Transportation Fund grant of \$ 700,000.00 from the Commonwealth Financing Authority to be used for LED Streetlight Conversion.

Be it FURTHER RESOLVED, that the Applicant does hereby designate Dan Weand, Council President and Justin Keller, Borough Manager as the official(s) to execute all documents and agreements between the Borough of Pottstown and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

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I, Virginia Takach, duly qualified Secretary of the Borough of Pottstown, Montgomery County, PA, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the Pottstown Borough Council at a regular meeting held July 12, 2021 and said Resolution has been recorded in the Minutes of the _Borough of Pottstown and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of the Borough of Pottstown this 12th day of July 2021.

Motion carried: 6 ayes.

g. Business Overlay District - Motion by Councilor Procsal, seconded by Councilor Lebedynsky to authorize the Solicitor to prepare and advertise an ordinance and public hearing creating a Business Overlay District in portions of the Traditional Town Neighborhood Zoning District. Motion carried: 6 ayes.

h. Cooperative Memorandum - Motion by Councilor Lebedynsky, seconded by Councilor Lindsay to authorize execution of the Cooperative Memorandum of Agreement between PennDOT and the Borough of Pottstown for the installation of communication cable and closed-circuit television (CCTV) cameras. Motion carried: 6 ayes.

i. King Street pedestrian Crossing - Motion by Councilor Lindsay, seconded by Councilor Lebedynsky to award the bid for the King Street Pedestrian Crossing project to the lowest responsive and responsible bidder, as per the bid tabulation of July 9, 2021, subject to review and approval of the Solicitor. Motion carried: 6 ayes.

j. Rehabilitate Taxiway - Motion by Councilor Lebedynsky, seconded by Councilor Vanni to resolve and approve award of the construction contract for the Rehabilitate Parallel Taxiway Pavement Project at the Pottstown Municipal Airport Road-Con for the base bid, Bid Additive 1, and Bid Additive 2, in the total amount of \$931,140; to award the Construction Administration Services contract to Delta Airport Consultants, Inc in the amount of \$200,000.00; and to authorize the Borough Manager, Solicitor and Engineer (Delta Airport Consultants, Inc.) to prepare and execute all Contract documents and take all actions necessary contingent on the grant being provided by the PennDOT BOA, subject to review and approval of the Borough Manager and Borough Solicitor. Motion carried: 6 ayes.

k. Memorial Park Play Equipment - Motion by Councilor Procsal, seconded by Councilor Lebedynsky to award the bid for the Memorial Park Play Equipment Relocation Project to the lowest responsive and responsible bidder, as per the bid tabulation of July 9, 2021, subject to review and approval of the Solicitor.

Mr. Keller noted that this would move the equipment out of the flood area.

Motion carried: 6 ayes.

l. Sundstrom Field – Motion by Councilor Lebedynsky, seconded by Councilor Vanni to

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award the Request for Qualifications for the Engineering and Design Services for the Sundstrom Field Restoration project to Remington Vernick Engineers, in an amount not to exceed \$25,000, subject to review and approval of the Solicitor. Motion carried: 6 ayes.

m. Property Maintenance Bids – Motion by Councilor Lebedynsky, seconded by Councilor Lindsay to award the Property Maintenance Service Bids to Green Advantage Landscaping, LLC for the calendar year 2022, as per the bid tabulations of February 4, 2021. Motion carried: 6 ayes.

n. House Bill 1318 - Motion by Councilor Vanni, seconded by Councilor Lindsay to authorize Staff to send a letter of support to local legislators regarding House Bill 1318, associated with the Emergency Disaster Declaration and making Act 15 provisions for local government meetings permanent. Motion carried: 6 ayes.

o. Land Bank Board - Motion by Councilor Lindsay, seconded by Councilor Procsal to appoint Jamie Sanchez to the Land Bank Board to fill a vacant term to expire April 9, 2023. Motion carried: 6 ayes.

p. Zoning Hearing Board – Motion by Councilor Lebedynsky, seconded by Councilor Vanni to adopt a Resolution appointing Douglas Lenhart to the Zoning Hearing Board for a vacant term to expire January 1, 2023

RESOLUTION NO. 2021-24

A RESOLUTION APPOINTING Douglas Lenhart AS A MEMBER OF THE POTTSTOWN BOROUGH ZONING HEARING BOARD FOR A TERM TO EXPIRE JANUARY 1, 2023.

WHEREAS, Article IX of the Pennsylvania Municipalities Planning Code and Section 901 of the Pottstown Borough Zoning Ordinance authorizes Borough Council to appoint, by Resolution, members of the Pottstown Borough Zoning Hearing Board; and

WHEREAS, Mark Patrizi has submitted his resignation from the Pottstown Borough Zoning Hearing Board on June 22, 2021; and

WHEREAS, Borough Council wishes to appoint a successor to fill the vacancy caused by Mr. Patrizi's resignation until the end of the current term.

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

1. Douglas Lenhart is hereby appointed as a regular/permanent member to the Pottstown Borough Zoning Hearing Board for the remaining term of to expire January 1, 2023.

2. That the said permanent member shall participate in all proceedings of the Pottstown Borough Zoning Hearing Board to the same and full extent as provided by law.

ENACTED AND RESOLVED this 12th day of July, A.D. 2021.

Motion carried: 6 ayes.

q. National Night Out – Motion by Councilor Lindsay, seconded by Councilor Vanni to grant the request of the Victory Christian Life Center to hold a National Night Out event on August 3 2021, resulting in the closing of North Washington Street, from Chestnut Street and Rowan Alley, subject to review of the Police and Fire Departments. Motion carried: 6 ayes.

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r. Fête en Blanc - Motion by Councilor Kirkland, seconded by Councilor Lindsay to grant the request of PAID, Inc. to hold its Fête en Blanc event on September 10, 2021 in Smith Family Plaza, resulting in the closing of High Street between York and Hanover Streets from 4:00 p.m. – 10:00 p.m., subject to review and approval of the Police and Fire Departments and the Federal Transit Administration.

Councilor Vanni thanked all for working with the downtown businesses regarding the street closure.

Motion carried: 6 ayes.

REPORT OF BILLS – Motion by Councilor Kirkland, seconded by Councilor Lindsay to pay the outstanding bills in the amount of 2,387,151.65. Motion carried: 6 ayes.

ANNOUNCEMENTS

Councilor Lindsay reminded all of the August 3rd National Night Out events. She added that Hobart's Run will hold a fundraiser for the Edgewood Cemetery on July 31st.

Councilor Lebedynsky requested that he hopes the fireworks get under control, mostly for the animals.

Councilor Vanni commended all for the July 4th events.

President Weand also praised the GoFourth committee.

President Weand adjourned the meeting at 7:30 p.m.

Submitted by,

Justin M. Keller
Borough Manager