

August 9, 2021

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, August 9, 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 (virtual), Donald Lebedynsky, Trenita Lindsay, Dan Weand, Michael Paules (virtual) and Joseph Kirkland Also present were Manager Justin Keller, Solicitor Charles Garner, Mayor Stephanie Henrick and Borough Secretary Virginia Takach.

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 Kirkland, seconded by Councilor Procsal to accept the minutes of the July 12, 2021 Council meeting as presented. Motion carried: 7 ayes.

COMMENTS FROM CITIZENS PRESENT

a. Jamie Sanchez, 200 Maplewood Drive – thanked Council for appointing her to the Land Bank Board and commented on the excessive trash throughout the Borough adding that the landlords should be held responsible. She also questioned the responsibility of dumpsters not being emptied.

b. Jim Lutz, 19 West 7th Street – reiterated his concerns regarding the property at 441 Johnson Street with numerous dogs. He added that he has spent over \$1,800 over four years on fly traps which were the result of dog feces in the neighboring yard. He requested Council's assistance in resolving this issue.

c. Jason Morris, 340 West Chestnut Street – spoke on behalf of "Eye on Pottstown" and complained about the excessive reckless driving and speeding throughout town, which has now resulted in a fatality in the east end of town. He suggested that something be done to increase enforcement.

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d. Darlene Bainbridge, 548 Farmington Avenue – also spoke on the speeding in the Borough and requested that something be done, especially near the elementary school on Farmington Avenue, possibly installing speed bumps.

e. Elizabeth Devenny, 123 Cobbler Lane – also commented on the excessive speeding, noting that the speed bumps in her development have not deterred the speeders.

f. Jenifer Green, 841 North Franklin Street – commented on the speeders, going 60 mph, and reckless drivers in the north end of town. She also advised that she reported four codes issues, which were transferred to the Police Department to resolve, tying up officers when these are codes issues.

President Weand advised that he has had conversations with the Manager regarding the possibility of installing speed bumps in these problem areas.

g. Ron Williams, 245 Walnut Street – requested assistance in grass cutting around the Native American Burial Site on Industrial Avenue. He added that the mowing was previously done by Humphrey's Flag Company, but no longer mows the entire area.

h. Tom Niarhos, 846 East High Street – explained that the Pottstown LIFT and Al's Heart Warming Center will be operating this winter, as Council approved the extension to May 2022. He added that steps have been implemented to transport the guests to the Center and return to Mission First and will not allow guests to enter otherwise. He added that smoking will not be allowed.

REPORTS

a. Finance & Administration – President Weand reported that 8% of the General fund revenues were received and expensed are at 38%. The Real Estate taxes received are at 99% and local taxes at 59%. He added that the assessment changes have decreased by \$1,022,090 since the beginning of the year. Staff continues to work with the School District for under-assessed property transfers. There have been no new Lerta applications and Portnoff continues with collections. President Weand added that capital projects are being reviewed as associated with the relief money. In addition, President Weand added that the Committee is recommending approval of the mid-year budget adjustments as presented.

COMMITTEE REPORTS

a. EAC – There was no report.

b. Regional Planning – Councilor Procsal noted that the committee does not meet in July and August.

UNFINISHED BUSINESS

None.

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NEW BUSINESS

a. Zoning Ordinance Amendment - Motion by Councilor Procsal, seconded by Councilor Lebedynsky to authorize the Solicitor to prepare a draft ordinance amending the Zoning Ordinance, Chapter 27, Existing Building Conditional Uses. Motion carried: 7 ayes.

b. Boyertown Multi-Service – Motion by Councilor Kirkland, seconded by Councilor Lebedynsky to approve and authorize execution of the First Addendum to the Agreement between Boyertown Multi-Service, Inc. and the Borough of Pottstown for the operation of the Richard J. Ricketts, Sr., Community Center for a term to expire December 31, 2024

Councilor Kirkland commented that they are doing a great job running the Center.

Motion carried: 7 ayes.

c. King Street Pedestrian Crossing - Motion by Councilor Lebedynsky, seconded by Councilor Procsal to authorize execution of a Highway Occupancy Permit for the maintenance agreement confirming that the Borough of Pottstown will maintain the decorative crosswalks located as part of the King Street Pedestrian Crossing project. Motion carried: 7 ayes.

d. PennDOT Cooperative Agreement - Motion by Councilor Kirkland, seconded by Councilor Lebedynsky to adopt a Resolution approving the Cooperative Memorandum of Agreement between PennDOT and the Borough of Pottstown for the installation of communication cable and closed-circuit television (CCTV) cameras.

RESOLUTION NO. 2021-25

BE IT RESOLVED, by authority of the Pottstown Borough Council of the Borough of Pottstown, Montgomery County, and it is hereby resolved by authority of the same, that the Council President of said Municipality be authorized and directed to sign the Agreement on its behalf. I, Dan Weand, President of the Borough Council of the Borough of Pottstown, Montgomery County, 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 9th day of August 2021.

Motion carried: 7 ayes.

e. 2021 Paving - Motion by Councilor Lebedynsky, seconded by Councilor Procsal to authorize Staff to proceed with the 2021 Paving projects as outlined in the July 30, 2021 Paving List. Motion carried: 7 ayes.

f. Mid-Year Budget Adjustments - Motion by Councilor Kirkland, seconded by Councilor Lebedynsky to approve the Mid-Year Budget Adjustments dated August 5, 2021 and as recommended by the Finance Committee. Motion carried: 7 ayes.

g. Toss Your Turkey 5K- Motion by Councilor Kirkland, seconded by Councilor Lebedynsky to grant request of Pottsgrove High School Cross Country Team to conduct the Toss Your Turkey 5K on November 25, 2021, resulting in the closure of College Drive from High to Hanover Street

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from 8:15 a.m.- 9:30 a.m., subject to approval of the Police and Fire Departments. Motion carried: 7 ayes.

h. Zoning – Grill, 401 Industrial Park – Motion by Councilor Kirkland, seconded by Councilor Vanni to authorize the Solicitor to send a letter to the Zoning Hearing Board indicating Council has no objections to the variance requested, subject to the applicant withdrawing #1, 2, & 3 zoning relief requests and recommend that the Zoning Hearing Board conditions the approval on the applicant providing proper fencing with slats to buffer the view of the parcel.

Solicitor Garner reviewed the requests of the applicant for relief including an appeal from the determination of the Borough's Zoning Officer and an appeal from the enforcement notice. He added that he has since spoken with the applicant's attorney and has modified the request and advised that the applicant is willing to withdraw certain requests and proceed only a request for a variance for the property and ask only that Council not oppose the application.

Councilor Vanni requested that the Zoning Officer's recommendations be upheld.

Motion carried: 7 ayes.

i. Zoning – Rutledge, 71 Beech Street – Motion by Councilor Lebedynsky, seconded by Councilor Kirkland to support the request of Curt Rutledge c/o Rut Row Properties for the property located at 71 Beech Street regarding the square footage requirement and to not allow a convenience store at the property.

Solicitor Garner explained a request of the Borough Manager to not allow the relief to result in a convenience store use. He added that if the variance relief is granted, the matter will come back to Council as a Conditional Use.

Councilor Lebedynsky noted that the property is vacant and he would support the relief.

Motion carried: 7 ayes.

j. Construction Code Board - Motion by Councilor Procsal, seconded by Councilor Kirkland to appoint Ray Lopez to the Construction Code Board of Appeals for a three-year term to expire August 8, 2024. Motion carried: 7 ayes.

k. Construction Code Board/Alternate - Motion to appoint an individual to the Alternate position on the Construction Code Board of Appeals.

Solicitor Garner advised that there is no limit to the number of boards one serves, but depending on the position, one may need to resign from other boards. This is an alternate position that rarely meets.

There was no action taken on this motion.

l. Zoning Hearing Board - Motion to adopt a Resolution appointing an individual to the Alternate position on the Zoning Hearing Board to fill a vacant term to expire January 1, 2024.

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There were no applicants other than Richard Bouher and he presently serves on the Planning Commission, which may be a conflict.

No action was taken.

m. EAC– Motion by Councilor Lebedynsky, seconded by Councilor Procsal to appoint Richard Bouher to the Environmental Advisory Councilor for a three-year term to expire August 10, 2024.

Jim Derr recommended the appointment.

Motion carried: 7 ayes.

REPORT OF BILLS – Motion by Councilor Lebedynsky, seconded by Councilor Lindsay to pay the outstanding bills in the amount of 2,387,151.65. Motion carried: 7 ayes.

ADD ON

President Weand announced an add-on to the agenda at the request of the YWCA to observe a Week Without Violence, October 18-23, 2021.

Elise Chesson, Chief Advancement Officer, YWCA Tri-County Area, provided a hand-out explaining the request of the YWCA to hold an event on October 23, 2021 on the 300 block of King Street. She added that she is seeking approval to include a street art installation by local artist Drew Monemayor. The event will focus on community awareness, education, advocacy and to inspire social change.

Ms. Chesson outlined the King Street event and proposed a street art installation in the western portion of the 300 block of King Street and provided a rendering of a Norristown street mural. She acknowledged the need to work with the Police Department for the street closure from October 18 – 23, 2021. She added that the YW will be seeking funding to cover expenses for the art installation with a budget of \$7,500. Ms. Chesson encouraged the Borough to consider contributing, which may include waiving permit fees for the event. Ms. Chesson added that she will be working with entities for the maintenance of the mural.

Councilor Procsal commented that murals on walls have been previously addressed but not murals on the street.

Mr. Yerger confirmed that this portion of King Street is Borough controlled.

Solicitor Garner questioned the maintenance of the yellow lines in the street. He added that a condition of approval would include a maintenance agreement, including a hold harmless agreement indicating there be no responsibility of the Borough to maintain.

Manager Keller requested an aerial view of the rendering for King Street with specific dimensions, along with comments from the Police and Public Works Departments.

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Ms. Chesson requested a conditional approval in order to proceed with fundraising.

Councilor Lebedynsky moved to conditionally approve the request of the YWCA for the October 18-23, 2021 event, subject to the YWCA entering into a maintenance and hold harmless agreement in a form acceptable to the Borough, subject to submission of a plan for review by the Police Department and Public Works Department and submission of a rendering of the art work to scale. Councilor Lindsay seconded the motion.

Solicitor Garner again explained the upcoming restrictions to the Sunshine Law, limiting what can be added to an agenda, no less than 24 hours of the meeting and encouraged all applicants to submit plans in a more timely manner. He noted that this project was not provided to Council prior to this evening's meeting.

Solicitor Garner opened a public hearing at 8:03 p.m. as this item was not on the agenda.

- a. Ron Williams suggested leaving the center lines empty.
- b. Mr. Derr noted that there should be a large buffer before the intersection.

The public hearing closed at 8:04 p.m.

The motion carried: 7 ayes.

ANNOUNCEMENTS

Councilor Vanni commented that speeding throughout her development, has gotten worse in the last few years. She also thanked Chief Hand and Staff for assistance in a recent incident.

Councilor Lindsay commented on the recent fireworks in her neighborhood. She also noted that PCA is seeking block captains, possibly two members in each ward. She added that there is a backpack event on August 25th and a butterfly fair on September 4th. Councilor Lindsay added that she was featured in an FYI Philly segment hosted at The Avenue.

Councilor Lebedynsky reiterated his concerns regarding the ongoing fireworks.

Councilor Procsal also expressed a concern regarding speeding issues.

Mayor Henrick advised that the Police Department continues to address the speeding issues and issuing citations. She also noted that PCA block captain program is similar to block ambassadors.

President Weand confirmed his conversations with the Borough Manager regarding the implementation of speed pumps, similar to a successful program in Jenkintown.

ADJOURNMENT

President Weand adjourned the meeting at 8:13 p.m.

Submitted by,

Justin M. Keller, Borough Manager