

August 10, 2020

## POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, August 10, 2020 at 7:05 p.m. as a 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, Michael Paules and Joseph Kirkland. Also present were Manager Justin Keller, Solicitor Charles Garner, Mayor Stephanie Henrick and Borough Secretary Virginia Takach.

### ANNOUNCEMENTS

Borough Manager Keller explained the format for this evening's meeting, advising that the meeting is a GoTo Meeting and available on-line. 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

July 13, 2020 Council Meeting Minutes – Motion by Councilor Paules, seconded by Councilor Lebedynsky to approve the minutes of the July 13, 2020 Council meeting as presented. Motion carried: 7 ayes.

### SUBCOMMITTEE REPORTS

a. Finance & Administration – President Weand reported that as of June, half-way through the year, the revenues received are at 66% and expenses at 39%. Real Estate taxes received are at 91% of the 94% budgeted amount. He added that the auditors continues to work off site, with in-house work completed. President Weand also noted that as of the end of June, the assessments were up by \$10,000 and underassessed properties are being reviewed with the School District. There were no new Lerta applications. President Weand noted that the mid-year budget adjustments are listed on the agenda, with approval recommended by the Finance Committee.

### BOARDS AND COMMITTEE REPORTS

a. EAC – There was no meeting.

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b. Regional Planning – President Weand advised the Committee agreed to send a letter supporting the Douglass Township proposal, which is in compliance with the Regional Plan.

c. Blighted Property – There was no meeting.

UNFINISHED BUSINESS

None.

NEW BUSINESS

a. Water Revenue Bonds – Motion by Councilor Kirkland, seconded by Councilor Lebedynsky to adopt an Ordinance authorizing and directing the incurrence of lease rental debt of the Borough of Pottstown, in connection with the Pottstown Borough Authority's issuance of its Guaranteed Water Revenue Bond, Series of 2020, in the amount of \$1,300,000

ORDINANCE NO. 2198

AUTHORIZING AND DIRECTING THE INCURRENCE OF LEASE RENTAL DEBT OF THE BOROUGH OF POTTSTOWN, MONTGOMERY COUNTY, PENNSYLVANIA (THE "BOROUGH") IN CONNECTION WITH THE POTTSTOWN BOROUGH AUTHORITY'S ISSUANCE OF ITS GUARANTEED WATER REVENUE BOND, SERIES OF 2020, IN THE AMOUNT OF \$1,300,000.

President Weand requested a roll-call vote.

|            |     |         |     |
|------------|-----|---------|-----|
| Kirkland   | yes | Procsal | yes |
| Lebedynsky | yes | Vanni   | yes |
| Lindsay    | yes | Weand   | yes |
| Paules     | yes |         |     |

Motion carried: 7 ayes

b. Intergovernmental Cooperative Agreement - Motion by Councilor Lebedynsky seconded by Councilor Procsal to adopt an Ordinance authorizing entry into the Intergovernmental Cooperative Implementation Agreement for Pottstown Area Regional Recreation Committee dated June 2020, prepared by the Pottstown Area Regional Recreation Committee

ORDINANCE NO. 2199

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN ADOPTING, APPROVING, AND AUTHORIZING THE ENTRY OF POTTSTOWN BOROUGH INTO THE INTERGOVERNMENTAL COOPERATIVE IMPLEMENTATION AGREEMENT FOR POTTSTOWN AREA REGIONAL RECREATION COMMITTEE DATED JUNE 2020, PREPARED BY THE POTTSTOWN AREA REGIONAL RECREATION COMMITTEE.

Motion carried: 7 ayes.

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c. VIST BANK – ATM – Motion by Councilor Paules, seconded by Councilor Lebedynsky to authorize the Solicitor to draft a Lease Agreement with VIST Bank for the installation of an ATM machine on Borough property located at 264 East High Street. Motion carried: 7 ayes.

d. Keim Street Gateway Plan - Motion by Councilor Kirkland, seconded by Councilor Paules to adopt a Resolution for the Endorsement and Acceptance of the Keim Street Gateway Plan

#### RESOLUTION NO. 2020-23

#### Resolution of Endorsement/Acceptance

WHEREAS, the Borough of Pottstown recognizes that the Delaware Valley Regional Planning Commission provides sound and integrated land use and transportation planning and coordination of planning at all levels of government in order to:

- Support local planning projects that will lead to more residential, employment or commercial opportunities in areas designated for growth or redevelopment;
- Improve the overall character and quality of life within the region to retain and attract business and residents;
- Enhance and utilize the existing transportation infrastructure capacity to reduce demands on the region's transportation network;
- Reduce congestion and improve the transportation system's efficiency by promoting the use of transit, bike, and pedestrian transportation modes;
- Build capacity in our older suburbs and neighborhoods;
- Reinforce and implement improvements in designated Centers; and;
- Protect our environment through growth management and land preservation.; and

WHEREAS, the Keim Street Gateway Overlay Plan endorsement is a review process developed by the Delaware Valley Regional Planning Commission (DVRPC) to assure compliance with municipal, county, and regional agencies and policies that meet the goals of the Delaware Valley Regional Planning Commission's long range plan, Connections 2040; and

WHEREAS, the Keim Street Gateway Overlay Plan may require the preparation and of additional planning documents to ensure implementation as the means by which a municipality assesses the consistency of its existing community vision and planning documents with the Connections 2040 plan; and

WHEREAS, the Council of the Borough of Pottstown have obligated the funds provided to them through the Transportation and Community Development Initiative (TCDI) to plan for the sustainable growth of the Borough of Pottstown and recommends that the Council approve it for inclusion in the Borough of Pottstown Master Plan.

Motion carried: 7 ayes.

e. Gateway Overlay District - Motion by Councilor Lebedynsky, seconded by Councilor Procsal to authorize the Solicitor to advertise an ordinance and public hearing to amend the Zoning Ordinance to establish the Gateway Overlay District. Motion carried: 7 ayes.

f. Berkheimer Liaison – Motion by Councilor Kirkland, seconded by Councilor Lebedynsky to adopt a Resolution appointing a liaison, namely the Finance Director position, between the

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Borough and Berkheimer Tax Innovations, the duly appointed collector of local taxes for the district, for the express purpose of sharing confidential tax information with the district for official purposes

RESOLUTION NO. 2020-24

A RESOLUTION OF THE GOVERNING BOARD OF POTTSTOWN BOROUGH, MONTGOMERY COUNTY, PENNSYLVANIA, AUTHORIZING, EMPOWERING AND DIRECTING THE PROPER OFFICERS OF THE GOVERNING BOARD TO APPOINT A LIAISON BETWEEN IT AND BERKHEIMER, THE DULY APPOINTED COLLECTOR OF LOCAL TAXES FOR THE DISTRICT, FOR THE EXPRESS PURPOSE OF SHARING CONFIDENTIAL TAX INFORMATION WITH THE DISTRICT FOR OFFICIAL PURPOSES.

WHEREAS, the Local Tax Enabling Act (“LTEA”), authorizes certain political subdivisions, including POTTSTOWN BOROUGH, MONTGOMERY COUNTY, to provide for the creation of such bureaus or the appointment and compensation of such officers, clerks, collectors and other assistants and employees as may be deemed necessary for the assessment and collection of taxes imposed under the authority of that Act; and

WHEREAS, POTTSTOWN BOROUGH, MONTGOMERY COUNTY, has entered into contractual agreement with BERKHEIMER of Bangor, Pennsylvania, whereby and whereunder POTTSTOWN BOROUGH appointed Berkheimer to collect certain local taxes; and

WHEREAS, the LTEA specifically mandates that any information gained by the appointed tax officer, his agents or by any other official or agent of the taxing district, as a result of any declarations, returns, investigations, hearings or verifications required or authorized by the taxing municipality's ordinance or resolution, be kept confidential, except for official purposes; and

WHEREAS, any person who divulges any information which is confidential under the provisions of any ordinance or resolution, upon conviction may be subject to fines and/or imprisonment, upon conviction, and dismissal from office or discharge from employment; and

WHEREAS, Berkheimer requires passage of a resolution by the governing body of POTTSTOWN BOROUGH, MONTGOMERY COUNTY specifying that said confidential information is needed for official purposes and absolving Berkheimer from any liability in connection with the release of said confidential information;

NOW, THEREFORE, BE IT RESOLVED that:

1. POTTSTOWN BOROUGH, MONTGOMERY COUNTY hereby appoints Finance Director Position as its authorized representative to make requests upon and receive any and all tax information and records from Berkheimer, relative to the collection of taxes for POTTSTOWN BOROUGH, as desired and deemed necessary by POTTSTOWN BOROUGH, to be used for official purposes only; and

2. Berkheimer is hereby directed to provide and/or transmit any and all tax information and records, or any portion thereof, relating to the collection of taxes for the POTTSTOWN BOROUGH, upon request, to Finance Director Position as the authorized contact representative for it.

3. POTTSTOWN BOROUGH, MONTGOMERY COUNTY hereby saves harmless, indemnifies and/or absolves Berkheimer from and against any and all liability in connection with the release of said confidential information.

Motion carried: 7 ayes.

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g. Mid-Year Budget Adjustments - Motion by Councilor Kirkland, seconded by Councilor Lindsay to approve the Mid-Year Budget Adjustments dated July 31, 2020 and as recommended by the Finance Committee. Motion carried: 7 ayes.

h. JAG Grant - Motion by Councilor Procsal, seconded by Councilor Paules to authorize the submission of a grant application for the 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$15,482 to be used for camera equipment in Police vehicles.

Motion carried; 7 ayes.

i. Sale of Borough Vehicles – Motion by Councilor Kirkland, seconded by Councilor Paules to ratify Council’s action and approve the sale of Borough Vehicles and equipment as outlined in the bid tabulations of August 4, 2020, resulting in a total bid amount of \$59,390 and subject to review and approval of the Solicitor. Motion carried: 7 ayes.

j. 2020 Paving Projects – Motion by Councilor Lindsay, seconded by Councilor Lebedynsky to authorize Staff to proceed with the 2020 Paving projects as outlined in the July 31, 2020 Paving List. Motion carried: 7 ayes.

k. Trilogy Park Lease - Motion by Councilor Kirkland, seconded by Councilor Lebedynsky to authorize execution of the Second Addendum to the Trilogy Park Lease Agreement between the Borough of Pottstown and the Parks and Recreation Department and the Trilogy Park. Motion carried: 7 ayes.

l. Environmental Advisory Council - Motion by Councilor Paules, seconded by Councilor Lindsay to reappoint Jim Derr and Ross Belovich to the Environmental Advisory Council for three (3) year terms to expire August 10, 2023. Motion carried: 7 ayes.

m. Construction Code Board - Motion by Councilor Paules, seconded by Councilor Lebedynsky to reappoint Anthony Campbell to the Construction Code Board of Appeals for a three (3) year term to expire August 8, 2023. Motion carried: 7 ayes.

President Weand advised that the organizer of the car show and the Frag Out Clothing Company have withdrawn their requests for the September events. He added that it was difficult to control the mask requirement and the social distancing regulations during the outside events.

REPORT OF BILLS – Motion by Councilor Kirkland, seconded by Councilor Lindsay to pay the outstanding bills in the amount of \$2,011,484.01. Motion carried: 7 ayes.

#### COMMENTS FROM CITIZENS PRESENT

a. Tom Winterbottom, 262 King Street – questioned the use of the stimulus money and also questioned if Borough Council had any authority to overturn the School Board’s decision regarding the reporting of schools.

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Solicitor Garner responded that Council has no authority over the School Board.

Mr. Keller added that the stimulus money is not coming to Borough and it is coming to the County. He added that the Borough is getting federal disaster aid money related to COVID expenses.

b. Darlene Bainbridge, Pottstown – commented on the car show participants not wearing masks. She referred to the advertisements provided by the organizers to encourage people to wear masks. Ms. Bainbridge also noted that the Police Officers are out in the community and around children and not wearing masks and questioned why the Mayor is not enforcing officers to wear masks. She added that the car show dilemma should have been handled by Council and not through social media.

### ANNOUNCEMENTS

Councilor Vanni thanked the organizers of the car show for their consideration in cancelling.

Councilor Lindsay also commended the car show organizers and expressed appreciation to the trash haulers throughout the Borough for the difficult job they do in keeping the Borough clean.

Mayor Henrick also thanked the organizers of the events and thanked Mr. Keller and Chief Hand for their prompt responses during the recent flooding. She added that she received a call from the Red Cross in appreciation to the Borough residents for their response to the North Coventry fire victims.

President Weand expressed a concern that the general public is not following the rules during this pandemic. He thanked the businesses and supporters of past car shows, with hopes of having a car show in October or next year.

### ADJOURNMENT

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

Submitted by,

Justin M. Keller  
Borough Manager