

September 9, 2019

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, September 9, 2019 at 7:30 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, Rita Paez and Joseph Kirkland. Also present were Manager Justin Keller, Solicitor Charles Garner, Mayor Stephanie Henrick and Borough Secretary Virginia Takach.

APPROVAL OF MINUTES

Motion by Councilor Kulp, seconded by Councilor Paez to approve the August 12, 2019 Council meeting minutes as presented. Motion carried: 7 ayes.

COMMENTS FROM CITIZENS PRESENT

a. David Banks, 21 North Adams Street – complained about the excessive flooding he experiences due to the drainage systems along High Street and debris from the gutters, Little Italy's and the Hill School. He attempts to clean the areas as a resident for 35 years but requested the Borough's assistance in maintaining the drains.

b. Sydni Gajewski, 1711 Harmonyville Road – spoke as a requirement for her school project and a volunteer at the Ricketts Center and wanted to know the plans for the Center after it closes in December.

President Weand noted that Staff is working on the plans for the Center.

c. Sandra Miskavich, 11 West 3rd Street – requested Councilor's support for the Carousel initiative.

d. Lisa Johnson, 62 West 3rd Street – commented on the lack of communication regarding the crime in her area. She was a victim of an incident last April and has not been contacted by the Police Department since the report.

September 9, 2019

e. Terri Letterhouse, 22 East 2nd Street – provided a hand out for the Take Back our Streets events for monthly meetings and events to address crime and excessive trash in her neighborhood and to allow the community to become more involved.

f. Patricia and Daniel Ellis, 840 Glasgow Street – commented that they are new to the area and wanted to become more informed.

g. Al DeGennaro, J.P. Mascaro – spoke as the Attorney for J. P. Mascaro noting that Mascaro’s has been in the area for the last 15-18 years and supports the Borough throughout the community. He added that Mascaro’s is committed to serve the Borough, with a supervisor in the Borough on all trash days and requested Council’s approval of the Solid Waste contract listed on the agenda as the lowest responsible and responsive bidder.

h. Sam Augustine, J.P. Mascaro – also spoke as the Director of Sales for Mascaro’s and acknowledge that there have been problems with performance in the last few months, but all measures have been taken and will continue to provide the best service to Pottstown.

i. Cathy Paretti, 218 Deerfield Way – announced the 4th Annual Pottstown Veterans’ Community day to be held on September 28th , 11:00 a.m. in Memorial Park. She also announced that Congresswoman Madeleine Dean will be presenting 50 Vietnam Veterans with the 50th Anniversary Commemorative pins.

j. Michael Mauger, 822 Brookside Avenue – referenced the recent \$65,000 report from Econsult Services wherein, it was recommended a five-year financial plan wherein it suggested that personnel costs must be controlled, along with 10-15 specific clauses. He urged Council to review and consider amendments to the AFSCME contract approval listed on the agenda.

k. Ron Williams, 245 Walnut Street – provided a background of the Native American Memorial at Franklin Street and Industrial Highway. He requested Council’s consideration in replacing a bench for that site. He added that the former bench was replaced with the Three Sisters Garden, indication corn, beans and squash.

SUBCOMMITTEE REPORTS

a. Finance & Administration – President Weand advised that at 58% of the year, revenues are at 78% and expenses at 52%. Taxes collected are at 96%. He also advised that assessment have dropped by \$35,710 and Staff is working on the 2020 budget. One LERTA application has been received for the Hanover Square warehouse.

BOARDS AND COMMITTEE REPORTS

a. COG – Vice President Kulp advised there was no meeting.

b. EAC – There was no report.

c. Regional Planning – Councilor Procsal noted there was no meeting.

September 9, 2019

- d. Blighted Property – There was no meeting.

UNFINISHED BUSINESS

None.

NEW BUSINESS

- a. Presentation – TriCounty Active Adult Center, Brian Parkes

Brian Parkes, Executive Director of the TriCounty Active Adult Center was present and provided an update on the Center’s activities, free lunch and numerous programs. He also reviewed a recent survey taken by members of the Center indicating the positive and beneficial aspects that the Center has had on the senior population. Mr. Parkes also provided a brief update on the Center’s finances, noting that it has lost \$50,000 from the United Way and understands that the Borough no longer provides contributions to non-profits and requested that Council consider the Center in the budget for 2020 if possible.

Mr. Keller urged all to visit the Center and commended Mr. Parkes on his ongoing efforts.

- b. Guaranteed Water Revenue Bonds – Motion by Councilor Kirkland, seconded by Councilor Kulp to adopt an Ordinance to approve and authorize the incurrence of a Lease Rental Debt up to \$9,000,000 involving the refunding of the Pottstown Borough Authority’s outstanding Guaranteed Water Revenue Bonds Series of 2007 and 2012.

ORDINANCE NO. 2189
BOROUGH COUNCIL OF THE BOROUGH OF POTTSTOWN
MONTGOMERY COUNTY, PENNSYLVANIA

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 BONDS, SERIES OF 2019, IN THE AMOUNT OF UP TO \$9,000,000 (the "2019 BONDS") FOR THE PURPOSE OF PROVIDING FUNDS FOR (i) THE REFUNDING OF SAID AUTHORITY’S WATER REVENUE BOND, SERIES OF 2007, (ii) THE REFUNDING OF SAID AUTHORITY’S GUARANTEED WATER REVENUE BONDS, SERIES OF 2012 AND (iii) FOR THE PAYMENT OF THE COSTS OF ISSUING THE 2019 BONDS.

Solicitor Garner explained that this is a guarantee of the Borough Authority’s water bonds and requires a roll-call vote.

Kirkland	yes	Paez	yes
Kulp	yes	Procsal	yes
Lebedynsky	yes	Weand	yes
Lindsay	yes		

Motion carried: 7 ayes.

September 9, 2019

c. Liquor License No. R19117 - Motion by Councilor Lebedynsky, seconded by Councilor Kulp to adopt a Resolution approving the Inter-Municipal Transfer of Liquor License No. R-19117 into the Borough of Pottstown from Lower Gwynedd Township, Montgomery County, Pennsylvania .

RESOLUTION NO. 2019-18

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN, MONTGOMERY COUNTY, PENNSYLVANIA. APPROVING THE INTER-MUNICIPAL TRANSFER OF RESTAURANT LIQUOR LICENSE NO. R-19117 INTO THE BOROUGH OF POTTSTOWN FROM LOWER GWYNEDD TOWNSHIP, PENNSYLVANIA. MONTGOMERY COUNTY,

WHEREAS, Act 141 of 2000 and Act 70 of 2002 (hereinafter referred to as "the Act") which amends the Commonwealth's Liquor Code authorizes the Pennsylvania Liquor Control Board to approve, in certain instances, the transfer of certain restaurant liquor licenses across municipal boundaries within the same county; and

WHEREAS, the receiving municipality is required to issue a resolution to ordinance approving the transfer of the license outside the municipality to inside the municipality; and

WHEREAS, amendments to the Liquor Code require that, prior to adoption of such resolution by the receiving municipality, at least one public hearing will be held for the purpose of permitting interested parties to state their concerns regarding the transfer of Restaurant Liquor License No. R-19117 from Lower Gwynedd Township to the receiving municipality; and

WHEREAS, the Borough of Pottstown held a public hearing on Wednesday, September 4, 2019, at 7:30 p.m. as required by the Act; and

WHEREAS, an application for transfer filed under the Act must contain a copy of the resolution adopted by the municipality approving the transfer of the restaurant liquor license into the municipality.

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

Applicant/Petitioner, Carousel of Pottstown/Rocky Citrino has requested approval from Pottstown Borough Council for the proposed transfer of Restaurant Liquor License No. R-19117 from Lower Gwynedd Township into the Borough of Pottstown, Montgomery County, Pennsylvania, with the understanding that said transfer must be approved at a later date by the Pennsylvania Liquor Control Board.

The Burgess and Town Council of the Borough of Pottstown approves, by adoption of this Resolution, the proposed inter-municipal transfer of the "License" No. R-19117 into the Borough of Pottstown.

The "License" transfer, however, is under and subject to review and approval of the Pennsylvania Liquor Control Board.

ENACTED and RESOLVED this 9th day of September 2019.

President Weand confirmed that this allows the license to come into the Borough from another township and simply a transfer of the license.

Motion carried: 7 ayes.

September 9, 2019

d. AFSCME Contract – Motion by Councilor Procsal, seconded by Councilor Kulp to approve and authorize execution of a Contract between the Borough of Pottstown and AFSCME, to expire December 31, 2021. Motion carried: 7 ayes.

e. PARRC Agreement - Motion by Councilor Kirkland, seconded by Councilor Paez to authorize the Solicitor to prepare and advertise an ordinance regarding the Intergovernmental Cooperative Implementation Agreement to create the Pottstown Area Regional Recreation Committee. Motion carried: 7 ayes.

f. Solid Waste Services – Solicitor Garner referred to the bid tabulation and explained the recommendations to Council.

Mr. Keller also advised that Staff has reviewed the options and is recommending a three-year contract to be awarded to J.P. Mascaro, the lowest responsive, responsible bidder. This contract would include the option for bulk pick-up, one item per week and to supply totes during the three-year contract.

Councilor Procsal referred to the comments by former Councilor Jeff Chomnuk objecting to the bulk pick up due to previous issues with this process. Councilor Procsal added that he is willing to give this option a try.

Mr. Keller added that the 2,000 tons for tipping is used as an estimate for bulk tipping fees. He added that the sticker program will also continue as needed. The bulk items are to be picked up on regular trash day.

Motion by Councilor Procsal, seconded by Councilor Paez to award the Municipal Solid Waste Services bid to J.P. Mascaro and sons for a three-year contract to include trash, recycling and bulk pick-up weekly, supplying totes, owned by the borough within three years, for a total cost of \$8,141,544, subject to review and approval of the Solicitor and Public Works Director. Motion carried: 7 ayes.

g. MMO Police Pension Plan - Motion by Councilor Kirkland, seconded by Councilor Procsal to adopt a Resolution establishing the member contribution for the Police Pension Plan at 5% for calendar year 2020 and acknowledging that the 2020 Minimum Municipal Obligation (MMO) for the Police Pension Plan is \$1,784,671

RESOLUTION NO. 2019-19

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, ACKNOWLEDGING THE 2020 MINIMUM MUNICIPAL OBLIGATION (MMO) AND ESTABLISHING THE CONTRIBUTION FOR MEMBERS OF THE POTTSTOWN POLICE PENSION PLAN FOR THE CALENDAR YEAR 2020, ENDING DECEMBER 31, 2020.

September 9, 2019

WHEREAS, it has been determined by the plan actuary that member contributions for calendar year 2020 should be established at five percent (5%); and

WHEREAS, the Pottstown Police Pension Board has formally acted to recommend to Borough Council a contribution to the plan consistent with the actuary's recommendation;

WHEREAS, it is further required that the Minimum Municipal Obligation ("MMO") for 2020 as calculated by the plan actuary be presented to Council prior to September 30th of the preceding year.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Burgess and Town Council of the Borough of Pottstown in lawful session this 9th day of September 2019, as follows:

1. The annual member contribution is established for the calendar year 2020 at five percent (5%) which shall begin January 1, 2020 and shall remain in effect through December 31, 2020.
2. The 2020 MMO, as calculated by the plan actuary, is One Million, Seven Hundred Eighty-Four Thousand and Six Hundred Seventy-One dollars (\$1,784,671.00).

Motion carried: 7 ayes.

h. MMO Non-Uniform Pension Plan - Motion by Councilor Kirkland, seconded by Councilor Kulp to adopt a Resolution acknowledging that the 2020 Minimum Municipal Obligation (MMO) for the Pottstown Pension Plan (Non-Uniform) is \$1,320,150

RESOLUTION NO. 2019-20

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, ACKNOWLEDGING THE 2020 MINIMUM MUNICIPAL OBLIGATION FOR THE POTTSTOWN BOROUGH NON-UNIFORMED PENSION PLAN.

WHEREAS, the Borough of Pottstown maintains a pension plan for the benefits of its municipal employees; and

WHEREAS, upon a yearly basis pursuant to law, the Borough is required to calculate the Minimal Municipal Obligation (hereinafter referred to as "MMO") for the next calendar year; and

WHEREAS, the MMO for 2020 has been computed to be One Million, Three Hundred-Twenty Thousand and One Hundred-Fifty dollars (\$1,320,150.00).

WHEREAS, the Borough is required to pass a Resolution recognizing the actuarial condition of the plan each year and acknowledges the required MMO.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Burgess and Town Council of the Borough of Pottstown that the Borough of Pottstown Municipal Non-Uniformed Pension Plan MMO for 2020 is One Million, Three Hundred-Twenty Thousand and One Hundred-Fifty dollars (\$1,320,150.00).

ENACTED AND RESOLVED this 9th day of September 2019.

Motion carried: 7 ayes.

September 9, 2019

i. Comfort Inn – Motion by Councilor Kirkland, seconded by Councilor Paez to grant preliminary/final approval of Comfort Inn Land Development Plan, 99 Robinson Street, subject to satisfying the following conditions within 90 days:

- i. Compliance with the Cedarville Engineering letter of August 7, 2019
- ii. Compliance with the Montgomery County Planning review letter of August 16, 2019
- iii. Preparation and execution of a Developer’s Agreement in a form acceptable to the Borough
- iv. Payment in full of all Borough review fees

Mayur Chheda was present to represent the Comfort Inn and accepted the conditions as stated.

Motion carried: 7 ayes.

j. Comfort Inn - Motion by Councilor Kirkland, seconded by Councilor Paez to grant the following waiver requests from the Subdivision and Land Development Ordinance for the Comfort Inn Plan:

- i. Section 22-402.3C.1 (a) & (g) – Existing features shown on the Plan
- ii. Section 22-A509.3 – Landscaping Plan
- iii. Section 22-A512 – Lighting
- iv. Section 22-A529.2.A – Dumpster placed in easement area

Motion carried: 7 ayes

k. Harbor Freight - Motion by Councilor Procsal, seconded by Councilor Lindsay to grant preliminary/final approval of the Harbor Freight Land Development Plan, 121 Shoemaker Road, subject to satisfying the following conditions within 90 days:

- i. Compliance with the Cedarville Engineering letter of August 9, 2019
- ii. Compliance with the Montgomery County Planning Commission letter of August 16, 2019
- iii. Preparation and execution of a Developer’s Agreement in a form acceptable to the Borough
- iv. Payment in full of all Borough review fees

Zach Ranstead, P.E., and Attorney Jason Ulrich were present to represent Harbor Freight and both agreed with the conditions as presented.

Motion carried: 7 ayes.

l. Harbor Freight - Motion by Councilor Kirkland, seconded by Councilor Paez to grant the following waiver requests from the Subdivision and Land Development Ordinance for the Harbor Freight Plan:

- i. Section 22-402.3.C.1(g) – existing features within 100 feet of the tract boundaries
- ii. Section 22-A.509.3 – Requirement for landscaping plan
- iii. Section 22.A.512 – Requirement for submission of lighting plan

Motion carried: 7 ayes.

September 9, 2019

m. Right to Know Officer/Land Bank – Motion by Councilor Lindsay, seconded by Councilor Kulp to permit Virginia Takach to serve as the Right to Know Officer for the Pottstown Land Bank. Motion carried: 7 ayes.

n. Deputy Fire Marshal – Motion by Councilor Kirkland, seconded by Councilor Lindsay to appoint Richard Lengel as the Deputy Fire Marshal for the Borough of Pottstown, as a Public Official position. Motion carried: 7 ayes.

o. Airport Charity Event - Motion by Councilor Paez, seconded by Councilor Lindsay to grant the request of James Rouille, FBO, to hold a charity event at the Pottstown Municipal Airport on September 27, 2019 (rain date September 28). Motion carried: 7 ayes.

p. Red Horse Car Show - Motion by Councilor Procsal, seconded by Councilor Lindsay to grant the request of the Red Horse Motoring Club to conduct its outdoor car show on October 5, 2019, resulting in the closure on High Street from York to Franklin Streets, from 3:00 p.m. - 9:00 p.m. subject to review and approval of the Police and Fire Departments.

Councilor Kulp commented that she heard numerous complaints from merchants regarding the early street closure and the placement of the porta-potties in front of Lastick's Furniture Store and chairs in doorways of the merchants.

Mr. Keller noted that with the loss of PDIDA, it is difficult to reach everyone and suggested that merchants and residents sign up for the Notify Me link on the Borough's website.

Motion carried: 7 ayes.

q. Red Horse Biergarten - Motion by Councilor Lindsay, seconded by Councilor Kulp to grant the request of the Red Horse Motoring Club to hold a biergarten in Smith Family Plaza during the October 5, 2019 car show, subject to approval of the Police and Fire Departments and compliance with the Liquor Control Board regulations. Motion carried: 7 ayes.

r. PUB Biergarten - Motion by Councilor Kirkland, seconded by Councilor Lindsay to grant the request of the Pottstown United Brewing Company to hold a Biergarten at its Octoberfest in the Smith Family Plaza on October 12, 2019, 1:00 p.m. -5:00 p.m., subject to review and approval of the Police and Fire Departments and compliance with the Liquor Control Board regulations. Motion carried: 7 ayes.

s. YWCA Light up the Night - - Motion by Councilor Procsal, seconded by Councilor Kulp to grant the request of the TriCounty YWCA to conduct a Rally/Light up the Night week without violence event on October 17, 2019, 5:00 p.m. -9:00 p.m., resulting in the closure of King Street, from Charlotte to Evans Street, subject to review and approval of the Police and Fire Departments. Motion carried: 7 ayes.

t. HRC Appointment - Motion by Councilor Paez seconded by Councilor Kulp to appoint Howard Charles to the Human Relations Commission to fill a vacant term to expire May 8, 2021, subject to satisfying the criminal background check and child abuse history clearance requirements. Motion carried: 7 ayes.

September 9, 2019

u. Ordinance Review Committee – Motion by Councilor Kirkland, seconded by Councilor Procsal to confirm the President’s renaming of the Ad hoc Zoning Committee to the Ordinance Review Committee. Motion carried: 7 ayes.

REPORT OF BILLS – Motion by Councilor Procsal, seconded by Councilor Lindsay to pay the bills in the amount of \$1,589,538.89. Motion carried: 7 ayes.

ANNOUNCEMENTS

Mr. Keller advised that the new website design is complete with a more-user friendly format and reminded all to sign up for the Notify Me page.

Councilor Lindsay reported on the recent events she attended.

Councilor Paez reminded all of the September 21st Latino Festival, 12 p.m. -5:00 p.m. in the Riverfront Park.

Councilor Kulp also reviewed the events she attended including the Carousel and the Pet Fair.

Mayor Henrick added that she attended the car show and the Carousel and noted that there were numerous other events throughout town. The Mayor also announced the Ward competition and will begin with a ward committee of 10 people each to map out each ward.

President Weand announced the reopening of the Very Best Weiner Shop and reported there was a line out the door on opening day and sold out of 1,600 hot dogs at the Saturday Car Show.

ADJOURNMENT

President Weand adjourned the meeting at 8:40 p.m.

Submitted by,

Justin M. Keller
Borough Manager