

October 15, 2019

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Tuesday, October 15, 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, 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 Lindsay, seconded by Councilor Paez to approve the September 9, 2019 Council meeting minutes as presented. Motion carried: 7 ayes.

COMMENTS FROM CITIZENS PRESENT

a. Al Dunn, 559 Lincoln Avenue – commented on the numerous lawsuits against the Borough regarding housing issues. He stated he is involved with the fair housing process and the lawsuits could have major implications for the Borough. Mr. Dunn also commented on the neighborhood crime and murders, adding that something has to be done.

SUBCOMMITTEE REPORTS

a. Finance & Administration – President Weand advised that as of August 31st, revenues are at 86% and expenses at 57%. The 2018 audit is complete and there has been a slight drop in assessments. He also reported that Portnoff is doing a great effort in collecting delinquent accounts. President Weand requested comments from the Councilors regarding the budget.

Mr. Keller referred to the draft 2020 budget distributed this evening.

BOARDS AND COMMITTEE REPORTS

- a. COG – Vice President Kulp advised that she is awaiting the minutes.
- b. EAC – There was no report.

October 15, 2019

c. Regional Planning – Councilor Procsal advised that developments in Upper Pottsgrove with 143 units, Sanatoga Green having 457 units in Lower Pottsgrove Township and the Pottstown Collision Center were topics of discussion. The Regional Planning will also provide a letter of support towards DCED grants for Memorial Park.

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

UNFINISHED BUSINESS

None.

NEW BUSINESS

a. Presentation – CCLU Proposal for the Ricketts Center Operations

Edie Shean-Hammond, President of the Board of Directors, CCLU, was present to provide the proposal for the operations of the Ricketts Community Center. She outlined the mission statement, academic programs and core values of the organization and the programs it offers. Ms. Shean-Hammond noted that at this time, the Board has not agreed or determined if it would take over the programming of the Ricketts Center.

b. Vacant Property Registration - Motion by Councilor Procsal, seconded by Councilor Lebedynsky to adopt an Ordinance amending Chapter 5, Abandoned Real Property, and certain definitions and requirements of the Vacant Property Registration Ordinance

ORDINANCE NO. 2190

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING PART 15, ABANDONED REAL PROPERTY, OF CHAPTER 5, CODE ENFORCEMENT, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, ADDING AND/OR AMENDING CERTAIN DEFINITIONS PURSUANT TO § 1503; TO MODIFY CERTAIN ADDITIONAL REQUIREMENTS AND TO MODIFY CERTAIN ADDITIONAL REQUIREMENTS CONTAINED IN § 1506 AND § 1511.

Motion carried: 7 ayes.

c. PECO Green Program – Motion by Councilor Kirkland, seconded by Councilor Kulp to adopt a Resolution authorizing application to the PECO Green Region Open Space Program for the Steel River Station in Memorial Park Connectivity Project, in the amount of \$10,000

RESOLUTION NO. 2019-22

A RESOLUTION AUTHORIZING APPLICATION TO THE 2019 PECO GREEN REGION OPEN SPACE PROGRAM FOR THE STEEL RIVER STATION IN MEMORIAL PARK CONNECTIVITY PROJECT

October 15, 2019

Whereas, the Borough of Pottstown in partnership with the Colebrookdale Railroad Preservation Trust desires to have accomplished certain work to improve physical connectivity and accessibility between the new train station/welcome center and hospitality space in Memorial Park known as the “Steel River Station” and Memorial Park itself; and

WHEREAS, the Borough intends to apply to the PECO Green Region Open Space Program for a grant for the purpose of carrying out this project; and

WHEREAS, the Borough and the C Colebrookdale Railroad Preservation Trust have received, understand and accept the 2019 PECO Green Region Open Space Program Guidelines.

THEREFORE, BE IT RESOLVED THAT the Pottstown Borough Council hereby approved this project and authorizes application to the PECO Green Region Open Space Program in the amount of \$10,000.00 ; and

BE IT FURTHER RESOLVED, THAT, if the application is granted, the Colebrookdale Railroad Preservation Trust commits to the expenditure of matching funds in the amount of \$10,000.00

ENACTED and RESOLVED this 15th day of October 2019.

Motion carried: 7 ayes.

d. Water Rates - Motion by Councilor Kirkland, seconded by Councilor Lebedynsky to adopt a Resolution amending water rates for the Borough of Pottstown as recommended by the Pottstown Borough Authority.

RESOLUTION NO. 2019-23

A RESOLUTION OF POTTSTOWN BOROUGH COUNCIL CONFIRMING AND APPROVING CERTAIN FEES ASSOCIATED WITH WATER RATES AS ADOPTED BY THE POTTSTOWN BOROUGH AUTHORITY

WHEREAS, the Burgess and Town Council of the Borough of Pottstown 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 proper; and

WHEREAS, the Pottstown Borough Authority has previously adopted a comprehensive Schedule of Water Rates by Resolution; and

WHEREAS, Pottstown Borough Council wishes to adopt and confirm those water rates to be incorporated into its Comprehensive Fee Schedule.

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:

SECTION 1. The following fees and charges associated with the Schedule of Water Rates as approved by the Pottstown Borough Authority which are attached hereto and incorporated herein, marked as Exhibit A are hereby adopted, approved and confirmed.

SECTION 2. Any and all existing fees not referenced in this Resolution shall remain unchanged and in full force and effect.

SECTION 3. All future modifications of this and all other fees established in 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.

October 15, 2019

SECTION 4. This Resolution shall become effective immediately upon enactment, except that the fees set forth in this Resolution shall become effective pursuant to the Resolution enacted by the Pottstown Borough Authority (Resolution No. 1-2018) on October 16, 2018.

ENACTED and RESOLVED this 15th day of October 2019.

Motion carried: 7 ayes.

e. Money Purchase Retirement Plan - Motion by Councilor Kirkland, seconded by Councilor Paez to adopt a Resolution for a Legislative Body relating to a Money Purchase Retirement Plan to be administered by ICMA

RESOLUTION NO. 2019-24

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN APPROVING AND ADOPTING THE GOVERNMENTAL MONEY PURCHASE PLAN AND TRUST ADOPTION AGREEMENT AND ADDENDUM.

WHEREAS, the Borough of Pottstown (hereinafter "Employer") has employees rendering valuable services; and

WHEREAS, the establishment of a money purchase retirement plan benefits employees by providing funds for retirement and funds for beneficiaries in the event of death; and

WHEREAS, the Employer desires that its money purchase retirement plan be administered by ICMA-RC and the funds held in such Plan be invested in VantageTrust, a trust established by public employers for the collective investment of funds held under their retirement and deferred compensation plans:

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Burgess and Town Council of the Borough of Pottstown, that the Employer hereby establishes or has established a money purchase retirement plan (the "Plan") in the form of the ICMA Retirement Corporation Governmental Money Purchase Plan & Trust, pursuant to the specific provisions of the Adoption Agreement and Addendum, a copy of which is attached. The Plan shall be maintained for the exclusive benefit of the eligible employees and their beneficiaries; and

BE IT FURTHER RESOLVED that the Employer hereby adopts the Declaration of Trust of VantageTrust, intending this adoption to be operative with respect to any retirement or deferred compensation plan subsequently established by the Employer, if the assets of the plan are to be invested in VantageTrust; and

BE IT FURTHER RESOLVED that the Employer hereby agrees to serve as trustee under the Plan and to invest funds held under the Plan in VantageTrust; and

BE IT FURTHER RESOLVED that the Pottstown Borough Finance Director shall be the coordinator of the Plan; shall receive reports, notices, etc., from ICMA Retirement Corporation or VantageTrust; shall cast, on behalf of the Employer, any required votes under VantageTrust; may delegate any administrative duties relating to the Plan to appropriate departments; and

BE IT FURTHER RESOLVED that the Employer hereby authorizes the Borough Manager to execute all necessary agreements with ICMA Retirement Corporation incidental to the administration of the Plan.

ENACTED and RESOLVED this 15th day of October 2019.

Motion carried: 7 ayes.

October 15, 2019

f. Chemical Bids - Motion by Councilor Lebedynsky, seconded by Councilor Kulp to award the 2020 Chemical Bids as per the bid tabulations of September 17, 2019 as follows and subject to review and approval of the Solicitor:

- i. Sodium Bisulfite (WWTP & WTP), Activated Carbon and Sulfuric Acid to Coyne – 5 years
- ii. Aluminum Sulfate to Thatcher – 1 year

Motion carried: 7 ayes.

g. Hough Associates - Motion by Councilor Kulp, seconded by Councilor Lebedynsky to approve a three-year Professional Services Agreement between Hough Associates and the Borough of Pottstown to collect the 2019, 2020 and 2021 Recycling Data and prepare PA DEP 904 Recycling Grant Applications. Motion carried: 7 ayes.

h. Suspension - Motion by Councilor Paez, seconded by Councilor Lindsay to ratify the Mayor's disciplinary action of a suspension without pay upon a Pottstown Police Officer. Motion carried: 7 ayes.

i. Light the Night - Motion by Councilor Lindsay, seconded by Councilor Paez to grant request of the Victory Christian Life Church to hold a Light the Night event on October 31, 2019, resulting in the closing of Washington Street between King Street and Buttonwood Alley, from 4:00 p.m. – 9:00 p.m., subject to review and approval of the Police and Fire Departments. Motion carried: 7 ayes.

j. Trick or Treat - Motion by Councilor Lindsay, seconded by Councilor Procsal to grant request of Janet Freedline to hold a Halloween Trick or Treat night on October 31, 2019, resulting in the closing of Franklin Street, between Diamond and Wilson Streets, from 5:00 p.m. to 9:30 p.m., subject to review and approval of the Police and Fire Departments. Motion carried: 7 ayes.

k. Fox Trot 5 K - Motion by Councilor Kulp, seconded by Councilor Lindsay to grant request of Tiburon Endurance Sports to hold its Fox Trot 5K event on May 16, 2020, resulting in the closing of the Circle of Progress and Glasgow Street from 10:00 a.m. to 11:00 a.m., and to utilize Borough owned property for event parking, subject to approval of the Police and Fire Departments. Motion carried: 7 ayes.

l. HARB - Motion by Councilor Procsal, seconded by Councilor Kulp to approve a Certificate of Appropriateness for the property located at 912 East High Street as recommended by HARB. Motion carried: 7 ayes.

m. HARB - Motion by Councilor Lebedynsky, seconded by Councilor Kirkland to ratify action of the Building Permit Officer approving a Certificate of Appropriateness for the following properties:

- i. 100 North Hanover Street
- ii. 344 King street
- iii. 121 King Street
- iv. 107 King Street
- v. 990 East High Street

Motion carried: 7 ayes.

October 15, 2019

n. HARB - Motion by Councilor Procsal, seconded by Councilor Kulp to deny a certificate of appropriateness for the property located at 940 East High Street as recommended by HARB. Motion carried: 7 ayes.

o. Ricketts Community Center – Motion by Councilor Lebedynsky, seconded by Councilor Procsal to approval a proposal from Boyertown Area Multi-Service to operate the Richard J. Ricketts, Sr., Community Center, to begin January 1, 2020, subject to execution of an operations agreement.

Councilor Procsal noted that Boyertown Area Multi-Service presented a strong financial background and professionalism. He added that the Parks & Recreation Department did not actually make a proposal, only that the Department would accept it if no other options were approved.

Councilor Lebedynsky agreed, adding that the Multi-Service is an organized group, rather than having the Parks & Recreation throw a plan together in three months.

President Weand commented that details would be added to the operations agreement and that his constituents are not in favor of additional increase in taxes required if the Parks & Recreation were to operate the Center.

Councilor Kirkland advised that the community has come before Council for several years requesting that the Center be taken over by the Borough. He added that by not doing so, the Borough is just washing its hands of the operations and trying to find a way out of a difficult situation.

Councilors Paez and Lindsay agreed with Councilor Kirkland’s comments to not accept other proposals and to allow the Borough to operate the Center.

Mayor Henrick expressed a concern that Boyertown Multi-Service is from another municipality and another County and may be a concern when applying for grant money. She added that it would be wise for the Parks & Recreation Department to partner with STRIVE for the operation of the Center.

Solicitor Garner reminded all that the term in the proposal was for a two-year term for the operation of the Center.

President Weand requested a roll-call vote.

Kirkland	no	Paez	abstained (see attachment)
Kulp	yes	Procsal	yes
Lebedynsky	yes	Weand	yes
Lindsay	no		

Motion carried: 4 ayes, 2 nays, 1 abstention

October 15, 2019

REPORT OF BILLS – Motion by Councilor Lebedynsky, seconded by Councilor Lindsay to pay the bills in the amount of \$5,125, 532.91. Motion carried: 7 ayes.

ANNOUNCEMENTS

Councilor Lindsay commented on the successful Oktoberfest events throughout town this past weekend.

Mayor Henrick also stated she received positive Facebook comments regarding the Oktoberfest and other events.

President Weand also praised the October 14th PAL charitable event.

EXECUTIVE SESSION

President Weand recessed the meeting to executive session at 7:45 p.m. for one item of personnel.

ADJOURNMENT

President Weand adjourned the meeting at 8:00 p.m.

Submitted by,

Justin M. Keller
Borough Manager

October 15, 2019

VOTING CONFLICT MEMORANDUM

In accordance with the Public Official and Employee Ethics Act, I am filing this memorandum to publicly announce and disclose my abstention from voting on the matter listed below, and the reasons for abstention.

Name of Official: RITA PAOZ

Position Held: COUNCILOR 6TH WARD

Date of Public Meeting: OCTOBER 15, 2019

Matter Voted Upon:

OPERATION OF RICKETTS CENTER

Reason for Abstention / Nature of Conflict of Interest:

AFFILIATION WITH CCLU.
CCLU MADE PROPOSAL FOR RICKETTS CENTER

I direct that this memorandum be filed, as a public record, with the person responsible for recording the minutes of the meeting in which the vote is taken.

Date: 10-15-2019

Rita Paoz

Signature