

NORRISTOWN MUNICIPAL COUNCIL WORK SESSION
September 15, 2020

The virtual Work Session of September 15, 2020 was called to order by Council President Derrick Perry at 6:30 PM by way of the GoToMeeting.com application.

There was a **Moment of Silence** followed by the **Pledge of Allegiance**. The following Council members were connected to the online meeting:

Valerie Scott-Cooper
Thomas Lepera

Hakim Jones
Rebecca Smith

Sonya Sanders
Derrick Perry

Heather Lewis

Also present were: Crandall Jones, Municipal Administrator; Chief Mark Talbot, Norristown Police Department; Sean Kilkenny, Municipal Solicitor; Jayne Musonye, Director of Planning & Development; Norman Butts, Director of Finance; Amrinder Singh, Building and Codes Manager.

Motion to Approve Minutes

There was a **motion by Councilwoman Scott-Cooper, seconded by Council Vice-President Smith**, to approve the Minutes of the September 1, 2020 Council Meeting. **The motion passed unanimously.**

Executive Session Announcement

Council President Perry announced that Council met in Executive Session prior to tonight's meeting to discuss litigation and real estate issues.

Solicitor Kilkenny explained that item A. under Municipal Solicitor regarding Ordinance 20-14 vacates Ordinance 20-13 which was passed for advertisement on September 1, 2020. Mr. Kilkenny read a suggested motion for Council instead so that the public has an opportunity to comment on that change.

Announcements

There is still time to complete the 2020 Census at my2020census.gov. Norristown's completion rate is 53.5%. The Census numbers affect funding for schools. There will be a virtual meeting on Norristown's Facebook page.

September 8th is the deadline for Emergency Rent or Mortgage Relief available through PHFA.org/PACares.

Councilman Jones shared that the Food Distribution event by "Be Seen, Be Heard" on September 12th was a success with 5,000 pounds of food distributed.

Public Comment

Gayland Ridley, 516 E. Marshall Street – My name is Gayland Ridley, Owner of the Professional Academy of Cosmetology located at 516 E. Marshall Street. This letter is to bring to your attention several events that have occurred at the American Legion Post 39 in the past several months. These events are of grave concern because of the impact it has had on the Professional Academy of Cosmetology and will continue to impact our business in the future. On September 4, 2020 the American Legion Post 39 at 500 E. Marshall Street sponsored an event with over 100 people in attendance. It was observed by clients and students of the Academy that the American Legion Post and its guests were not following the Covid-19 mitigation restrictions for Montgomery County.

There was little to no mask wearing and no social distancing. The Post has consistently failed to provide supervision to its guests which poses a hazard for other businesses and residents in the area. In addition to not following Covid-19 mitigation restrictions, The American Legion and its guests consistently cause the neighborhood concerns by loud noise, littering, and disrespect for other's property and business. We have brought to their attention numerous times that their guests are not to park in the Professional Academy of Cosmetology parking spaces that are clearly marked for students and clients. Second, their guests congregated around the Academy's property in such a way it causes several of our senior clients to cancel appointments when they see a crowd loitering around the front, side and back of the Academy's parking lot. Third, the guest of the American Legion Post 39 consistently decimates the community by leaving a large amount of trash on the Academy property and adjoining properties in the 500 block of Marshall Street. Trash such as beer and other alcohol bottles, paper plates, cups, napkins and forks. The Professional Academy of Cosmetology is bringing these concerns to your attention so that something can be done in order to maintain the integrity of the business in the community as well as the residential community at large. Sincerely, Gayland Ridley

Kathleen McLaughlin, 554 Stanbridge Street – As this vote draws near, I will reiterate the concerns of constituents. By selling this public utility you are selling out your constituents. This is a short-term fix that will lead to long-term problems. Please, have the foresight to leave the public utilities for the public, and keep them away from privateers. Sincerely, Dr. Kathleen McLaughlin

Pat McLaughlin, 554 Stanbridge Street – Selling the sewer plant is a very short-sighted idea. So let me state it one more time... By selling the sewer plant you are selling out your constituents. Keep our public utilities in the public's interest. Sincerely, Pat McLaughlin

David Reppert, 1839 Powell Street – Please stop the sale of the Norristown sewer system to Aqua. Privatizing Norristown's sewer system will give Aqua incentive to increase their rates so that their corporate officers and shareholders will benefit, while at the same time deferring needed maintenance. Rather than creating efficiencies, Aqua will add costs while undermining the viability of the system. Please put an immediate halt to this sale. Very truly yours, Rev. David Reppert

Charles Termine, 754 Stanbridge Street – My name is Charles Termine. I am 74 and have lived in town since birth. I have texted all council members with my opinion about the sale of the sewer authority. Thank you Sonya Sanders for getting back to me. No other council members got back to me. Mr. Lepera, I texted you a few times because I thought I had a shot of getting through to you because you are at large, I thought you would appreciate my concerns. I have not heard one positive thing that would benefit the residents of Norristown. A few months ago, Commissioner Joe Gale had a letter he wrote, which hit the newspapers and got a lot of publicity for his opinion of the black lives matter movement, where he stated that the peaceful protesters were infiltrated with ANTIFA and anarchists that were ruining the purpose of the movement and he was met with a lot of criticism. Hundreds of people wanted him to step down... That's the way it goes when you do things that the public doesn't want to hear. I'm sure council members have seen lawn signs throughout the town, and council is supposed to work for the best interest of the people. It is very suspicious why this is being pushed and rushed through. I ask you as a resident, do not vote to sell the sewer authority.

Maccabee Hirsch – He commented that Crandall Jones was not elected by the residents and it was disappointing to have a non-elected official defend this sale at length at the September 1st meeting. He added, "I think as Council you know this issue well. You are elected to be a voice for your constituents. Hakim Jones and Rebecca Smith voiced their findings to back up their vote against the sale. The five of you that continue towards completing this transaction with Aqua America should be defending your stance, not Crandall Jones. Our wastewater authority has a capacity for growth. They generate a revenue over operational costs. The rates are some of the lowest in Pennsylvania and they know the system better than anyone. Why is this payday loan from Aqua America a good deal for the rate payers in Norristown?"

Mr. Ali Sherbiny, Norristown Company, 208 Dekalb Street – On September 1st, Mr. Jones falsely stated on the

record that the forensic audit did not cover his time as City Manager in East Point Georgia. He was manager from 2007-2012. The audit, which was triggered by his mismanagement, covered years 2000-2012. Mr. Jones must renew his Spirit by confessing his sins and starting to put the community he serves before his self interest. I hope Council will hold the administrator accountable.

Mr. Crandall Jones, Municipal Administrator, responded to Mr. Sherbiny's comments by saying, "Yes, I was in Norristown from 2007 to 2012. This issue had absolutely zero to do with me. It was actually discounted and the mayor who issued that statement was ordered to remove that statement or face legal prosecution for making a false statement. This had nothing to do with me. I never had a discussion about this. I will say that, as far as the renewal of my Spirit, it's renewed every morning when I get up and say my prayers. And the other thing that I will say is that Mr. Ali has submitted 2 emails today, both of which I have submitted to Council. The second one I read and the first one I guess is his attempt to coerce me and he keeps asking me to endorse his company and do so publicly and as I shared with Council and I'll just say again, this is false. I take it as libelous and I would appreciate that he would cease and desist doing so."

Netta Hughes, 1002-1004 Arch Street – "I return tonight to again oppose the sale of the Norristown Sewer Plant and the dissolution of the Sewer Authority Board. Though there was a Councilwoman who felt all the Public Comments that were read related to the subject were the same during the last meeting, they weren't at all. Everyone has a different opinion of the matter but the only constant is that this matter needs to be null and void and the voters of Norristown are able to decide if the only asset left in Norristown should be sold. The egregious behavior of this Council to sell the plant and dissolve the Board brings even more questions pertaining to why the urgency. Residents of Norristown, though we listened to a hour-long presentation last week stating the pros regarding these matters, the pros don't outweigh the cons and the financial burden this will have on our seniors, homeowners, renters and young people in the future. The plant can manage development in Norristown, the plant is fiscally sound. There isn't any reason to sell. This Council is selling us out. After learning that the National Resource Network is funded by private entities like Aqua, that was enough for me. Norristown must stand up and stop this sale. Thank you."

Appointments

Pennsylvania Municipal League – 2020 Summit: Appointment of Voting Delegate/Resolutions Committee Representative

Municipal Administrator, Crandall Jones, noted that the virtual Summit takes place on October 29-31.

There was a motion by Councilwoman Scott-Cooper, seconded by Council Vice President Smith, to appoint the current delegates, Council President Perry and Councilwoman Sanders as Voting Delegate and Alternate to the 2020 Resolutions Committee and Annual Business Meetings. The motion passed unanimously.

Municipal Solicitor

Council consideration of a motion to authorize the advertisement of Ordinance 20-14 requiring the Norristown Municipal Waste Authority to convey the sewer system and all property and assets of the Authority to the Municipality under provisions of Section 5619 and Section 5622 of the Pennsylvania Municipal Authorities Act and to vacate the advertisement of Ordinance 20-13 which was voted to advertise on September 1, 2020

Mr. Thomas Wyatt, Special Counsel, provided information about a suit filed by the Sewer Authority regarding allegations against the process in Ordinance 20-13. Mr. Wyatt outlined the principal items in Ordinance 20-14 which go against those allegations pertaining to a DEP-approved permit, holding the Authority's reserves, the timeline for the process and an exemption for customers in Plymouth.

There was a **motion by Council Vice-President Smith, seconded by Councilman Jones**, to open the agenda for Public Comment. **The motion passed unanimously.**

Public Comment:

Maccabee Hirsch – He asked if part C regarding outside customers included West Norriton who is entitled to 1/3 capacity of the wastewater treatment plant?

Mr. Wyatt explained that the relationship between the Waste Authority and West Norriton is that of an Intramunicipal Agreement.

There was a **motion by Council Vice-President Smith, seconded by Councilman Lepera**, to close the Public Comment. **The motion passed unanimously.**

There was a **motion by Councilwoman Scott-Cooper, seconded by Councilman Lepera**, to authorize the advertisement of Ordinance 20-14 to convey the sewer system and all property and assets of the Authority to the Municipality. **The motion passed 5-2.** (Councilman Jones and Council Vice-President Smith voted nay.)

Council consideration of a motion to authorize the advertisement of Ordinance 20-15 amending Norristown Ordinance No. 11 of 2020, authorizing the execution by the Municipality of an Asset Purchase Agreement between the Municipality and the purchaser Aqua Pennsylvania Wastewater, Inc.

Mr. Wyatt explained that the Asset Purchase Agreement originally had 3 parties: the Sewer Authority, the Municipality and Aqua Pennsylvania. He noted that since the Sewer Authority will not be signing the Agreement, they will be removed as a party and the Agreement will be changed to make it clear that a condition prior to the sale closing is that the Sewer Authority no longer owns the assets and that they be transferred to the Municipality and this will not slow down the process of moving forward with regulatory approvals, etc.

There was a **motion by Councilwoman Scott-Cooper, seconded by Councilwoman Lewis**, to authorize the advertisement of Ordinance 20-15 amending Norristown Ordinance No. 11 of 2020. **The motion passed 5-2.** (Councilman Jones and Council Vice-President Smith voted nay.)

Council consideration of a motion to approve Resolution 20-83 to authorize legal counsel to file a Petition for Declaratory Order with the Pennsylvania Public Utility Commissioner to confirm that the Municipality's provision of wastewater services to customers outside the Municipality's Boundaries does not constitute public utility services pursuant to Section 102 of the Public Utility Code

There was a **motion by Councilman Lepera, seconded by Councilwoman Scott-Cooper**, to initiate the system sale process with the Public Utility Commission. **The motion passed 5-2.** (Councilman Jones and Council Vice-President Smith voted nay.)

Building & Codes Enforcement

Historical Architectural Review Board – August 2020

There was a **motion by Councilwoman Lewis, seconded by Councilwoman Sanders**, to approve the HARB applications recommended for approval for the following properties:

- 101 Buttonwood Street
- 801 West Oak Street
- 353 East Marshall Street
- 801 West Marshall Street

809 West Oak Street
811 West Oak Street
1060 West Airy Street

The motion passed unanimously.

Ratify and approve the emergency demolition of 18 East Chestnut Street

Mr. Singh, Code Manager, noted this was a life safety issue.

There was a motion by Councilwoman Scott-Cooper, seconded by Councilwoman Lewis, to approve the emergency demolition of 18 East Chestnut Street by Adelphia Demolition, Inc. in the amount of \$44,000. **The motion passed unanimously.**

Ratify and approve the emergency demolition of 1107 West Airy Street

There was a motion by Councilwoman Sanders, seconded by Councilman Lepera, to approve the emergency demolition of 1107 West Airy Street by Adelphia Demolition, Inc. in the amount of \$46,000. **The motion passed unanimously.**

Police

Resolution 20-76: Motion to approve requests for Disabled Parking Spaces and a request for the removal of a Handicapped Parking Space

Chief Talbot explained that the residents demonstrated physical limitations for the Disabled Parking Spaces and that there is no longer a need for the Handicapped Parking Space.

There was a motion by Councilwoman Sanders, seconded by Council Vice-President Smith, to approve the requests for Disabled Parking Spaces at 114 West Elm Street, 703 West Elm Street, 818 Hamilton Street and 623 East Oak Street and the request for the removal of a Handicapped Parking Space at 1210 West Washington Street. **The motion passed unanimously.**

Finance

Discussion – Vehicle & Equipment Replacement Program

Mr. Norman Butts, Finance Director, provided an explanation of the financing options for this program, namely, Pre-Fund or Pay-Go. He noted that Pre-Fund is the preferred option which would require a source of funds. He noted that with the consensus of Council, he will proceed with the vehicle and equipment replacement program and come back at a later date with the information.

Resolution No. 20-77 – awarding a contract for \$23,900 to Pennoni Associates for geotechnical services related to Capital Improvements to the Municipal Building

There was a motion by Councilman Lepera, seconded by Councilwoman Lewis, to approve a contract to Pennoni Associates in compliance with Section 7-713 of the Home Rule Charter and Section 4-35(A)(6) of the Administrative Code which states, “All contracts in excess of \$21,000 shall be in writing and shall be awarded by Municipal Council, and the contract shall be executed by the Municipal Administrator.” **The motion passed unanimously.**

Resolution No. 20-78 – awarding a contract for \$58,900 to Pennoni Associates for engineering services

related to the Sawmill Creek Culvert Flood Mitigation Project

There was a motion by Councilwoman Lewis, seconded by Council Vice-President Smith, to approve a contract to Pennoni Associates in compliance with Section 7-713 of the Home Rule Charter and Section 4-35(A)(6) of the Administrative Code which states, "All contracts in excess of \$21,000 shall be in writing and shall be awarded by Municipal Council, and the contract shall be executed by the Municipal Administrator." The motion passed unanimously.

Resolution No. 20-79 – awarding a contract for \$32,000 to Pennoni Associates for design plans and engineering related to the Arch Street Greenway Project, Phase I

There was a motion by Councilwoman Scott-Cooper, seconded by Council Vice-President Smith, to approve a contract to Pennoni Associates for the design plans and engineering related to the Arch Street Greenway Project, Phase I. The motion passed unanimously.

Resolution No. 20-80 – awarding a contract for \$91,500 to Pennoni Associates for design plans and engineering related to the Arch Street Greenway Project, Phases II, III and IV

There was a motion by Council Vice-President Smith, seconded by Councilwoman Lewis, to approve a contract to Pennoni Associates for design plans and engineering related to the Arch Street Greenway Project, Phases II, III and IV. The motion passed unanimously.

Resolution No. 20-81 – awarding a contract for \$166,900 to Pennoni Associates for site survey, design plans, specifications & bid documents, and project management/field inspection related to the Main Street Streetscape Project, Phase IV

There was a motion by Councilwoman Lewis, seconded by Councilman Lepera, to approve a contract to Pennoni Associates for site survey, design plans, specifications & bid documents, and project management/field inspection related to the Main Street Streetscape Project, Phase IV. The motion passed unanimously.

Resolution No. 20-82 – adopting the 2021-2025 Capital Improvements Plan

There was a motion by Councilwoman Scott-Cooper, seconded by Councilwoman Lewis, to adopt the 2021-2025 Capital Improvements Plan in compliance with Section 4-24(A)(2) of the Administrative Code which requires, "A Capital Plan for the next five or more fiscal years, which shall contain, as a minimum, all proposed Capital Improvements, identified by project, the year of acquisition or construction, proposed funding and the impact upon the operating expenses, debt structure and borrowing limitations of the [Municipality]." The motion passed unanimously.

Planning & Municipal Development

Presentation and request to accept a LERTA application for the Baer Building (118-120 East Main Street) Project

Dominic Truelove, Developer, provided a presentation highlighting details of the project for which Council will decide to either accept or reject the LERTA application. Robert Fink, Founder, provided information regarding the eSpot. Planning Director, Jayne Musonye, noted that the applicants are also looking for an Economic Development Grant, a Historical Grant, assistance with parking and support for a Variance.

There was a motion by Councilwoman Lewis, seconded by Council President Perry, to accept the LERTA application for the 118-120 East Main Street (Baer Building) business development project involving converting the former furniture store to a residential mixed-use including: The eSpot, Brew Pub/Sports Bar,

Willis Brothers BBQ, Bike shop/Car Detail, 15 residential units, rooftop bar and yoga studio. **The motion passed 6-1.** (Councilman Lepera voted nay.)

Seeking Council support for a Zoning Variance that would allow a car detail/tinting use as part of the Baer Building (118-120 East Main Street) development in the Town Center Zoning District

Mr. Truelove commented that they are looking for support from Council before going before the Zoning Hearing Board. It also needs recommendation from the School Board and the County.

Mr. Truelove explained that this business would be operated by a local business owner, Gregory Littlejohn, who is also a community member.

Ms. Musonye, Planning Director, advised that this will come back to Council for Conditional Use.

Public Works

Recommendation for Council to award Residential Solid Waste Collection and Recycling Collection contract for the period 2021-2025 to J.P. Mascaro & Sons

There was a **motion by Council President Perry, seconded by Councilwoman Lewis**, to recommend awarding a Residential Solid Waste Collection and Recycling Collection contract to J.P. Mascaro & Sons for the period 2021-2025 based on the bid opening on January 22, 2020. **The motion passed unanimously.**

Adjournment

There was a **motion to adjourn the virtual Council Meeting by Council President Perry, seconded by Councilwoman Scott-Cooper. The motion passed unanimously.** There being no further business, the meeting was adjourned.

Respectfully submitted by Roseann M. Santangelo, Clerk of Council