

NORRISTOWN MUNICIPAL COUNCIL MEETING
October 6, 2020

The virtual Council meeting of October 6, 2020 was called to order by Council President Derrick Perry at 7:30 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, Erica Genuardi, Recreation Director.

Motion to Approve Minutes

There was a **motion by Councilwoman Smith with a second by Councilwoman Lewis** to approve the Minutes of the September 15, 2020 Council Work Session. **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 personnel issues.

Announcements

Theatre Horizon "Art Houses" - An initiative in which professional theatre artists guide Philadelphia and Norristown area households in creating and performing an evening of original theatre to be performed in your home and live streamed to Theatre Horizon audiences across Montgomery County, Philadelphia and surrounding counties. Contact Nell@theatrehorizon.org.

Walk-Up Flu Clinic – 1433 Green Street, Norristown. Appointments required. Go to www.montcopa.org/flu or call 610-278-5145.

Municipal Preliminary Budget Public Meetings – The day sessions have passed but an evening session will be scheduled and announced. The meetings are available to watch on norristown.org.

NAACP meeting at the Norristown Public Library for voters registration and census information on Saturday, October 10th from 10 am to 12 pm.

"Trunk or Treat" - Norristown Recreation Center on Saturday, October 31st from 4 to 7 pm. Contact Heather@bailfundmontco.org.

"Democratic Women of Excellence" will meet on Saturday, October 10th from 2 to 6 pm for a Voter Registration Drive at the Mt. Zion Church, 1312 Willow Street.

Public Comment

Sharon Baptiste, 220 E. Jacoby St.

I am requesting public comment for issues concerning the 200 block of East Jacoby Street.

1. Third attempt to request speed bumps. We recently had a motorcycle accident involving 2 motorcycles speeding and crashing into four cars.
2. Requesting to cut down three trees: 226, 220 and 214 Jacoby Street.
 - a) tree roots affecting sewer pipes underground
 - b) The three trees are supporting Lantern Fly infestation
 - c) The tree limbs affect walking. The limbs hang too low and the tree and will eventually grow too large for the narrow street.

Declan Jones, 1806 Harding Blvd.

The month of September we endured a loud play in the zoo parking lot from Prism Theater center. It took 3 weeks of complaining to stop the noise; It was finally lowered thanks to the intervention of Officer Bishop of NPD.

Going forward, can this neighborhood be assured of future noise ordinance enforcement or the law changed to include some type of sound barriers for the area?

Thank you for your time,

The neighborhood of Elmwood Terrace

Peter Simone, 119 E. Lafayette St.

To the Municipality,

We wish to give our strong support to the Conditional Use Application to **Mill City Properties, LLC** for the proposed redevelopment of this property at **118-120 East Main Street**. We are owners of the adjacent property at the Lafayette Street end of the site. We enthusiastically support this application that will be a major positive redevelopment initiative.

We urge the municipality to approve this Conditional Use Application.

Thank you.

Adam Gilbert-Cole, 199 Lenape Drive, New Britain Twp.

To whom it may concern,

I find the current move by Norristown Council to divest the sewer authority of their power over the assets of the sewer plant disheartening and dangerous. I understand that, as a Norristown non-resident, my life is not directly impacted by this move. I want to state, however, that this move is part of a worrying trend in which private interests are subverting, for their own gain, the public infrastructure of our communities. I'd hope Norristown would be a guard against this kind of encroachment on our public goods, given its past decisions to endorse political programs that stand to benefit all citizens, as a public sewer system does, so I encourage Council to NOT divest the sewer authority of its power. Please, be the finger in the dam of the sell-off of our public infrastructure. I worry that this sale sets a precedent for all surrounding communities who have kept their public services public, and will now have to be on guard against the sheep in wolves clothing that are the likes of Aqua PA.

James Lewis, 1400 block of Locust St.

Good evening,

I am a long-time resident of Norristown and the Norristown area, I have friends, family and coworkers who live in the borough and are struggling during this time of pandemic and economic uncertainty.

The sewer sale is honestly an embarrassing development. I have come to respect many of the council people in the past few years for their courageous stands against racism, charter schools, and for BLM and Medicare for all. This action, selling the sewer system, is opposed by thousands of your residents, the local NAACP, former council people, religious organizations, civic organizations of all types, Norristonians of all colors and creeds and political beliefs.

The campaign against this privatization scheme has been shockingly effective; Norristown caring about what is happening on council is rare and when an issue gets this much push back, something must be wrong.

All I have seen from council, sans Smith and Jones, has been consternation and paternalistic sneering that residents were opposed to

selling THEIR system to a privately owned company who does not have their interests in mind, but only wants profit for its shareholders.

I want council people to think about their legacy, when their terms are up or when they are defeated at the ballot box in the next elections: do you want to be known for protecting the poorest and most vulnerable Norristonians, or do you want to be known for selling Norristown's public assets to the lowest bidder like a house on auction?

Thank you to the brave council people who will oppose this. No payday loan for Norristown paid on the backs of poor folks.

Daniel Parker, 3107 N. Wales Road, East Norriton

Dear Norristown Municipal Council,

My name is Dan Parker, and I'm an East Norriton resident. I regret that my township's sewer system was sold to Aqua on July 19 of this year with little alert to anyone in the town. It is shameful that private corporations are trying to carry out these transactions with no deliberation and input from the public.

I am sad to see that you are also being used to create a sewer monopoly in our region that will rob the public of a fundamental asset and enrich a small pool of corporate investors at the expense of your working residents. The rates on Norristonians may increase from 60%-200% and by 2050, your residents will have paid hundreds of millions of dollars more than they would, should you keep the sewer system in the hands of the Sewer Authority, which operates the system at ~\$5 million per year.

This proposed sale is frankly a horrible way to raise funds that betrays the trust of your residents, who will have paid Aqua back within 6 years following this proposed sale. I ask that you please reconsider this dreadful plan and think of the longtime residents of this town who will suffer that much more financial precarity should this sale go through.

Best Wishes,

Daniel Parker.

Jon Vail, 84 Centre Avenue, Norristown, 19403

Anyone who is on the fence about the legitimacy of this sale should look no further than Aqua PA's profile on Better Business Bureau. Take out your phones and search Aqua PA now. Just take a cursory glance at their abysmal rating and litany of customer complaints from the local area.

Even for any Norristown resident who is in favor of privatization of public utilities, the announcement of this sale should be a victory enough in that privatization is at the very least --achievable--.

But to favor a permanent and irreversible contract with the first and worst possible candidate, that's just an unhealthy indifference to yourself and your own community.

Just do the research.

Thank you

Jon Vail

Brit Montoro, 937 W. Trenton Ave., Morrisville

I am a concerned Bucks county resident writing you to oppose the sale of the sewer to private interests. This sets a dangerous precedent to the rest of the Philly area suburbs that common utilities can be grabbed up by private interests and then controlled in ways that will make costs of service skyrocket. The sewer should not be sold and continue to be a public entity.

Charles Termine, 754 Stanbridge St.

My name is Charles Termine I have lived in town since birth. I understand council is going to vote tonight on the sale of the sewer authority. I ask each council member to explain to the residents why you think this will be good for them. If you cannot tell us why you think this is good for all residents then why are you voting to sell the sewer authority?

Mike Wood, 1618 Trenton Ave., Bristol

I'm extremely concerned about the ongoing sale of Norristown's publicly owned sewer system to Aqua America. Not only will rates for Norristown residents increase dramatically, but you are failing to consider the larger consequences. As the seat of Montgomery County, Norristown has the power to set a precedent for the region that could be disastrous. Just today, I heard that my own municipality, Bristol Borough in Bucks County, has been floating the idea of selling our sewage system. Frankly, I find the attempt by Aqua to monopolize Pennsylvania's water and sewage supplies to be disgusting. With environmental regulations disappearing left and right, we

cannot let companies like Aqua take us back to the days of finding toxic chemicals in our waterways.

If you consider yourself a person who is concerned about both the long term and short-term effects of the people you serve, then I urge you to stop the sale today.

Thank you.

Maccabee Hirsh, 1745 North Hills Drive

This letter collectively serves as notice to the Norristown municipality. The undersigned are Norristown business owners in opposition to ordinance 20-14 and 20-15; the selling of the Norristown sewer system and treatment plant to Aqua America and the disbandment of the Norristown Waste Authority. The uncertainty surrounding this sale, the presentation laid forth by Aqua America and council, and the guaranteed ever increasing sewer rates for years to come will impact the operations and in turn services we provide in the community. Further more, it has not been shown how this sale is in the best interest of the business community. We request that the council cease in its actions to dissolve the locally controlled sewer authority by voting no on ordinance 20-14 and furthermore overturning ordinance 20-11.

Sincerely,

Joe's Water Ice and Ice Cream - Albert Antonelli

Super Wok – John Zheng

Michelle Laundry and Dry Cleaning – Joeng Kim

Pauline's Deli and restaurant – Anna Shin

Alfredos Restaurants – Franco Mateo

Mila Hayes, 1315 W. Elm St.

Greetings Norristown Municipal Council:

Please accept my communication vehemently opposing the sale of the Norristown Municipal Sewer Plant. It is with considerable concern that I urge you to table this matter in order to promote more community engagement and thoroughly educate residents on the impact of this transaction.

This process has been seemingly expedited without thoughtful community engagement and consideration of the global pandemic that looms over us; specifically the Norristown community.

Lastly, I urge you to consider the potential and frankly unknown rising costs as a result of this transaction that will negatively impact our most vulnerable residents.

Respectfully Submitted,

Mila Hayes, MS

Fernando Feliciano, 728 Cedar Lane

Good evening,

My name is Fernando Feliciano Jr and I am the current Treasurer of the Norristown Municipal Waste Authority and, most importantly, citizen and resident of Norristown for over 20 years. I am, again, presenting my opposition to the sale and privatization of the Municipality's last public asset. This sale to Aqua PA will raise sewer rates for the most vulnerable of our town, the poor, old, black and brown neighbors, family and friends.

Council's race to approve this sale also brings many questions. Why has council decided to minimize the public's dissent to this sale? Who is really benefitting from this sale?

We have already spoken out about how this sale will make living in Norristown much more difficult as this will efficiently be a new tax, but not for our use but for AquaPA. We have already pointed out that privatization will allow rates to be raised at the whim of a corporation.

As stated before we have mentioned PFM has only provided the AquaPA version of this sale. Members of council have decided to remain ignorant of all the facts this and other sales of Waste and Water Systems. The fact that other towns now regret their decision to sell to AquaPA. The fact that Crandel (*sic*) Jones continues to provide inaccurate information to council. The fact that 100's of your constituents have already signed petitions opposing this sale. The fact that those that have the means, will leave Norristown once this increase comes about. The fact that businesses will decide to leave Norristown as their cost to do business increase.

As for this particular ordinance, the language of Section 5 is most alarming. I quote:

5. Authority's Use of Funds

The Authority or any other party is hereby expressly prohibited from taking any action or expending any funds, for the purpose of challenging the right of the Municipality to take the actions set forth in this Ordinance or which would have the effect of directly or indirectly, hindering, impeding or otherwise adversely affecting the

Municipality's ability to obtain control and ownership of the System. Council interprets a violation of this provision as cause for the removal of members of the board of the Authority under Section 5610(d) of the Act and grounds for surcharge and hereby directs its agents and employees, to take any and all necessary actions required to vindicate the violation.

Most alarming is this language is basically a violation of the board members' civil liberties. This language provides the Municipality the option to sue board members for exercising our freedom of speech. We all understand that there is a multi billion dollar corporation behind this sale, but wiring this language into the ordinance itself is extremely upsetting. How has this Council decided to add this language? Will this language be used to the rest of our Residents?

I again urge Council to vote this sale down for the sake of YOUR neighbors, friends and family.

Respectfully,

Fernando Feliciano Jr.

Rachel Fecho, 715 Noble St.

In regards to the sewer issue, I don't know how many different ways there are left for me to tell you how abhorrent and unethical your behavior is, Mr. Crandall Jones and Mr. Perry. You keep creating one ordinance after another in order to get your way, despite the overwhelming evidence that you are acting outside what your community wants and needs. It's disgusting and shameful, and it's things like this that make the public not trust you and lose hope for civic involvement. However, you are underestimating the power of the people. Together, Norristown is going to persevere until our voices are heard and the public is justly served.

David McMahon, 721 Haws Ave.

Good Evening Everyone,

My name is David McMahon and I'm writing on behalf of Norristown Opposes Privatization Efforts. I want to lay out briefly to the public why our organization NOPE opposes the two ordinances intended to be adopted tonight.

As it stands now the sewer authority can currently meet capacity needs. It is positioned to meet future needs and increased demand. It currently has the lowest rates in Montgomery County. They have a multi-million dollar improvement plan that will not require increased sewer rates. It will be paid for by efficiencies that the plan itself implements. It is a positive example of local control addressing and meeting local needs. It is an example of effective long range planning. In short it is a well-managed operation. So it is the height of irony that this well-managed operation that not only meets its own expenses, but also contributes over one million dollars to the municipal budget of Norristown is now intended to be sold off by a council and municipal administrator that is facing a two-and-a-half million dollar budget shortfall. Frankly I'd rather have the sewer authority manage our finances rather than the current situation.

The sewer authority runs on about a \$5 million a year budget. Now, when Aqua PA owns it and our rates double they will be charging rate-payers \$10 million a year to run a system that only requires five million a year. And when I say the double this is based on information presented in the May public hearings. It's on the slides that exist from the hearing. And if rates triple, also a projection based on information from the May public hearing, they will be charging us \$15 million dollars a year to run a \$5 million a year system. These are millions upon millions of dollars leaving Norristown for good because this monumental sale of fully one-third of the assets of the entire municipality will be permanent.

So these basic facts in mind I understand how Norristown is in dire financial straits right now. This is fundamental mismanagement and this surrender of a valuable public asset to a private corporation intent on creating a regional monopoly disastrously compounds the mismanagement. It would virtually eliminate the ability of local residents to have an impact on addressing local concerns -Public Utility Commission notwithstanding. It reduces our future ability to use the assets of the sewer authority as a financial instrument, as just one basic example. It lays bare the fundamental inability of our current local government to manage our financial affairs. This will be a fiscal straitjacket and hardship for our community and we intend to make that case to the public over the next 30 days and collect enough signatures from registered Norristown voters to repeal both these ordinances, 20-14 and 20-15, that it seems will inevitably be passed this evening. This is a deal that is designed to benefit a handful of influential people to the detriment of the community at large.

Municipal Solicitor

Motion to adopt Ordinance 2020-14 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.

Mr. Tom Wyatt, Special Counsel, noted that the Ordinance explains what it is the Municipality has the legal right to do. That is, to assume or discharge impediments according to statute.

Councilman Jones and Council Vice-President Smith voiced their concerns about this.

There was **a motion by Councilwoman Scott-Cooper with a second by Councilwoman Lewis**, to adopt Ordinance 2020-14 requiring the Norristown Municipal Waste Authority to convey the sewer system and all property and assets of the Authority to the Municipality. **The motion passed 5-2. (Council Vice-President Smith and Councilman Jones voted nay.)**

Motion to adopt Ordinance 2020-15 repealing Norristown Ordinance No. 11 of 2020; authorizing the execution by the Municipality of a new Asset Purchase Agreement between the Municipality and the purchaser Aqua Pennsylvania Wastewater, Inc. for assignment of the Municipality's rights and obligations in the sewer system; and removing the Norristown Waste Authority as a party to the Asset Purchase Agreement.

Mr. Wyatt stated this is a companion piece to Ordinance 20-14, which states that it is a 2 party Asset Purchase Agreement.

Councilman Jones commented that he wanted to “give kudos to the Authority for being pro-active and standing by their decision.”

There was **a motion by Councilwoman Lewis with a second by Councilwoman Sanders**, to amend the Municipality of Norristown Ordinance No. 11 of 2020 authorizing the execution by the Municipality of Norristown (the “Municipality”) of an asset purchase agreement (the “Purchase”) between the Municipality and the purchaser Aqua Pennsylvania Wastewater, Inc. **The motion passed 5-2. (Council Vice-President Smith and Councilman Jones voted nay.)**

Motion to authorize Obermayer Rebmann Maxwell & Hippel LLP, Special Counsel, for the Municipality to undertake any and all necessary litigation and take any and all necessary legal actions before any court and/or the Pennsylvania Public Utility Commission in connection with the adoption and effectiveness of Norristown Ordinances 2020-14 and 2020-15.

There was **a motion by Councilwoman Lewis with a second by Councilwoman Scott-Cooper**, to authorize outside counsel in this matter to proceed in all necessary legal matters in undertaking Council's authorized actions and defending all legal actions before the appropriate bodies related to carrying out Council's directives in Ordinances 20-14 and 20-15. **The motion passed 5-2. (Council Vice-President Smith and Councilman Jones voted nay.)**

Motion to authorize the Municipal Administrator, subject to the express review and approval of the Norristown Council President, to take any and all necessary actions required by the Charter of the Municipality and other applicable laws to effectively operate the assets of the Norristown Municipal Waste Authority until such time as the sale of the sewer system to Aqua Pennsylvania Wastewater, Inc. is perfected.

Mr. Wyatt added that a part of this is that all employees and representatives of the Authority will become Municipal employees. Mr. Wyatt noted that the changeover could take 6 to 8 months.

There was **a motion by Councilwoman Lewis with a second by Councilwoman Scott-Cooper**, to authorize the Council President and Municipal Administrator to take the necessary steps to move acquisition and sale of the Sewer Authority. **The motion passed 5-2. (Council Vice-President and Councilman Jones voted nay.)**

Public Hearing

Resolution 20-86: Two Farms, Inc. d/b/a Royal Farms, Internal Municipal Transfer Liquor License

There was a motion by Councilwoman Lewis with a second by Councilwoman Sanders, to open the Public Hearing. **The motion passed unanimously.**

Municipal Solicitor Kilkenny presented exhibits Municipal 1 (copy of advertisement) and Municipal 2 (copy of application.)

Attorney for the applicant, Jonathan Jordan, provided a background regarding other Royal Farm stores that hold a liquor license.

There was no Public Comment.

There was a motion by Councilwoman Lewis with a second by Councilman Jones to close the Public Hearing. **The motion passed unanimously.**

There was a motion by Councilman Lepera with a second by Councilwoman Lewis to approve adoption of Resolution 20-86 to approve a new Liquor License for premises located at 1820 Markley Street, Norristown, PA 19401. **The motion passed unanimously.**

Municipal Administrator

Resolution 20-87: Roadway Maintenance for SR 3020 Section 530

Khal Hassan, Municipal Engineer, explained that Barbados Street will now connect between Lafayette Street and Washington Street. The retaining wall was removed. PennDOT will acquire the right-of-way and give to the Municipality for maintenance. Mr. Hassan suggested a condition - that the Municipality should not be responsible for maintaining the trail and the ADA ramps because the Municipality doesn't own them.

There was a motion by Councilwoman Lewis with a second by Councilman Lepera, to approve the improvements to Barbados Street which will include improvement to the Municipality's local road system. PennDOT is acquiring the right of way for the improvements to the local road system for the benefit of the Municipality and the Municipality shall not be responsible for the trail and the ADA ramps because they are owned by the County. **The motion passed unanimously.**

Planning & Municipal Development

Public Hearing

Request for Conditional Use approval for a Mixed-Use project at 118-120 East Main Street (Baer Building)

There was a motion by Councilwoman Scott-Cooper with a second by Councilman Jones to open the Public Hearing. **The motion passed unanimously.**

Municipal Solicitor Kilkenny presented exhibits M1 (copy of advertisement), M2 (copy of Conditional Use application) and M3 (Pennoni Review Letter).

Ms. Musonye provided an explanation of the Conditional Use request.

Public Comment

Margaret Dellasante – 14 East Main Street, Norristown – Ms. Dellasante asked if there will be required parking for the apartments.

Ms. Musonye explained there may be parking available at Main & Green and there is the possibility to use the SEPTA lot when having events.

There was **a motion by Council Vice-President Smith with a second by Councilman Lepera** to approve the request for Conditional Use approval for 118-120 East Main Street (Baer Building) to include the eSpot, Brew Pub/Sports Bar, Willis Brothers BBQ, Bike Shop/Car Detail, 15 residential units, rooftop bar and yoga studio, excluding the car detail use since it is not a permitted use in the Town Center zoning district and requires a variance from the Zoning Hearing Board. **The motion passed unanimously.**

Police

Resolution 20-84: motion to approve requests for Disabled Parking Spaces

Chief Talbot noted the addresses are: 127 Rosemont Avenue, 900 Arch Street and 1220 Arch Street. He said that the residents demonstrate physical limitations to warrant their requests.

There was **a motion by Councilwoman Sanders with a second by Councilwoman Lewis** to approve Resolution 20-84. **The motion passed unanimously.**

Finance

Resolution 20-85: approval of the Minimum Municipal Obligation (MMO) to be budgeted for the Police, Fire and Non-Union Pension Plans for fiscal year 2021.

Norman Butts explained that this is an annual requirement laid out by the Pension Actuary, approved by the Pension Board of Trustees and funded by a combination of state grant funds and member contributions supplemented by fund appropriations for the Police, Fire and Non-Union employees' pension funds.

There was **a motion by Councilwoman Scott-Cooper with a second by Councilwoman Lewis**, to approve Resolution 20-85. **The motion passed unanimously.**

Departmental Monthly Reports

Mr. Amrinder Singh presented his monthly report for the Code Enforcement Department. He noted he will have information regarding rental inspections that have started again for Sep. and Oct. at the next Council Workshop Session. The department had 94 permits, 136 building permit inspections, 11 stop work orders were issued, condemned 14 properties due to various violations, exterior property inspections were done. He said a report will be presented next month. They issued grass and trash citations, 342 property transfers. He said the department is holding the line on budget goals. HARB projects will be presented at the next meeting.

Mr. Norman Butts presented his monthly report for the Finance Department. He noted they are working on developing a formal budget presentation for the next Council meeting. There is a gap in the Fund Balance so they are working with department heads to close it.

Erica Genuardi, Recreation Department Manager, shared that \$202,000 in DCNR funds were received for the Riverfront project. Flood damage claims for the Ballfield, Bandshell and Recreation Building were submitted and a report should be received by Friday from the insurance company. She also noted that park rentals have

increased.

Ms. Musonye of Planning noted that transfers have increased and there are businesses looking in the Town Center District including a fresh food market. There are interested developers for housing around the former Montgomery Hospital. The project at 257 East Main Street will be coming back before Council at the next Workshop Session as well as the 1421 Green Valley Road project.

Adjournment

There was a **motion to adjourn the virtual Council Meeting by Councilman Jones with a second by Councilwoman Sanders. The motion passed unanimously.** There being no further business, the meeting was adjourned.

Respectfully submitted by Roseann M. Santangelo, Clerk of Council