

December 10, 2007

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, December 10, 2007 at 7:00 p.m. in the Council Meeting Room Pottstown Borough Hall, 100 East High Street, Pottstown, Pennsylvania, with President Wolf in the Chair.

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

Councilors present were Arthur Green, Michael Wenzel, Stephen Toroney, Greg Berry, Jack Wolf and Daniel Schadler. Also present were Solicitor Charles Garner, Borough Manager Raymond Lopez, Mayor Sharon Thomas and Borough Secretary Virginia Takach. Councilor Gibson was absent.

APPROVAL OF MINUTES

Motion by Councilor Green, seconded by Councilor Wenzel to approve the November 13, 2007 Council Meeting minutes as presented. Motion carried: 6 ayes.

COMMENTS FROM CITIZENS PRESENT

- a. Jody Rhoads, 168 South Roland Street – provided copies of the October/November issue of the *Williamsport Guardian* to Council wherein an interview with Tom Hylton, described a person running for Council in Pottstown who is anti-shade tree. Mr. Rhoads added that no person running for Council was anti-shade tree and Williamsport will know the truth.
- b. Frank McLaughlin, 416 School House Road – urged Council to keep the tax increase to 5% as previously discussed adding that the town isn't growing.
- c. Dave Walsh, 152 East High Street – requested Council and Staff's assistance with respect to a tree blocking the sign for the new *Brickhouse* Restaurant scheduled to open in early January 2008.
- d. Pressly Day, 660 Jefferson Avenue – thanked President Wolf and the outgoing Councilors for their efforts in their years of service. Mr. Day also apologized for any wrong doing with respect to the Ricketts Center adding that he would shoulder the blame since he was the President for ten months. He also stated that his good name is ruined because of the presentation of the forensic audit at last month's meeting. Mr. Day also told Council that they could have asked him about the Center, stating that he was not a thief.

e. Bruce Madara, 543 North Adams Street – also praised the outgoing Councilors for their efforts. Mr. Madara questioned several issues with the Borough Authority. He questioned if a conflict of interest would arise when the Authority's Solicitor becomes a member of Borough Council in January. Mr. Madara also questioned the Authority's financing for Creative Health and then raising water rates for the taxpayers. He added that he hopes the new Council will provide better oversight to matters such as the Authority.

Mr. Wolf responded that the money loaned for Creative Health was not Authority money or public money and the Authority was merely acting as a sponsorship.

f. Alicia Mauras, 421 Jefferson Avenue – objected to the slanderous lies being said about the staff and members of the Ricketts Center. She added that the programs are not the same since the Center has been reopened and the children are unhappy. She also questioned if Ms. Williams has obtained her educational requirements.

Mr. Lopez responded the he was not aware of the requirements.

g. Sam Green, 501 East High Street, Apt. 207 – commented that this is the most racist thing he has seen in his life, noting that the treasurer and former director, both white, were not investigated or had their homes search by police nor were they embarrassed by public presentations.

h. Gloria Day, 660 Jefferson Avenue – stated that she and her husband were ambushed with the forensic audit. Mrs. Day also questioned if this matter is an ongoing investigation why was it presented to the public.

President Wolf responded that it was presented because of the liabilities and it would have been unfair to the public not to disclose the liabilities.

i. Karen Ludy, P.O. Box 1550 – provided copies of a flyer for a used clothing pick-up by a not not-profit organization and questioned its validity. She also expressed concern regarding several issues with the Animal Control Officer.

j. Beverly Thompson-Beck, 420 Walnut Street – advised that she has been working at the Ricketts Center since August and noted that the programs are working with the new rules and regulations.

k. Kenneth Butler, 825 North Franklin Street – expressed the importance of communication in this town in order to make it a happy place to be.

l. Newstell Marable, 880 Cross Street – stated that even though he does not live in Pottstown he is a member of the Community. He added that he suggested the name of Ricketts for the Ricketts Center. Mr. Marable also noted that he has been present at the Center since it reopened and the children are doing well. He also thanked the outgoing Council.

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m. Jonathan Corson, 544 Jefferson Avenue – also thanked the outgoing Council and for the hiring of minority police officers and requested consideration for Spanish or bilingual candidates in the future.

n. Phyllis Flagg, 918 West Chestnut Street – stated that the mission of the Ricketts Center needs to go on. She added that if the scandalous lies persist, she would have to proceed civilly to protect her name.

MAYOR'S REPORT

Mayor Thomas commented that the Friday night holiday events in the Smith Family Plaza would continue to December 21st. She also reviewed her written report, announcing a New Year's Eve wedding ceremony at Brookside Country Club. The Mayor also advised that she would be doing group marriage ceremonies at a cost of \$200 per couple beginning in the New Year. She also expressed concerns regarding the narrowing of Industrial Highway to expand the trail, noting that it may have more risks than benefits. Mayor Thomas also advised that she anticipates a place at the pre-agenda meetings.

BOROUGH MANAGER'S REPORT

Manager Lopez reported that he met with the School District Manager to discuss outsourcing the 511 taxes. He added that settlement was made on the Jefferson Avenue property. Mr. Lopez also reported that the December 1st clean up event at the Keystone Opportunity Zone netted approximately 20 tons of trash and thanked the District Attorney's office for its assistance. He added the Reconnections Project is being discussed with North Coventry Township and will be assisted by the Montgomery County Planning Commission. Mr. Lopez also noted that interviews are ongoing with prospective engineering firms and expects Staff to have a recommendation for Council in January. He also advised that the discussion regarding Route 100 and Shoemaker Road would continue in January.

COMMITTEE REPORTS

a. Library – Councilor Green reported that a grant was received from the Health and Wellness Foundation. He added that the draft report from the Keystone Grant is expected on December 11th.

b. Human Relations – Mayor Thomas advised that David Kaplan will be resigning his position as of December 31st and there would be a vacancy on the Commission.

c. PDIDA – Councilor Green noted that there was no new business since the last report.

d. Cable – President Wolf advised that the minutes of the last meeting were distributed in the packets.

- e. COG – President Wolf noted that the next meeting is scheduled for January 8th in Borough Hall.
- f. EAC – Mr. Read had no official report and thanked the outgoing Council for their efforts and support while in service.

NEW BUSINESS

- a. Presentation – The Hill School – President Wolf announced that this presentation has been postponed until the January meeting.
- b. Schuylkill River Trail – Motion by Councilor Green, seconded by Councilor Wenzel to adopt a Resolution in support of Montgomery County Planning Commission’s Plan for the Schuylkill River Trail in the area of Rout 422 and Industrial Highway.

RESOLUTION NO. 2007 - 38

RESOLUTION
ACCEPTANCE IN PRINCIPLE OF MONTGOMERY COUNTY DESIGN FOR
ALTERATION OF INDUSTRIAL HIGHWAY TO ACCOMMODATE THE SCHUYLKILL
RIVER TRAIL

WHEREAS, Montgomery County is proposing the design and construction of the Schuylkill River Trail between Keystone Boulevard and Moser Road in Pottstown Borough; and
WHEREAS, a part of the Trail will be built along Industrial Highway between Washington Street and Moser Road where there is not enough room on the river side of the Highway to build the Trail without some re-configuration of Industrial Highway; and
WHEREAS, placement of the trail on the river side of Industrial Highway is the only safe, feasible solution for a separated trail between Riverfront Park and Moser Road, so that all users of the trail will not have to cross Industrial Highway; and
WHEREAS, preliminary surveys of Industrial Highway show that the width of Industrial Highway is suitable to allow a re-configuration of Industrial Highway lanes to accommodate the Trail; and
WHEREAS, Montgomery County has asked the Borough for its concurrence in principle for design of certain changes to Industrial Highway that would be in keeping with PennDOT and Borough requirements, so that the County can proceed with the design work needed to accomplish the final construction of the Trail.
NOW, THEREFORE BE IT RESOLVED, that Pottstown Borough agrees to concur in principle to allow Montgomery County to design a trail, utilizing Industrial Highway right of way for the Schuylkill River Trail with the understanding that all design is in keeping with standard PennDOT and Borough requirements for the roadway and that said design may alter the lane

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configuration of the Highway in order to build a safe and separated Trail facility along the river side of the Highway.

Enacted and resolved this 10th day of December 2007.

Motion carried: 6 ayes.

c. Local Services Tax – Motion by Councilor Green, seconded by Councilor Toroney to adopt an Ordinance amending, revising and renaming the Emergency and Municipal Services Tax for the purpose of repealing the Emergency and Municipal Services Tax to that of Local Services Tax.

ORDINANCE NO. 2046

AN ORDINANCE OF THE BOROUGH OF POTTSTOWN REVISING PART 4, EMERGENCY AND MUNICIPAL SERVICES TAX, OF CHAPTER 24, SPECIAL TAXATION, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED, FOR THE PURPOSE OF REPEALING THE EMERGENCY AND MUNICIPAL SERVICES TAX AND ENACTING THE LOCAL SERVICES TAX.

Solicitor Garner confirmed that the purpose of the tax would remain as was for the Emergency Services tax.

Motion carried: 6 ayes.

d. Residential Permit Parking Program – Motion by Councilor Wenzel, seconded by Councilor Green to adopt an Ordinance amending the Master Traffic Ordinance to implement proposed changes in the Residential Permit Parking Program.

ORDINANCE NO. 2047

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING VARIOUS SUBSECTIONS OF SECTION 409, RESIDENTIAL PERMIT PARKING, OF PART 4, GENERAL PARKING REGULATIONS, OF CHAPTER 15, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, TO IMPLEMENT PROPOSED CHANGES IN THE RESIDENTIAL PERMIT PARKING PROGRAM FOR THE BOROUGH OF POTTSTOWN.

Motion carried: 6 ayes.

e. Disciplinary Action – Motion by Councilor Green, seconded by Councilor Wenzel to ratify the Mayor's disciplinary action of a one-day suspension imposed upon a Pottstown Police Officer. Motion carried: 6 ayes.

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f. Oversight Committee – Motion by Councilor Toroney, seconded by Councilor Green to ratify the President’s appointment of JoAnn Short to the Economic Development Oversight/Implementation Committee. Motion carried: 6 ayes.

g. Memorial Park Change Order – Motion by Councilor Toroney, seconded by Councilor Green to approve Change Orders No. 1-5 for the Memorial Park Development project in the amount of \$17,909.25 Motion carried: 6 ayes.

h. Fuel Bids – Motion by Councilor Schadler, seconded by Councilor Green to award the fuel bids as per the bid tabulation of November 26, 2007 as follows:

- a) Unleaded Gasoline - to Automotive Service, Inc., Reading, PA at rate of \$2.6050 for a one-year contract
- b) Diesel (Low Sulfur)- to Farm & Home Oil Co., Telford, PA at rate of \$2.9240 for a one-year contract
- c) Diesel (Off Highway)- to Automotive Service, Inc., Reading, PA at rate of \$3.1990 for a one-year contract
- d) Diesel (Low sulfur for buses) – to Automotive Service, Inc. at rate of \$2.9440 for a one-year contract

Motion carried: 6 ayes.

i. 2008 Proposed Budget – Motion by Councilor Toroney, seconded by Councilor Green to authorize the Borough Solicitor and the Borough Secretary to advertise and make available for public inspection the 2008 Proposed Budget. Motion carried: 6 ayes.

j. 2008 Tax Rate – Motion by Councilor Toroney, seconded by Councilor Green to authorize the Borough Solicitor and the Borough Secretary to advertise an Ordinance to fix the Borough Tax Rate for real property for the Year 2008. Motion carried: 6 ayes.

k. Adjournment Meeting – Motion by Councilor Green, seconded by Councilor Wenzel to establish and advertise the date of Wednesday, December 26, 2007, 5:00 p.m. for the Adjournment Meeting.

Councilor Toroney commented that he would be out of the State at that time and unavailable for the meeting.

Motion carried: 6 ayes.

l. 2008 Council Meeting Schedule – Motion by Councilor Wenzel, seconded by Councilor Toroney to approve and advertise the 2008 Council Meeting schedule.

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President Wolf expressed sincere appreciation for having the opportunity to spend the last eight years as a member of Council and as Council President with the highest honor afforded to him. He also commended the Borough Staff.

Councilors Green and Schadler reiterated the same comments.

Motion carried: 6 ayes.

m. Amendment Chapter 18 – Motion by Councilor Green, seconded by Councilor Toroney to authorize the Solicitor to prepare and advertise an Ordinance amending Chapter 18 amending Sanitary Sewer Rates for the calendar year 2008 as recommended by the Pottstown Borough Authority. Motion carried: 6 ayes.

n. Blighted Property Review Committee – Motion by Councilor Green, seconded by Councilor Schadler to authorize the Solicitor to prepare and advertise an Ordinance creating a Blighted Property Review Committee.

Solicitor Garner advised that this Committee is structured to make recommendations to the Montgomery County Redevelopment Authority to address blighted properties and that the process can take up to a year and a half for completion.

Motion carried: 6 ayes.

o. Beech Street Lofts – Motion by Councilor Berry, seconded by Councilor Schadler to grant preliminary/final approval for the Beech Street Lofts Land Development Plan subject to satisfying the following conditions within 90 days:

- a) Submission and review of a landscaping plan acceptable to the Borough
- b) Submission and review of a lighting plan acceptable to the Borough
- c) Compliance with the Bursich letter of October 18, 2007
- d) Obtain required zoning relief from the Zoning Hearing Board for parking
- e) Inclusion of a detailed plan for fence around Beech and Evans Street parking lot area to include brick columns and black aluminum fencing
- f) Payment in full of all Borough review fees
- g) Preparation and execution of a Developers Agreement in a form acceptable to the Borough
- h) Waiver of the requirement for a parking and traffic study
- i) Compliance with all other conditions required in the Conditional Use Order of June 11, 2007

Councilor Toroney questioned the requirement for the fencing and putting an undue financial burden on the developers.

Solicitor Garner noted that the applicants were present and asked for their comment.

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David Chawaga and William Felton, representing Beech Street Associates, were present and agreed to the conditions as stated.

Solicitor Garner also noted that the parking issue would need to go before the Zoning Hearing Board.

Motion carried: 6 ayes.

p. Beech Street Lofts – Motion by Councilor Toroney, seconded by Councilor Berry to grant the following waiver requests from the SLDO for the Beech Street Lofts Land Development Plan:

- a) Section 504,505,508 – requirement of number of trees
- b) Section A501- requirement of open space
- c) Section A402.1 – requirement of showing existing features within one hundred (100) feet of site
- d) Section A404.2 – requirement of soil erosion and sedimentation plan
- e) Section A501 – requirement of dedicated open space and payment of a fee in lieu of

Motion carried: 6 ayes.

q. HARB - Motion by Councilor Schadler, seconded by Councilor Wenzel to approve Certificates of Appropriateness for the following properties as recommended by HARB:

- a) 339 King Street
- b) 250 Rowan Alley
- c) 918 High Street
- d) 20 Penn Street

Motion carried: 6 ayes.

r. HARB - Motion by Councilor Toroney, seconded by Councilor Berry to table the HARB request recommending a Certificate of Appropriateness for 232 High Street. Motion carried: 6 ayes.

s. HARB – Motion by Councilor Berry, seconded by Councilor Toroney to ratify action of Building Permit Officer approving Certificates of Appropriateness for the following properties:

- a) 339 King Street
- b) 67 North Hanover Street

Motion carried: 6 ayes.

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REPORT OF BILLS

Motion by Councilor Toroney, seconded by Councilor Wenzel to pay the outstanding bills in the amount of \$2,214,120.44 Motion carried: 6 ayes.

ADJOURNMENT

The meeting adjourned on motion by Councilor Green at 8:55 p.m.

Attested,

Raymond W. Lopez
Borough Manager