

February 11, 2008

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, February 11, 2008 at 7:00 p.m. in the Council Meeting Room Pottstown Borough Hall, 100 East High Street, Pottstown, Pennsylvania, with President Garner in the Chair.

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

Councilors present were Mark Gibson, Maureen Allen, Michael Wenzel, Stephen Toroney, Greg Berry, Jody Rhoads and David Garner. Also present were Solicitor Charles Garner, Borough Manager Raymond Lopez, Mayor Sharon Thomas and Human Resources Coordinator, Sandi Chieffo. Borough Secretary Virginia Takach was absent.

APPROVAL OF MINUTES

a. Motion by Councilor Wenzel, seconded by Councilor Rhoads to approve the January 7, 2008 Reorganization Meeting minutes as presented. Motion carried: 7 ayes.

b. Motion by Councilor Wenzel, seconded by Councilor Rhoads to approve the January 14, 2008 Council Meeting minutes as presented.

Councilor Rhoads requested that the minutes be amended to read "President Garner in the Chair", not President Wolf.

Motion to approve the amended minutes carried: 7 ayes.

NEW BUSINESS

a. Presentation – Life Saving Awards

Mayor Sharon Thomas and Chief Mark Flanders assisted Pottstown Police Dispatcher Charlie Hallman in presenting Pottstown's Life Saving Awards to Sergeant Michael Markovich, Corporal John Skulski and Officer Michael Long for their heroic efforts in saving the life of CRO Hallman after he suffered a heart attack in the radio room on December 15, 2007.

Charlie Hallman and his wife Judy Hallman praised and thanked the officers and the Department for their expertise and professionalism.

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Jeffrey Kulp, Southeastern Red Cross of Pennsylvania, also presented awards to the three officers in recognition of their heroic efforts and commented that their names have been submitted for national awards.

b. Lorraine Frain – Motion by Councilor Toroney, seconded by Councilor Wenzel to adopt a Resolution honoring Lorraine D. Frain for twenty-six years of service to the Borough of Pottstown.

RESOLUTION NO. 2008 – 8

RECOGNIZING LORRAINE D. FRAIN FOR 26 YEARS OF DEDICATED SERVICE TO THE BOROUGH OF POTTSTOWN

WHEREAS, Lorraine D. Frain has served the Borough of Pottstown as a dedicated employee since 1981; and

WHEREAS, during her career with the Borough she served in several different capacities all within the Tax Office; and

WHEREAS, for the past six years Lorraine has worked in a very demanding position as the Tax Supervisor, and during that time she assisted both the Pottstown School District and the Borough through several transitions in order that the School District, Borough and County tax payers and employers received the highest level of customer service possible; and

WHEREAS, Lorraine's presence at the Tax Office and in Borough Hall will be truly missed by the people that have worked with her.

NOW, THEREFORE, BE IT AND IT IS HERBY RESOLVED by the Mayor and Town Council that Lorraine D. Frain is officially recognized for the outstanding service she has provided the Borough of Pottstown through 26 years of employment; and further that she is extended best wished for a happy and well-deserved retirement.

Adopted at Pottstown Borough Hall, 100 East High Street, this 11th day of February 2008.

President Garner read and presented the Resolution to Mrs. Frain in the presence of her family and coworkers.

Motion carried: 7 ayes.

c. Carol Koskela - Motion by Councilor Wenzel, seconded by Councilor Toroney to adopt a Resolution recognizing Carol A. Koskela for 15 years of dedicated service to the Borough Pottstown.

RESOLUTION NO. 2008 – 9

RECOGNIZING CAROL A KOSKELA FOR 15 YEARS OF DEDICATED SERVICE TO THE BOROUGH OF POTTSTOWN

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WHEREAS, Carol A. Koskela has served the Borough of Pottstown as a dedicated employee since 1992; and

WHEREAS, during her career with the Borough she served in different capacities working within both the Finance Department as well as the Tax Office; and

WHEREAS, Carol's presence at the Tax Office and in Borough Hall will be truly missed by the people that have worked with her.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Town Council that Carol A. Koskela is officially recognized for the outstanding service she has provided the Borough of Pottstown through 15 years of employment; and further that she is extended best wishes for a happy and well-deserved retirement.

Adopted at Pottstown Borough Hall, 100 East High Street, this 11th day of February 2008.

President Garner read and presented the Resolution to Mrs. Koskela in the presence of her family and coworkers.

Motion carried: 7 ayes.

Tax Collector Barbara Toroney presented roses to Mrs. Frain and Mrs. Koskela in honor of their retirement.

ADD – ON

President Garner announced that an item regarding Parking Regulations would be added to the agenda.

Mr. Lopez added that an informational outline regarding parking regulations has been distributed but certain aspects may be incorrect. He also noted that this would be corrected and information would be listed on the website.

(SEE NEW BUSINESS CONTINUED)

COMMENTS FROM CITIZENS PRESENT

a. Don Read, 1036 Logan Street – praised the efforts of Council in bringing a prayerful invocation to the Council agenda. He added that he is tired of the politically correct moment of silence. Mr. Read also noted that the “separation of church and state” in the U. S. Constitution is that the First Amendment prohibits Congress from establishing a religion or prohibiting its free exercise.

b. Matt Savino, 2377 Romig Road, Gilbertsville – questioned the requirement of the Borough for homeowners to use only licensed contractors.

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President Garner noted that this concern would be referred to the proper department for a response to Mr. Savino.

c. Michele Pargeon, 12 East 3rd Street – spoke as a member of the School Board and in favor of the benefits of reappointing Dennis Wausnock to the Pottstown Planning Commission to allow for continued cooperation between Borough Council and the School Board.

d. Reggie Brooks, 28-30 North Washington Street – thanked the Fire Chief and Codes Department for their assistance during his recent transaction for the sale of a former business in the Borough.

e. Dean Foster, Montgomery County Community College – spoke in favor the Strategic Plan presented at the recent Committee of the Whole meeting. He also noted his appreciation for the College's inclusion in this process.

f. Jerry Stick, 859 North Charlotte Street – requested that Council authorize the budget to be presented in a more user-friendly manner. He added that he was in favor of adding residents to the Borough's subcommittees.

g. Philip Thees, 63 South Evans Street – commented that any changes in the Codes Department should remain under the control of the elected officials. He thanked Mr. Lopez for his control of the department and in neighboring situations. Mr. Thees also complained about the condition of the apartment building on South Evans Street, which was caused by actions of the tenants.

h. Dawn Varady, 7 West 2nd Street – spoke for a neighboring resident who has had no heat in her apartment and asked for direction.

President Garner referred Ms. Varady to Assistant Manager Jason Bobst for assistance.

i. Frank McLaughlin, 416 School House Road – questioned when the engineering process would come before the public. He also thanked Ms. Lampe and Gannett Fleming for the Strategic Plan presentation. Mr. McLaughlin complained about not getting an answer when calling Borough Hall and also the parking at the Hall and noted inaccuracies in the water and sewer certifications.

j. Newstell Marable, 880 Cross Street - commended the Fire Chief for his outstanding work. He reiterated his request to rename Armand Hammer Boulevard to Martin Luther King Boulevard and his request to change the Riverfront Park to Ron Downie Park. Mr. Marable also requested that any housing problems that Council is aware of be brought to the attention of the NAACP.

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k. Terry Hyland, Rector, Christ Episcopal Church – commended Council for considering a prayer session at both public meetings and offered his services in any capacity.

MAYOR'S REPORT

Mayor Thomas referred to her distributed report. She spoke in favor of promoting prayer, an item listed on the agenda for Council's consideration. The Mayor also noted that she has enrolled in the Women's Center class for domestic violence. She added that she recently spoke at a Lenten Luncheon at Emmanuel Luther Church. The Mayor announced a celebration for Black History at the Ricketts Center scheduled for February 24th and also the sixth annual Latin Night is scheduled for March 22nd at the Academy Hall, Armand Hammer Boulevard.

BOROUGH MANAGER'S REPORT

Manager Lopez thanked all those involved with the recent fire on High Street for their time, equipment and contributions. Mr. Lopez reported that he met with officials from the Firestone Store regarding traffic flow for the new WaWa development. He also noted that the Greater Valley Forge Transportation Management Association had its monthly meeting at Borough Hall on January 22nd. Mr. Lopez also advised that a Regional Planning Meeting with the Tri County Chamber was held and included a discussion of the proposed development in West Pottsgrove Township. Mr. Lopez also reported that the meter reader position has been posted and it would be filled as soon as possible. He also noted that a successful labor management meeting was held and advised that he will be participating in an Emergency Management session on February 23rd at the Pottstown High School. Mr. Lopez provided an update on the World War II memorial and the High Street Bridge over Manatawny Street.

Mr. Lopez also reported that he spoke with Ron Otis regarding his concern of drainage water on Lincoln Avenue and Mr. Otis was satisfied with the resolution. He added that he spoke with Chris Watt regarding his concerns from the January meeting and this matter should also be resolved in the near future.

Mr. Lopez requested Council's direction on concerns from individual members or constituents in light of time management from himself and Borough Staff.

COMMITTEE REPORTS

- a. Library – President Garner referred to the annual report distributed in the packets.
- b. Human Relations – President Garner advised that the Mayor's appointment to the Commission is listed on the agenda.
- c. PDIDA – An appointment is also listed on the agenda.

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- d. Cable – Information was included in the packets.
- e. COG – The next meeting is March 11th at West Pottsgrove Township.
- f. EAC – Don Read advised that there is one opening on the Board. He also reported on the Title V air permit comments. Mr. Read noted that Waste Management has agreed to pre-treat the gas but clarification is still needed on terminology and guidelines and he is working with the consultant on these matters.

President Garner also noted that a cover letter was submitted by Mr. Lopez to DEP along with the report in a timely matter.

President Garner also requested that a monthly report from the Pottstown Metropolitan Regional Planning Committee be added to the agenda.

- g. Regional Planning – Councilor Toroney noted that he attended the meeting on January 23rd and advised that Megan Delaney, Upper Pottsgrove is the new Chairperson. He added that a Transfer of Development Rights (TDR) was a topic of discussion in an effort to preserving open space.

NEW BUSINESS (CONTINUED)

- d. Conditional Offers of Employment – Motion by Councilor Wenzel, seconded by Councilor Gibson to authorize the Chief of Police to make conditional offers of employment to two candidates from the Civil Service Eligibility List, Stephen R. Morrissey and Jeffrey R. Portock, for positions as police officers, as recommended by the Chief of Police. Motion carried: 7 ayes.

- e. Human Relations Commission – Motion by Councilor Berry, seconded by Councilor Wenzel to ratify the Mayor's appointment of Pastor Reggie Brooks to the Human Relations Commission to fill a vacant term to expire April 8, 2008.

Mayor Thomas commented that Pastor Brooks has previously worked with Chairperson Rita Paez and looks forward to having him on the Commission.

Motion carried: 7 ayes.

- f. Planning Commission - Motion by Councilor Rhoads, seconded by Councilor Wenzel to appoint Stephen Toroney to the Pottstown Planning commission for a four-year term to expire February 1, 2012.

Councilor Berry commented that having a person not on Council is more beneficial and more effective in enhancing relationships between the different bodies.

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President Garner requested a roll-call vote.

Allen	yes	Rhoads	yes
Berry	no	Wenzel	yes
Garner	yes	Toroney	yes
Gibson	yes		

Motion carried: 6 ayes, 1 nay.

Councilor Toroney commented that a Councilor has previously served on the Planning Commission while also serving on Council.

g. FOG Ordinance – Motion by Councilor Gibson, seconded by Councilor Rhoads to adopt an Ordinance amending the Fat, Oil & Grease (FOG) Ordinance.

ORDINANCE NO. 2051

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN, AMENDING PART 8, FOG PROGRAM, OF CHAPTER 18, SEWERS AND SEWAGE DISPOSAL, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN

Solicitor Garner explained the purpose of this Ordinance to control substances going into the sewer system.

Motion carried: 7 ayes.

h. Sheridan Street Subdivision – Motion by Councilor Berry, seconded by Councilor Toroney to amend a condition of Final Plan approval of the Sheridan Street Subdivision to eliminate the proposed dormers and to permit Certainteed vinyl siding in lieu of Hardi-plank.

Motion carried: 7 ayes.

i. 130 Warren Street Subdivision – Motion by Councilor Gibson, seconded by Councilor Toroney to amend a condition of Final approval of the 130 Warren Street Subdivision to permit a flat window instead of a bay window on the front elevations and to permit the reconfiguration of the proposed windows on the side elevations. Motion carried: 7 ayes.

j. WaWa Land Development – Motion by Councilor Berry, seconded by Councilor Allen to amend the Final Plan for the WaWa Land Development Plan reducing the square footage of the proposed bank building to 4, 477 square feet with a 20-foot front yard setback. Motion carried: 7 ayes.

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k. Tri-County Business Campus Land Development – Motion by Councilor Toroney, seconded by Councilor Rhoads to grant preliminary/final approval of the Tri-County Business Campus Land Development Plan, 204 Shoemaker Road, subject to the applicant satisfying the following conditions within 90 days:

- a) Compliance with the Bursich Associates letter of January 21, 2008
- b) Payment of a voluntary contribution to the Borough in the amount of \$20,000 in lieu of required street trees and the dedication of open space, which payment shall occur prior to the issuance of building permits
- c) Voluntary contribution to the Borough to be used for road improvements in the amount of \$75,000 payable prior to the issuance of building permits
- d) Payment in full of all Borough review fees
- e) Preparation and execution of a Developer's Agreement in a form acceptable to the Borough

Councilor Rhoads suggested that the \$20,000 contribution in lieu of required trees be earmarked for sidewalk repairs.

Councilor Toroney questioned the \$75,000 contribution.

Solicitor Garner responded that the intent is for the \$75,000 to go the General Fund as undesignated dollars but could be used to benefit this area of town for traffic improvements if Council so desires.

President Garner suggested that the designation of dollars for fees in lieu of, be listed for the next Committee of the Whole meeting.

Motion carried: 7 ayes.

l. Tri-County Business Campus – Motion by Councilor Wenzel, seconded by Councilor Rhoads to grant the following waiver requests form the Subdivision and Land Development Ordinance for the Tri-County Business Campus Land Development Plan:

- a) Section A402.2 – requirement of providing elevation and contour data within 100 feet of site
- b) Section A501 – requirement to dedicate open space
- c) Sections 504, 505, 508 – waiving the required number of parking lot and open space trees
- d) Section 510 – requirement for fencing material for trash container screening to allow a wire mesh fence with vertical vinyl slats

Mr. Lopez confirmed that there is a mix of trash barrier materials for other businesses in that area.

Motion carried: 7 ayes.

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m. HARB – Motion by Councilor Wenzel, seconded by Councilor Berry to approve Certificates of Appropriateness for the following properties as recommended by HARB:

- a) 139 High Street
- b) 51 High Street
- c) 860 East High Street
- d) 1012 East High Street
- e) 344 King Street

Motion carried: 7 ayes.

n. 201 East 8th Street – Solicitor Garner advised that the applicant is seeking Zoning relief to allow for the development of 12 single family detached homes, since it does not comply with the Ordinance.

Councilor Toroney recommended forwarding this to the Zoning Hearing Board.

o. Library Appointment – Motion by Councilor Wenzel, seconded by Councilor Gibson to ratify the President's appointment of Councilor Maureen Allen to serve on the Library Board. Motion carried: 7 ayes.

p. PDIDA – Motion by Councilor Wenzel, seconded by Councilor Toroney to ratify the President's appointment of Councilor Greg Berry to the Pottstown Downtown Improvement District Authority as the Council representative. Motion carried: 7 ayes.

q. Codes – President Garner advised that the appointment to the Codes Committee will be deferred.

r. Meeting Rules of Order

a) PCTV – President Garner referred to the memorandum concerning the additional cost for televising both meeting.

Councilor Gibson commented that this money could be better spent.

President Garner agreed and suggested to not incur an additional unbudgeted expense. No action was taken on this item.

b) Invocation – President Garner suggested a prayerful invocation for both the Committee of the Whole and the regular Council meeting. He also agreed to take charge of making arrangements with local clergy.

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Councilor Gibson motioned to approve a prayer before the Committee of the Whole and the Regular Council meeting, subject to approval of the borough Solicitor. The motion was seconded by Councilor Allen.

Councilor Gibson commented that prayer is needed at these meetings.

Mayor Thomas also stated that this is a wonderful amenity to the meeting process.

Solicitor Garner requested that he and the Borough Manager be included in the process.

Motion carried: 6 ayes, 1 nay. Councilor Wenzel cast the negative vote.

c) Format for Public Comment – President Garner asked for input on any changes to the format of public comment at the regular meeting.

Councilor Allen suggested listing public comment for non-agenda items to the end of the meeting.

Councilor Toroney requested that the comments be limited to the three-minute rule.

It was the consensus of Council to take no action on the rule for public comment at this time.

d) Change in Meeting Dates – President Garner suggested to allow the meeting dates to remain as scheduled and advertised for the remainder of 2008. No action was taken on this item.

e) Councilor Discussion at Committee of the Whole – Motion by Councilor Allen, seconded by Councilor Toroney to list at the end of the Committee of the Whole agenda, a General Discussion item to allow for Councilors to informally discuss pertinent matters with the Borough Manager and Staff. Motion carried: 7 ayes.

s. Disciplinary Action – Motion by Councilor Garner, seconded by Councilor Wenzel to ratify the Mayor's disciplinary action of a one (1) day suspension imposed upon a Pottstown Police Officer. Motion carried: 7 ayes.

t. Report of Bills - Motion by Councilor Wenzel, seconded by Councilor Toroney to pay the outstanding bills in the amount of \$2,683,763,44. Motion carried: 7 ayes.

ANNOUNCEMENTS

Councilor Toroney noted that at the Regional Planning Committee there was a discussion on the sale of the former Flagg property.

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Solicitor Garner noted that he has not yet received formal or final notice from the Bankruptcy Court. .

Councilor Rhoads questioned an email from an Authority member concerning a former employee and noted that a first step would be to educate property owners on how to read their meters.

Councilor Toroney explained the Borough's Association monthly dinner.

Councilor Gibson noted that the Pottstown Basketball team would be recognized at the conclusion of its season.

ADJOURNMENT

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

Attested,

Raymond W. Lopez
Borough Manager