

March 10, 2008

## POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, March 10, 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

The invocation was provided by Reverend Bruce Levensgood, Pastor of Hopewell Mennonite Church.

### 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 Borough Secretary Virginia Takach.

### APPROVAL OF MINUTES

- a. Motion by Councilor Wenzel, seconded by Councilor Rhoads to approve the February 6, 2008 Joint Council/Shade Tree Meeting minutes as presented. Motion carried: 7 ayes.
- b. Motion by Councilor Wenzel, seconded by Councilor Rhoads to approve the February 11, 2008 Council Meeting minutes as presented. Motion carried: 7 ayes.

### COMMENTS FROM CITIZENS PRESENT

- a. June Smale, 1026 Queen Street – expressed objection to moving the GAR statue and the War Memorial at the Library to Memorial Park and suggested they be placed in the Town Plaza across from Borough Hall. She also complained about her estimated utility bill due to the absence of a meter reader.
- b. Arthur Green, 121 North Hanover Street – spoke as a member of the Strategic Planning Committee and urged Council to adopt the 2008 plan and allow the Borough to act as the hub of the region. He added that Council would ultimately act on any decisions as a result of the plan.
- c. Ralph Ludy, 727 Hamilton Street – complained about the lack of fire hydrants in

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the area of Hamilton Street. He also advised that he was not given an opportunity to make payment arrangements through Portnoff on a delinquent account and also stated that the Borough should have a meter reader to provide more accurate utility readings.

d. Bruce Madara, 543 North Adams Street – urged Council to resolve more important issues than filling committees, prayer at the meetings and issues with the Ricketts Center. He added that the cultural life in the Borough is geared towards higher-income people.

e. Karlene Hadesty, 549 High Street – commented on the Strategic Plan and asked Council to support this plan with hopes of reducing the rentals and crime in the Core District of the Borough.

f. Steven MacLauchlan, CEO, Pottstown Memorial Medical Center, 1600 East High Street – spoke as a member of the Advisory Board and stated that he hoped Council would unanimously adopt the Strategic Plan, as the Hospital has adopted its own plan.

g. Tom Carroll, 418 Wilson Street – spoke in favor of allowing the Emmanuel Lutheran Church to replace the existing windows with energy efficient windows as stated in its application.

h. Al Matarazzo, Main Line Financial, 211 East High Street – also urged Council to adopt the Strategic Plan in order to retain and recruit new talent for the businesses in the Borough.

i. Crystal Williams, 1023 South Street – questioned the timetable for Council's decision and direction for the Ricketts Center.

j. Karen Ludy, Box 1550 – reiterated her husband's comments regarding fire hydrants in the Hamilton Street area. She also stated that the Borough is not fully ADA compliant and should provide closed captioning for the public meetings.

#### MAYOR'S REPORT

Mayor Thomas referred to her written report. She stated that Pottstown is in need of revitalization and urged Council to move forward with the Strategic Plan adding that the value for this month is Courage and the plan should be embraced with courage. The Mayor also noted that the Joint Council and School Board meeting was an example of unity.

Mayor Thomas also emphasized the importance of mentorship programs. She added that she attended a workshop regarding SB 1250, PA Marriage Amendment. She also reported on a new program, Healthy Options for People of Pottstown, HOPP.

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The Mayor noted that Mr. Reber has been given a task to provide a report on the operations of the Rickets Center and should be given the opportunity to present his report.

### BOROUGH MANAGER'S REPORT

Manager Lopez provided follow-up information for citizens' concerns from last month. He noted that these have been resolved with one awaiting further information. He also advised that during any rain events, the plants are continually monitoring water levels and are prepared for any necessary reactions. Mr. Lopez also reported that he, along with Chief Lengel and Mr. Bobst, attended an all-day Emergency Management Training Session. He added that an update would be provided for the April meeting.

Ms. Lampe provided an update on the January 26<sup>th</sup> fire victims. She noted that they are working with their insurance companies and intend to rebuild.

Mr. Lopez advised that he will be attending the Pennsylvania Association of Boroughs Spring Conference on March 30<sup>th</sup> to April 1<sup>st</sup>. He also noted that the Historic Home Show is scheduled for April 12<sup>th</sup> at the Montgomery County Community College. Mr. Lopez also reported that he received information from PennDOT that the 422 by-pass project is expected to be completed in 2012.

### COMMITTEE REPORTS

- a. Library – Councilor Allen had no report. The next meeting is March 11<sup>th</sup>.
- b. Human Relations – Mayor Thomas noted that Latin Night is scheduled for March 22<sup>nd</sup> at Academy Hall.
- c. PDIDA – Councilor Berry advised that a presentation was provided by Terri Lampe.
- d. Cable – The February meeting was cancelled.
- e. COG – The next meeting is March 11<sup>th</sup> in West Pottsgrove Township.
- f. EAC – Councilor Toroney advised that the committee is focusing on recycling, composting and trash issues. He added that all members of the EAC are on the Trash committee. Mr. Toroney also advised that a member of the EAC would be attending the conference in the spring. The next trash meeting is scheduled for March 24<sup>th</sup>, 3:30 p.m.
- g. Regional Planning – Councilor Toroney reported that at the February 27<sup>th</sup> meeting, a presentation was made by Ms. Lampe on the Strategic Plan. A letter of support was submitted by the committee. Also discussed at the meeting was TDR, Transfer of Development

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Rights, to be reviewed by all municipalities. Mr. Toroney added that a report on the R6, the former Schuylkill Valley Metro, was provided by Matt Edmonds of the Montgomery County Planning Commission and will have a final report in June 2008. There will also be a study for the Rt. 100 corridor to include the proposed Upland Square Shopping Center.

#### ADD-ON

President Garner advised that an appointment to the Environmental Advisory Council would be added to the agenda.

#### UNFINISHED BUSINESS

None.

#### NEW BUSINESS

a. Engineering Committee – Motion by Councilor Wenzel, seconded by Councilor Rhoads to approve the President's appointment of a Committee, consisting of Councilor Steven Toroney, Manager Raymond Lopez, Public Works Director Doug Yerger, Codes Department Manager, Maria Gerber and a member of the Planning Commission, to conduct the interview process for Engineering firms. Motion carried: 7 ayes.

b. Application Open Space Board – Motion by Councilor Toroney, seconded by Councilor Wenzel to adopt a Resolution authorizing the submission of applications to the Montgomery County Open Space Board for certain Open Space projects in the Borough.

#### RESOLUTION NO. 2008 – 10

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AUTHORIZING THE EXECUTION AND SUBMISSION OF APPLICATIONS TO THE MONTGOMERY COUNTY OPEN SPACE BOARD FOR CERTAIN OPEN SPACE PROJECTS WITHIN THE BOROUGH OF POTTSTOWN, MONTGOMERY COUNTY, PENNSYLVANIA.

WHEREAS, the Burgess and Town Council of the Borough of Pottstown has previously prepared and approved a comprehensive Open Space Plan dated September 2006, which has been reviewed and approved by Montgomery County; and

WHEREAS, the Borough of Pottstown seeks to utilize various funding for open space projects that have been allocated to it from Montgomery County through the Montgomery County Open Space Board; and

WHEREAS, the Burgess and Town Council of the Borough of Pottstown seeks to authorize the Borough Manager and the Parks and Rec. Director to prepare and submit an application to secure such funding.

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NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Burgess and Town Council of the Borough of Pottstown as follows:

SECTION 1. The Borough Manager and Parks and Rec. Director are hereby authorized to prepare and submit to the Montgomery County Open Space Board applications to secure funding for the following Open Space Projects:

- A. Two Hundred Thirteen Thousand, Four Hundred and Twelve Dollars (\$213,412.00) to be utilized in conjunction with the engineering, design, and construction of the green infrastructure and improvements to the Manatawny Gateway Facility (Formerly known as the Pottstown Metal Weld Property) situated at King & Manatawny Streets
- B. Two Hundred and Fifty Thousand, Dollars (\$250,000.00) for upgrades and site improvements to six Borough parks; Terrace Lane Park, Cherry Street Park, South Street Park, Ricketts Community Center, Maple Street Park, West & Washington Street Park, with ADA accessibility and safety improvements.

SECTION 2. The appropriate officers of the Borough are hereby authorized to execute all necessary documents to effectuate the preparation and submission of the Application(s) to the Open Space Board for County funding.

ENACTED and RESOLVED this 10<sup>th</sup> day of March 2008.

Motion carried: 7 ayes.

c. Memorial Pathway – Motion by Councilor Toroney, seconded by Councilor Wenzel to adopt a Resolution approving the March 2008 Conceptual Plan of the Memorial Pathway at Memorial Park to relocate various memorials to the Park.

President Garner confirmed that this is a concept plan for Council's approval with no Borough dollars to be expended. He added that the concept has evolved through donated and in-kind services and donations through private sources

Mr. Lopez added that the statues would be moved as funds are generated through civic organizations or Veteran's groups.

Mayor Thomas advised that the Joint Veterans Council is in agreement with this plan. She added that the Lenape Memorial on Industrial Highway is also under consideration to be moved.

Motion carried: 7 ayes.

d. World War II Memorial – Motion by Councilor Wenzel, seconded by Councilor Allen to approve the Conceptual Plan of the World War II Memorial to be located within Memorial Park and authorize appropriate Staff to move forward with the Plan.

Councilor Toroney questioned the fact that this has not yet come before the Planning Commission.

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Solicitor Garner advised that if a Land Development plan is determined, it would then go before the Planning Commission and eventually back to Borough Council for approval.

Motion carried: 7 ayes.

e. Ricketts Center – Motion by Councilor Gibson, seconded by Councilor Berry to establish a Committee to create and prepare Request for Proposals for non-profit entities to operate the Ricketts Center.

Councilor Allen commented that Mr. Reber was given a task and was given until April to provide it to Council and she would prefer to see that report first.

Councilor Gibson noted that Mr. Reber could also submit a Request for Proposal.

President Garner advised that this would be a seven-member committee, with representation from the Pottstown School District, Penn State Cooperative Extension, United Way, Preservation Pottstown, Pottstown Cluster of Religious Communities and Pottstown Police Department, along with Assistant Borough Manager Jason Bobst and would be given approximately 60-days to respond to Council.

Councilor Allen requested a roll-call vote.

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

Motion carried: 5 ayes, 2 nays.

f. Emmanuel Lutheran Church – Motion by Councilor Wenzel, seconded by Councilor Gibson to approve and grant to Emmanuel Lutheran Church, 150 North Hanover Street a Certificate of Appropriateness to permit the replacement of windows on the rear and Walnut Street sides of the building.

Councilor Toroney commented that the windows should not have gotten to this deteriorated condition. He also noted that he did not want the Borough to spend additional legal fees if this matter were to be appealed.

Motion carried: 7 ayes.

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g. Economic Development Strategic Plan – Motion by Councilor Toroney, seconded by Councilor Wenzel to adopt the March 3, 2008 Pottstown Economic Development Strategic Plan as prepared by Gannett Fleming.

Councilor Toroney thanked the Committee and all involved in forming this plan.

President Garner also thanked all involved but added that he was not pleased with the reaction when he asked particular questions. He added that he did meet with the committee and did have his questions answered.

Councilor Berry reiterated these concerns.

Councilor Toroney requested a roll-call vote.

Allen	yes	Rhoads	yes
Berry	yes	Toroney	yes
Garner	yes	Wenzel	yes
Gibson	yes		

Motion carried: 7 ayes.

h. Senate Bill 777 – Motion by Councilor Wenzel, seconded by Councilor Toroney to adopt a Resolution in support of Senate Bill 777, amending the Municipal Claims and Tax Liens Law.

#### RESOLUTION NO. 2008 – 12

#### RESOLUTION OF SUPPORT FOR SENATE BILL 777, AMENDING THE MUNICIPAL CLAIMS AND TAX LIENS LAW

WHEREAS, to be fair to all taxpayers within this Borough, it is necessary for the Borough of Pottstown to pursue the collection of delinquent real estate taxes;

WHEREAS, the Borough of Pottstown has determined that it should have the ability and the opportunity to choose how to collect their delinquent real estate taxes and that they be able to utilize the Municipal Claims and Tax Liens Act, 53 P.S. §7101 et. seq., to pursue such tax claims; and

WHEREAS, the Borough of Pottstown does not wish to be forced to collect delinquent taxes under the Real Estate Tax Sale Law and pay a 5% commission for the collection of these unpaid taxes; and

WHEREAS, there is important legislation before the Pennsylvania House of Representatives, Senate Bill 777, that would allow Borough of Pottstown and other cities, townships, boroughs and school districts the ability to choose how their delinquent real estate taxes are collected;

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NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOROUGH OF POTTSTOWN THAT IT STRONGLY SUPPORTS SENATE BILL 777, AND URGES THAT THE PENNSYLVANIA STATE HOUSE QUICKLY CONSIDER AND APPROVE THE LEGISLATION AND THAT A COPY OF THIS RESOLUTION BE TRANSMITTED TO THE ELECTED REPRESENTATIVE IN THE PENNSYLVANIA GENERAL ASSEMBLY.

Solicitor Garner advised that the bill specifically allows for third party collections of delinquent real estate taxes and prohibits County tax claim bureaus seeking a 5% commission for claims that they do not actually collect.

Motion carried: 7 ayes.

i. Funding Human Relations Commission – Motion by Councilor Gibson, seconded by Councilor Toroney to authorize the Finance Director to proceed with a budget transfer to appropriate funding in the 2008 budget for the Human Relations Commission in the amount of \$6,100. Motion carried: 7 ayes.

j. “Fees in lieu of” – Motion by Councilor Toroney, seconded by Councilor Gibson to authorize the Finance Director to establish a budget line item for “fees in lieu of” and provide reports to Borough Council for its direction.

President Garner commented that this matter would remain in place until this Councilor or future Council’s decide otherwise.

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

k. Shade Tree Ordinance/Policy – Motion by Councilor Gibson, seconded by Councilor Wenzel to direct the Solicitor to review and revise the Shade Tree Commission Ordinance/Policy to include concerns raised by Borough Council.

Solicitor Garner welcomed input from the Councilors and Staff adding that a draft should be available for the May meeting.

Motion carried: 7 ayes.

l. Blighted Property Review – Motion by Councilor Wenzel, seconded by Councilor Toroney to appoint Dan Weand of the Planning Commission to the Blighted Property Review Committee for a vacancy with a term to expire December 31, 2008. Motion carried: 6 ayes, 1 nay. Councilor Gibson cast the negative vote.

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m. EAC Appointment – Motion by Councilor Gibson, seconded by Councilor Allen to appoint Jim Derr to fill a vacancy on the Environmental Advisory Council with a term to expire August 10, 2008. Motion carried: 7 ayes.

n. Disciplinary Action – Motion by Councilor Allen, seconded by Councilor Berry to ratify the Mayor's disciplinary action of a three (3) day suspension imposed upon a Pottstown Police Officer. Motion carried: 7 ayes.

o. Lawn Maintenance Bid/ Airport – Motion by Councilor Berry, seconded by Councilor Wenzel to award the 2008 Lawn Maintenance bid for the Pottstown Municipal Airport to Lawn Rangers, Montgomeryville, PA in the amount of \$489.21 per cut. Motion carried: 7 ayes.

p. Lawn Maintenance Bid/ Garage – Motion by Councilor Wenzel, seconded by Councilor Allen to award the 2008 Lawn Maintenance bid for the Borough Garage to Coventry Property Services, Inc., Spring City, PA in the amount of \$35 per cut.

Councilor Rhoads questioned why this task was not assigned to Borough staff instead of being bid out.

Manager Lopez advised that the Clean & Lien Inspectors maintain other Borough properties and public areas on assignment.

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

q. Schuylkill River Sojourn 2008 – Motion by Councilor Wenzel, seconded by Councilor Toroney to grant the request of the Schuylkill River Greenway Association to use the Riverfront Park for the Schuylkill River Sojourn 2008 scheduled for June 10, 2008 subject to approval of the Police and Fire Departments. Motion carried: 7 ayes.

r. AMBUCS Soap Box Derby – Motion by Councilor Toroney, seconded by Councilor Berry to grant request of Pottstown AMBUCS resulting in the closing of Wilson Street for the Annual Soap Box Derby scheduled for June 20 & 21, 2008 (rain date – June 22), subject to approval of the Police and Fire Departments. Motion carried: 6 ayes, 1 abstention. President Garner noted his affiliation with AMBUCS and abstained from voting.

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

- a) 209 East High Street
- b) 58 North Franklin Street
- c) 20 South Charlotte Street

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President Garner noted that a request has been made to provide a more detailed summary sheet for the requested approvals.

Motion carried: 7 ayes.

t. HARB/1012 East High Street – Motion by Councilor Berry seconded by Councilor Wenzel to deny the HARB application of 1012 East High Street as recommended by HARB.

After a brief discussion, a motion was made by Councilor Wenzel, seconded by Councilor Gibson, to table this item until further information is obtained. Motion carried: 7 ayes.

### CAPITAL IMPROVEMENT PROJECTS

a. PCTV – Mark Pollock was present and explained his request for \$351,100 in new equipment for PCTV. He advised that along with the 20-year-old cameras, switches, digital converters and recorders are in need of replacement.

b. Police Department – Chief Flanders advised Council that the rotation of vehicles needs to be considered. He explained the need for a new Tahoe along with a small vehicle for the parking enforcement department. Chief Flanders added that to maintain contact with the new County system, mobile data terminals for patrol cars are needed at a cost of \$46,000.

c. Airport – Assistant Manager Jason Bobst explained the request for funding for \$5 million in Airport improvements, including the construction of 40 new hangars. He advised that \$3 million would come from a grant and another \$2 million from borrowing.

d. Borough Hall – Mr. Aremlin advised that a new phone system for Borough Hall and outside offices would cost approximately \$350,000. A request for an updated card swipe system and video surveillance system has also been made.

Councilor Berry suggested a presentation for the proposed new phone system.

e. Grants – Mr. Bobst also noted that grant items have been budgeted.

f. Public Works – Mr. Yerger explained the need for an \$85,000 dump truck.

Councilor Gibson questioned the status of the street sweeper and why a new one has not been requested.

Mr. Yerger explained that several repairs have been attributed to operator error and the sweeper is presently operating.

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Councilor Toroney also noted that Staff should be actively seeking a location for a new Borough garage.

President Garner advised that any further suggestions or comments regarding the capital item requests should be directed to the Borough Manager. These will be listed for discussion on the April Committee of the Whole.

#### REPORT OF BILLS

Motion by Councilor Berry, seconded by Councilor Wenzel to pay the outstanding bills in the amount of \$1,992, 803.69. The motion carried: 7 ayes.

#### ADJOURNMENT

The meeting adjourned on motion by Councilor Berry at 9:50 p.m.

Attested,

Raymond W. Lopez  
Borough Manager