

June 9, 2008

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, June 9, 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 Pastor Moyer.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

APPROVAL OF MINUTES

Motion by Councilor Allen, seconded by Councilor Rhoads to approve the May 12, 2008 Council Meeting minutes as presented. Motion carried: 6 ayes.

PUBLIC HEARING – 7:00 P.M. – POTTSTOWN METROPOLITAN REGIONAL COMPREHENSIVE PLAN

Solicitor Garner explained that the purpose of the hearing was to allow for public comment regarding the proposed changes to the Pottstown Metropolitan Regional Comprehensive Plan. He noted that the changes include two land uses in Upper Pottsgrove Township, and one each in West Pottsgrove Township and Lower Pottsgrove Township. There are none proposed for the Borough.

Philip Thees, 63 South Evans Street – expressed concern regarding water run-off from the Manatawny Creek which goes through West Pottsgrove Township and into the Borough.

Solicitor Garner explained that changing the land use map has no change to water runoff. The change in West Pottsgrove Township is to permit the Upland Square Shopping Center.

The Public Hearing closed at 7:06 p.m.

COMMENTS FROM CITIZENS PRESENT

a. Bradley Fuller, Pottstown Area Seniors' Center – requested Council's consideration to reinstate the \$5,000 annual contribution to the Center and thanked Council for having this listed on the agenda.

b. May Marchbank, 880 Willow Street – commented on the professionalism and courteous manner of the gentleman in the Finance office, stating he makes it a pleasure to pay a bill in person.

c. Wayne Johnson, 8 Farmington Court – expressed concern regarding the costs involved with the address change of his residence after being Farmington Avenue for 58 years.

d. Ronald Mest, 248 West Chestnut Street – stated that he attended the Shade Tree Commission meeting of last week and urged Council to attend the meetings to view the conduct and problems at the Shade Tree meetings.

e. Madeline Schadler, 129 South Keim Street – complained about the problems with the rental property adjacent to her property as a result of absentee landlords.

f. Helen Mackewicz, 73 North Evans Street – expressed concern with the Borough having two engineering firms. Ms. Mackewicz also referred to the recent resolution to destroy financial records and suggested that the Borough revisit this and possibly retain records for seven years and not five. She also expressed a concern regarding the Wadesville Mine Pool releasing chemicals into the Schuylkill River.

g. Jeff Smith, 1067 Terrace Lane – commented on a recent article in *The Mercury* regarding invoices for Bursich Engineering. He noted that Councilor Toroney reviewed the bills and Carl Badman, a Bursich employee, provided comments to him. Mr. Smith also stated there had been right-offs and revision of bills. He also commented that he spoke to Mr. Lopez about providing information to *The Mercury* prior to contacting the paper. Mr. Smith added that he could speak on Mr. Flanders but would do that at another time.

h. Jerry Stick, 859 North Charlotte Street – spoke on the Engineering proposals and the process done by the third floor. He also commented on Mr. Toroney's statements regarding the Engineering proposals, adding that he was elected to represent his ward and asked for Councilor Toroney to resign on his own.

Councilor Toroney motioned to suspend the rules in order to comment. The motion was seconded by Councilor Wenzel.

President Garner requested a roll-call vote.

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

Motion denied: 2 ayes, 4 nays.

i. Ralph Ludy, 707 Hamilton Street – complained about the Animal Control Officer and for his not addressing the ongoing problems with cats.

j. Jay Berman, 909 Brookside Road – thanked Council and the Solicitor for addressing The Hill’s School’s request of vacating Green Street and requesting Council’s favorable consideration on an Agreement for The Hill School Faculty Housing listed on the agenda.

k. Don Read, Authority Member – spoke as a member of the Pottstown Borough Authority noting that the Authority will be addressing the concerns with the Mine Pool and the Schuylkill River and contaminants to the water. He also noted that as an Authority member, the Authority takes exception to the comments by Councilor Rhoads at the recent Committee of the Whole meeting regarding the removal of an Authority home.

l. Philip Thees, 63 South Evans Street – commented on the history of the flushing of the coalmines, which ruined the clear blue water of the Schuylkill River. He also expressed concern regarding the agreement with The Hill School if it includes more tax-exempt properties in the Borough.

m. Stephen Kalis, Solicitor, Pottstown School District – also expressed concern that the School District was not involved in negotiations with The Hill School Faculty Housing Agreement and requested that the School Board be involved in any future negotiations.

n. Newstell Marable, President NAACP – reiterated his concern regarding his request to have Armand Hammer Boulevard renamed to Martin Luther King, Jr. Boulevard. He also requested that the Riverfront Park be renamed to Downie Park. He stated that Council’s silence on these issues equates to hate. Mr. Marable also questioned the representatives of the Ricketts Community Center Committee. Mr. Marable added that he would remain standing at the microphone until he receives an answer from Council. He added that he was not asked to sign in and he considered this as racism. Mr. Marable stated that he would remain standing “until Hell freezes over” and stood until the meeting adjourned to executive session.

o. Kevin Carton, Attorney for Galen Royer – spoke on behalf of the item listed on the agenda to approve the Loop Road Lot Line Plan and requested that Council remain aware of the ongoing legal dispute regarding the ownership of the property.

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p. Michael Shirey, 310 Grandview Road – spoke on Councilor Rhoads’ recent comments and found it disturbing that he would accuse the Police Department of a personal vendetta against Mr. Stick.

q. Karen Ludy, Box #1550 – also complained about the Animal Control Officer stating he should be fired for not performing his duties.

MAYOR’S REPORT

Mayor Thomas referred to her report of June 9, 2008. She commented on The Hill School’s positive bonuses in the proposed agreement. The Mayor also reported on the number and nature of responses from the Police Department. She added that she continues to work with the Women’s Center and issues with domestic violence. Mayor Thomas noted that the value focus for the month of June is Trust. She also thanked Senator Rafferty for his work on Senate Bill 2, listed for consideration on the agenda.

BOROUGH MANAGER’S REPORT

Manager Lopez reported on citizens’ concerns of last month. He also noted that the Grants Assistant position has been filled by Erica Weekley and the Codes Director is under review. He advised that the cost of former President Clinton’s visit is not yet resolved. He advised that the Ready Alert System has been enhanced with a Special Needs section. Mr. Lopez also spoke on the changes with the addressing system as required by the 911 System for enhanced safety reasons. Mr. Lopez also provided updates on the World War II Memorial, the railroad crossings and the Sculpture Park, which will be located near the amphitheater of Riverfront Park. He also noted a correction to the mailing location on the utility bills.

Mr. Lopez reported on the meetings and conferences he recently attended. He also noted that he would be accepting an award on June 10th at the Pennsylvania State Association of Boroughs Conference for the construction of the Pedestrian Underpass. Mr. Lopez also advised that Bike Pottstown will be participating in the July 4th parade and is looking for volunteers. He added that Assistant Manager Bobst is working with the School District on the Safe Routes to School initiative. He also reported that the World War II Swing Dance Committee and Mr. Krause have donated 90 new flags for High Street to be available for June 14th, Flag Day.

COMMITTEE REPORTS

- a. Library – Councilor Allen had no report.
- b. Human Relations – Mayor Thomas noted that the next meeting will be held at the First Baptist Church.
- c. PDIDA – Councilor Berry advised that interviews are ongoing for the Main Street

Manager. He thanked the committee for the hanging baskets and thanked Mr. Krause for the donation of the flags.

- d. Cable – President Garner referred to the minutes disturbed in the packets.
- e. COG – President Garner noted that each member is seeking new initiatives and the next meeting is September 9th.
- f. EAC – Mr. Read commented in favor of a proposed noise ordinance as mentioned at the recent Committee of the Whole meeting. He also reported that the final comments for the Landfill Closing are completed, with only four items needing clarification. Mr. Read suggesting Council's ratification on the submission of the comments.
- g. Regional Planning – Councilor Toroney reported that the Health & Wellness Foundation is working with Penn State on a regional recreation plan. He also noted that a resolution to adopt the Comprehensive Plan Amendment is listed on the agenda.
- h. Blighted Property Review Committee – Solicitor Garner advised that the Committee will continue to meet the fourth Thursday of every month and minutes of the March and April meetings were provided to Council.

UNFINISHED BUSINESS

None.

NEW BUSINESS

- a. PMRCP – Motion by Councilor Wenzel, seconded by Councilor Allen to adopt a Resolution approving certain amendments to the Pottstown Metropolitan Regional Comprehensive Plan.

RESOLUTION NO. 2008- 23

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN APPROVING CERTAIN AMENDMENTS TO THE POTTSTOWN METROPOLITAN REGIONAL COMPREHENSIVE PLAN

WHEREAS, the municipalities of Douglass Township, East Coventry Township, Lower Pottsgrove Township, New Hanover Township, North Coventry Township, Upper Pottsgrove Township, West Pottsgrove Township and Pottstown Borough, collectively known as the Pottstown Metropolitan Region, have joined together for the purpose of mutual cooperation through regional planning, and

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WHEREAS, after careful consideration, the municipalities of the Pottstown Region created the Pottstown Metropolitan Regional Planning Committee (PMRPC) to prepare a regional comprehensive plan that would serve as a guide for future growth and development, and

WHEREAS, after development of the Regional Comprehensive Plan (Plan) by the Pottstown Metropolitan Regional Planning Committee the municipalities of the Pottstown Metropolitan Region effectively adopted the Plan along with The Pottstown Metropolitan Region Intergovernmental Cooperative Implementation Agreement For Regional Planning on December 19, 2005, and authorized the PMRPC to oversee the Plan's implementation, and

WHEREAS, an implementation goal is to establish general consistency between local land use ordinances and the Plan per the guidelines set forth in the Pennsylvania Municipalities Planning Code, Act 247, and

WHEREAS, after monitoring all ordinance and ordinance changes within the Region, the PMRPC has prepared four (4) amendments (attached) to the Plan's Future Land Use Map, Figure 5-2 in order to further establish general consistency between the Plan and local Land Use Ordinances, and

WHEREAS, the proposed amendments have been submitted for review and comment as per the requirements of the Pennsylvania Municipalities Planning Code, Act 247 and have been found acceptable for guiding the Region's growth and development by the various reviewing bodies and organizations, and

WHEREAS, the proposed amendments have been endorsed by the PMRPC at the December 7, 2007 public meeting.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Burgess and Town Council of the Borough of Pottstown that the Council does hereby adopts the four (4) amendments prepared by the Pottstown Metropolitan Regional Planning Committee amending Figure 5-2, Future Land Use Plan of the official Pottstown Metropolitan Regional Comprehensive Plan.

ENACTED AND RESOLVED this 9th day of June, A. D. 2008.

Motion carried: 6 ayes.

b. Senate Bill 2 – Motion by Councilor Wenzel, seconded by Councilor Berry to authorize Staff to correspond with Senator John C. Rafferty, Jr., in support of Senate Bill 2 providing the allocation of funding of water or sewer projects, storm water and flood control projects. Motion carried: 6 ayes.

c. Hill School Faculty Housing – Motion by Councilor Wenzel, seconded by Councilor Berry to approve and authorize execution of The Hill School Faculty Housing Agreement between The Hill School and the Borough of Pottstown, the final form of said Agreement to be acceptable to the Borough Manager and the Borough Solicitor.

Solicitor Garner stated that this does not attempt to address the issue of tax-exempt status. That matter would be decided by the Montgomery County Board of Assessments. He added that the School District has the right to independently discuss concerns with The Hill School. Mr.

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Garner also advised that the main reason for the Agreement is the vacation of Green Street to enhance the development project.

Motion carried: 6 ayes.

d. Fire Ordinance – Motion by Councilor Wenzel, seconded by Councilor Allen to adopt an Ordinance amending portions of the Fire Ordinances to incorporate recommendations of the Fire Chief mandated by Act 8 of 2008.

ORDINANCE NO. 2052

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN, AMENDING PART F, FIRE CHIEF, AND PART G, OFFICE OF FIRE MARSHALL, OF PART 2, APPOINTED OFFICIALS, OF CHAPTER 1, ADMINISTRATION AND GOVERNMENT, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN

Motion carried: 6 ayes.

e. PASC – Motion by Councilor Wenzel, seconded by Councilor Rhoads to authorize the allocation of a contribution to the Pottstown Area Seniors' Center from the 2008 budget in the amount of \$5,000. Motion carried: 6 ayes.

f. Ruggedized Laptop Computers – Motion by Councilor Allen, seconded by Councilor Wenzel to approve a contract with the Montgomery County Purchasing Department, under the piggy-back program, for Ruggedized Laptop Computers at a cost of \$4,335 each. Motion carried: 6 ayes.

g. Street Paving – Motion by Councilor Rhoads, seconded by Councilor Wenzel to approve the Street Paving Schedule for 2008 as submitted by the Public Works Director.

President Garner noted that additional streets may be added if the contract prices fall below or within budget.

Motion carried: 6 ayes.

h. Airport Community Day – Motion by Councilor Allen, seconded by Councilor Rhoads to authorize appropriate Staff to coordinate with the Airport Committee for the Annual Airport Community Day scheduled for September 27, 2008 at the Pottstown Municipal Airport, subject to approval of the Police and Fire Departments. Motion carried: 6 ayes.

i. Trilogy Park Camping – Motion by Councilor Wenzel, seconded by Councilor Berry to grant request of the Parks & Recreation Department to allow Trilogy Park to host a

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camping event on Field #2, Memorial Park, on August 7 through August 10, 2008, subject to approval of the Police and Fire Departments.

Mr. Reber explained this event is in conjunction with the National BMX race.

Motion carried: 6 ayes.

j. Cable Commission – President Garner advised that this matter would be carried to the July meeting due to not having confirmation for appointments.

k. Loop Road Lot Line – Motion by Councilor Wenzel, seconded by Councilor Berry to grant preliminary/final approval of the Loop Road Lot Line Subdivision Plan, 458 Loop Road, subject to the applicant satisfying the following conditions within 90 days:

- a) Compliance with applicable provisions of the Bursich letter of May 7, 2008
- b) Payment in full of all Borough review fees
- c) Acknowledgement of continuing legal dispute as to the equitable ownership of subject property

Solicitor Garner recommended approval of the request adding that the issue of equitable ownership of the property is outstanding. He added that the plan would not get recorded because the legal owner would have to sign the subdivision plan.

Motion carried: 6 ayes.

l. Loop Road Lot Line – Motion by Councilor Wenzel, seconded by Councilor Rhoads to grant the following waiver requests from the Subdivision and Land Ordinance for the Loop Road Lot Line Subdivision Plan:

- a) Section 504 – requirement of open space trees
- b) Section 505 – requirement of street trees
- c) Section A402.2 – requirement to show topographical information within 100 feet of site
- d) Section A527 – requirement to install sidewalk

Solicitor Garner also explained that these are standard waivers and would actually be addressed when the property is developed.

Motion carried: 6 ayes.

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

- a) 261 East High Street
- b) 643 East High Street
- c) 269 High Street

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- d) 360-364 King Street
- e) 109½ East High street
- f) 139 High Street

Motion carried: 6 ayes.

n. HARB – Motion by Councilor Berry, seconded by Councilor Wenzel to approve a Certificate of Appropriateness for the property located at 1101 East High Street.

President Garner confirmed that 1101 East High Street is St. James Lutheran Church of which he is affiliated and would abstain from voting.

Motion carried: 5 ayes, 1 abstention.

o. HARB – Motion by Councilor Wenzel, seconded by Councilor Rhoads to ratify action of the Building Permit Officer approving a Certificate of Appropriateness for the following properties:

- a) 437 High Street
- b) 438 High Street
- c) 440 High Street
- d) 160 North Hanover Street
- e) 911 High Street
- f) 1005 High Street
- g) 139 High Street

Motion carried: 6 ayes.

p. Bond Counsel for Capital Projects – Motion by Councilor Berry, seconded by Councilor Rhoads to appoint Saul Ewing as Bond Counsel for financial assistance for the borrowing related to the Borough's capital projects.

Mr. Armelin explained the importance of moving forward with a selection of a bond counsel to facilitate the implementation of the capital projects.

Councilor Berry also noted that this process was discussed at length at the Finance Committee meeting and selecting a bond counsel is a necessity in moving forward with the capital projects.

President Garner noted that he respected the consideration of Saul Ewing, but thought it would be more beneficial to have a different law firm than the one the Authority employs.

Motion carried: 5 ayes, 1 nay. President Garner cast the negative vote.

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REPORT OF BILLS

Motion by Councilor Berry, seconded by Councilor Wenzel to pay the outstanding bills in the amount of \$2,365,323.47.

Councilor Rhoads questioned the payment to PMMC.

Solicitor Garner explained that this was the tax assessment appeal filed by the Hospital and part of the Agreement was a reimbursement to the Hospital.

Mr. Armelin advised that a portion of the payment was allotted through escrowed funds.

The motion carried: 6 ayes.

ANNOUNCEMENT

Solicitor Garner announced that there will be a Joint meeting with the Historic Architectural Review Board at the July Committee of the Whole meeting. He added that a Conditional Use Hearing would be scheduled for the July Council meeting.

EXECUTIVE SESSION

President Garner recessed the meeting to executive session at 8:55 p.m. for two items of personnel.

ADJOURNMENT

The meeting adjourned on motion by Councilor Wenzel at 9:20 pm.

Attested,

Raymond W. Lopez
Borough Manager