

December 8, 2008

## POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, December 8, 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 Mayor Sharon Thomas.

President Garner requested a moment of silence for former Borough Manager Thomas Harwood who passed away on December 6<sup>th</sup>.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

Councilors present were Mark Gibson, 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 Allen was absent.

### EXECUTIVE SESSION

President Garner recessed the meeting to executive session at 7:02 p.m. for two items of collective bargaining, one personnel and one potential litigation.

### RECONVENED

The regular meeting reconvened at 7:30 p.m.

### APPROVAL OF MINUTES

Motion by Councilor Berry, seconded by Councilor Wenzel to approve the November 10, 2008 Council Meeting minutes as presented. Motion carried: 6 ayes.

### COMMENTS FROM CITIZENS PRESENT

a. Marta Kiesling, 245 East High Street – requested that the extension of the temporary parking for the TriCounty Performing Arts Center be reconsidered since no signs have yet been placed and no data has been acquired. She also requested that the TriCounty Performing Arts Center be considered and listed as one of the Borough's Revitalization projects for 2009 in the amount of \$400,000.

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b. Art Green, President Library Board & member of the Economic Advisory Board – spoke on the importance of the funding the Police and Fire Fighters budgets adding that he would support raising taxes for this if necessary. He also thanked Council for supporting the Library and for setting an example to the area municipalities. Mr. Green also stressed the importance of the Economic Development Department to continue work of the Director’s projects and the Strategic Plan adopted by Borough Council.

c. Bill Haley, Main Street Manager, PO Box 334 – requested that Council consider extending the Ordinance to allow the Pottstown Downtown Improvement District Authority to exist beyond December 31<sup>st</sup> and requested a four-year extension.

d. Natalie Rogers, 52 East 3<sup>rd</sup> Street – commended the Homeownership Initiative program of which she was a recipient and urged Council to continue the program.

e. Michael Seth, 569 West High Street – advised Council that he has had no heat in his residence since October and requested Council’s assistance.

President Garner referred this to the Borough Manager to resolve this matter on the next business day.

f. Tom Carroll, 418 Wilson Street – urged Council’s consideration in submitting the TriCounty Performing Arts Center as a project under the Revitalization Grants to assist in its funding and to continue revitalization in the Borough.

g. Jeff Smith, 1067 Terrace Lane – informed Council of delinquent land development accounts with a balance of \$281,000 that the Borough paid and has yet to be reimbursed. He advised that the Borough wrote off many accounts without attempting to collect on the accounts. Mr. Smith also spoke on a delinquent account by a member of the Authority.

h. Paul Desch, 248 Walnut Street – spoke as a recipient of the Homeownership Initiative program and urged Council to continue the program.

i. Karen Lewandowski, 2261 Brown Street – spoke as President of AFSCME advising that the union has presented Council with an offer of a wage freeze in exchange for no layoffs.

j. Dave Borzick, 1220 Randy Drive – spoke as a Codes Officer and commented on the information provided to Council regarding costly mistakes and shortfalls. He also noted that Council is taking information from the individuals that have allowed these situations to occur.

k. Don Read, 1036 Logan Street – commented that the reason we have these budget problems is because there are more tax users than tax payers. He added that a good paying job with benefits should not be an entitlement funded by taxpayers.

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l. Johnny Corson, 544 Jefferson Avenue – questioned if anything else would be considered prior to cutting jobs or benefits.

m. Charles Weller, Code Enforcement Officer – explained his position as a Codes Officer and provided statistics for the year 2008 noting that he generated over \$32,000 for the Borough in his position as a CEO. He added that by cutting a codes officer, it would only delay the services to the taxpayers.

n. Laylyn Jones Bratton, 244 North Charlotte Street – commented on the process of the management of the Ricketts Center. She requested reconsideration as to how the community contributed to the process. Ms. Bratton also noted that once the Olivet Boys and Girls Club acquires the building, no one else can enter that building.

o. Newstell Marable, President NAACP – requested the names of the RFP committee for the Ricketts Center. He added that the community would like to see the proposal before it goes to the Olivet Boys and Girls Club. Mr. Marable also commented on the excellent efforts of the Police Chief and the Police and Fire Departments and the importance of continuing their support.

p. Aram Ecker, 21 Winding Road – stated that it cost more to live in Pottstown than in the suburban areas and surrounding Townships. He also noted that in the mid 1980's the Borough had 90 employees with 32,000 residents and now has 180 employees and 21,000 residents. Mr. Ecker also expressed a concern that he was approached outside of the Borough by an ex-employee of the Borough informing him of money he owned the Borough of which he was not aware.

q. Bonnie Heath, Feist Avenue – spoke of the serious economic problems in the Borough and the nation. She also spoke in support of the Fire and Police Departments.

#### MAYOR'S REPORT

Mayor Thomas urged Council to not implement the 25% cut in the fire department budget. She suggested utilizing the fire tax and Chief Lengel's recommendation to conduct an independent evaluation of the Department and fire services for the 2010 budget. The Mayor also reported that she attended the Soroptomist's Clothes Closet opening and urged all to attend the PDIDA holiday events. Mayor Thomas also provided the October statistics for the Police Department and noted the downward trend in domestic violence calls.

#### BOROUGH MANAGER'S REPORT

Manager Lopez provided a report on several meetings that he attended. He also presented an award to Council for the Pottstown Pedestrian Underpass. Mr. Lopez also attended a Deed Recording meeting, the PECO Go-Green meeting along with a meeting with the NAACP and an Emergency Management Training. Mr. Lopez added that he attended a meeting with the

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Pottstown Downtown Foundation for major upcoming events for High Street. He also noted that a training session is scheduled for Department Heads, the Mayor and Council regarding the new Pennsylvania Right to Know Law.

### COMMITTEE REPORTS

- a. Library – There was no report due to Councilor Allen’s absence.
- b. Human Relations – Mayor Thomas reported that members of the State Human Relations Commission and the EEOC attended the meeting. She added that the next meeting is December 11<sup>th</sup>.
- c. PDIDA – Councilor Berry advised that the Friday night downtown events are underway. He added that PDIDA is seeking an intern for administrative duties. He also reported that Mr. Haley will be a member of The Hill School’s Communication Committee and he would also be meeting with Phoenixville’s Main Street manager regarding revitalization projects. Councilor Berry also reported that Veronica Wood would be coordinating an events calendar for the downtown and the Borough. He added that Harleysville National Bank will be assisting PDIDA with rent in seeking a street level office.
- d. Cable – Solicitor Garner referred to the draft minutes provided in the packets.
- e. COG – President Garner advised that there was no quorum for the last meeting. The next meeting is scheduled for January 13<sup>th</sup>, New Hanover Township.
- f. EAC – Mr. Read reported that the committee was part of the landfill closing, leachate and trash committees. He added that the recycling toters would be delivered in December for implementation in January. Mr. Read also noted that the committee is seeking additional information on a regional composting site.
- g. Blighted Property Review Committee – Solicitor Garner referred to the October minutes distributed in the packets. He added that seven blighted properties have been acted upon and under review with Genesis Housing and with the Montgomery County Redevelopment Authority. He added that the next meeting would be in January.
- h. Regional Planning – Councilor Toroney requested that McMahon Associates be invited to the February Council meeting for a presentation on the traffic planning study.
- i. Ricketts Center Report – Mr. Bobst reported that Head Start moved into the Center on December 1<sup>st</sup>. He added that a draft agreement is being worked upon for the Olivet Boys and Girls Club.

### UNFINISHED BUSINESS

None.

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## NEW BUSINESS

a. Smiling Faces Center Conditional Use – Motion by Councilor Wenzel, seconded by Councilor Berry to approve the Conditional Use application of Octavia Durham of Smiling Faces Christian Learning Center to permit the operation of a community day care center and preschool at the property located at 507 North Adams Street Pottstown, PA with conditions as stated in the order December 8, 2008. Motion carried: 6 ayes.

b. Conditional Use Victory Christian Life Center – Motion by Councilor Rhoads, seconded by Councilor Gibson to approve the Conditional Use application of Pastor Reginald Brooks, Victory Christian Life Center, to operate a church/ministerial office at the property located at 508 King Street, Pottstown, PA with conditions as stated in the order dated December 8, 2008.

Solicitor Garner noted that the applicant has agreed to continue the property as a taxable property.

Motion carried: 6 ayes.

c. Zoning Ordinance Amendment – Solicitor Garner advised that he has been contacted by a member of the Pennsylvania Solar Working Group (SWG) and requested to review and comment on the Borough's proposed ordinance.

Councilor Toroney also commented that the TriPAC and Parks and Recreation have expressed an intent to utilize LED signs and suggested postponing action on both matters of this ordinance.

Councilor Toroney motioned to table the matter of an amendment to the Zoning Ordinance as it pertains to Solar Energy Equipment and Electronic Message Signs. Councilor Rhoads seconded the motion and it passed unanimously.

d. PDIDA – Motion by Councilor Rhoads, seconded by Councilor Berry to authorize the Solicitor to prepare and advertise an ordinance to extend the life of the Pottstown Downtown Improvement District Authority for four years. Motion carried: 6 ayes.

e. Temporary Parking – Motion by Councilor Berry to adopt a Resolution extending the temporary parking zone in the 200 block of High Street for a period of 90 days.

President Garner commented that the Performance Arts Center just opened recently and therefore there is no data to compare statistics, as was suggested by the Police Department, for the Temporary Parking Resolution that was adopted in September.

There was no second and the motion died.

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f. Temporary Parking – Motion by Councilor Gibson, seconded by Councilor Rhoads to adopt a Resolution extending the temporary parking zone in the 200 block of High Street north side for a period of 30 days.

RESOLUTION NO. 2008 –37

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN SUSPENDING AND MODIFYING THE ENFORCEMENT OF CERTAIN PARKING REGULATIONS ON A CERTAIN PORTION OF THE 200 BLOCK OF THE NORTH SIDE OF HIGH STREET TO ESTABLISH FOR A DROP OFF/LOADING ZONE.

WHEREAS, Section 105, Experimental Regulations, of Chapter 15, Motor Vehicles and Traffic, of the Code of Ordinances of the Borough of Pottstown, permits Borough Council, by Resolution, to establish certain parking regulations on a temporary basis not to exceed ninety (90) days; and,

WHEREAS, such regulations, prohibitions or restrictions for such parking are considered to be effective and enforced as such as though enacted by Ordinance; and,

WHEREAS, it is the desire of the Burgess and Town Council of the Borough of Pottstown to enact by Resolution temporary parking regulations for the 200 block of the North Side of High Street to establish a temporary drop off/loading zone.

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

1. As permitted by Section 105 of Chapter 15, Motor Vehicles and Traffic, of the Code of Ordinances of the Borough of Pottstown, as amended, existing parking regulations established in the area specifically described in subsection 2 below are hereby temporarily suspended.

2. As permitted in Section 105 of Chapter 15, Motor Vehicles and Traffic, of the Code of Ordinances of the Borough of Pottstown, as amended, a temporary drop-off zone/loading/unloading is hereby established as permitted in Section 407 of the Ordinance:

STREET	LOCATION
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High Street (North Side)	From a Point 52' East from the apex of the Northeast corner of High and Penn Street to a point 160 feet from the apex of the Northeast corner of High and Penn Street. (Total length of 108')
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3. This Resolution shall become effective on January 1, 2009, for a maximum period of ninety (30) days or until further action by Borough Council through a subsequent Resolution or Ordinance.

ENACTED AND RESOLVED this 8th day of December, A.D., 2008.

Councilor Gibson commented that no signs are yet posted.

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President Garner requested a roll-call vote.

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

Motion carried: 4 ayes, 2 nays.

g. Electronic Access License Agreement – Motion by Councilor Gibson, seconded by Councilor Wenzel to adopt a Resolution authorizing the Electronic Access License Agreement (EALA) for filing of liquid fuel forms with Pennsylvania Department of Transportation.

#### RESOLUTION NO. 2008 – 38

#### RESOLUTION AUTHORIZING THE ELECTRONIC ACCESS LICENSE AGREEMENT (EALA) FOR FILING OF LIQUID FUEL FORMS WITH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION

Whereas, the Pennsylvania Department of Transportation and the Borough of Pottstown have agreed to use the dotGrants system to file the required Liquid Fuels forms annually; including but not limited to the MS-965, MS-329 and MS-999.

NOW, THEREFORE, it is resolved by the Borough of Pottstown that the Pottstown borough Manager and Pottstown Borough Council President are authorized to execute all documents necessary to effect such an agreement, including but not limited to, an Electronic Access License Agreement (EALA) on behalf of the municipality.

Motion carried: 6 ayes.

h. Animal Ordinance – - Motion by Councilor Wenzel, seconded by Councilor Rhoads to authorize the Solicitor to advertise an Ordinance amending the Animal Ordinance relating to animal nuisances and the keeping of animals.

Motion carried: 6 ayes.

i. Traffic Study – Motion by Councilor Berry, seconded by Councilor Wenzel to confirm the recommendation of the Police Department regarding the update of the traffic study for the intersection of Adams & Jefferson Streets, to only relocate the stop sign. Motion carried: 6 ayes.

j. Rehabilitation of Runway – Motion by Councilor Wenzel, seconded by Councilor Berry to reject all bids received on October 21, 2008 for the Rehabilitation of Runway Lighting and Electrical Vault project for the Pottstown Municipal. Airport. Motion carried: 6 ayes.

k. Rehabilitation of Runway – Motion by Councilor Wenzel, seconded by Councilor Berry to award the re-bid for the Rehabilitation of Runway Lighting and Electrical Vault project

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for the Pottstown Municipal Airport to Alfred Fry, III, Inc. for Alternate II in an amount not to exceed \$356,633 subject to an executed grant amendment with PennDOT. Motion carried: 6 ayes.

l. Manatawny Gateway – Motion by Councilor Wenzel, seconded by Councilor Berry to grant preliminary/final approval of the Manatawny Gateway Land Development Plan, as a phased construction project, subject to satisfying the following conditions within 90 days:

- a) Compliance with Bursich letter of September 26, 2008
- b) Compliance with Montgomery County Planning Commission letter of October 29, 2008
- c) Installation of four (4) foot planting strip between curb and sidewalk on King Street frontage
- d) Payment in full of all Borough review fees

President Garner noted that the Parks and Recreation Department satisfied all the conditions of the Land Development process.

Motion carried: 6 ayes.

m. Manatawny Gateway - Motion by Councilor Wenzel, seconded by Councilor Berry to grant the following waiver request from the Subdivision and Land Development Ordinance for the Manatawny Gateway Plan:

- a) Section A527 – Temporary deferral on requirement to install sidewalks on High Street frontage
- b) Section A525 – Temporary deferral on requirement to install curbing on High Street frontage

Motion carried: 6 ayes.

n. Alexander Run – Motion by Councilor Gibson, seconded by Councilor Berry to approve and authorize the execution of the Stipulation to resolve the Alexander Run's Zoning Appeal and the Alexander Run Subdivision Plan Denial Appeal, the final form of which shall be acceptable to the Borough Manager and the Borough Solicitor. Motion carried: 6 ayes.

o. Revitalization Projects – It was the consensus of Council to seek additional information on the revitalization projects in light of the request by the TriCounty Performing Arts Center. No other action was taken.

p. Fuel Bids – Motion by Councilor Gibson, seconded by Councilor Wenzel to award the fuel bids to Automotive Service Inc., Reading, Pa for one (1) year contracts as per the bid tabulation of November 10, 2008 as follows:

- a) Unleaded Gasoline - \$1.8550/gal
- b) Diesel (Low Sulfur) - \$2.3350/gal
- c) Diesel (Off-Highway) - \$3.1050/gal
- d) Diesel (for buses) - \$2.3700gal

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Motion carried: 6 ayes.

q. Sale of Vehicles - Motion by Councilor Wenzel, seconded by Councilor Toroney to award the sale of Borough vehicles as per the bid tabulation of December 1, 2008 as follows:

- a) 1995 Chev. Caprice (\$1,088); 1992 Dodge Van (\$558); 1995 Chev Caprice (\$988); 1992 Chev. Caprice (\$988); 2002 Ford Crown Vic (\$1,488); 1997 Chev Cavalier (\$1,188); 1998 Chev. Cavalier (\$1,358); 1997 Chev. Cavalier (\$1,188) to M & E Trucks, Plymouth Meeting, PA
- b) 1996 Chev Pick-up Truck (\$2,001) to PCS Auto Sales, Bala Cynwyd, PA
- c) 2000 Ford Explorer (\$1,177) to K & F Inc., Philadelphia, PA
- d) Miscellaneous parts for chev. – DeNaples Auto Parts, Dunmore, PA - \$200
- e) Two air compressors – DeNaples - \$301.50

Motion carried: 6 ayes.

r. HARB – Motion by Councilor Toroney, seconded by Councilor Gibson to approve Certificates of Appropriateness for the following properties:

- a) 917-919 East High Street
- b) 377 High Street
- c) 1017 East High Street
- d) 1314 High Street
- e) 360 King Street
- f) 140 King Street

Motion carried: 6 ayes.

s. HARB – Motion by Councilor Wenzel, seconded By Councilor Berry to ratify action of the Building Permit Officer approving a Certificate of Appropriateness for property located at 149 High Street. Motion carried: 6 ayes.

Vice President Berry assumed the Chair at 9:25 p.m.

t. HARB – Motion by Councilor Wenzel, seconded by Councilor Gibson to ratify action of the Building Permit Officer approving a Certificate of Appropriateness for property located at 1101 East High Street. Motion carried: 5 ayes, 1 abstention. President Garner abstained from voting due to his affiliation with this property.

President Garner resumed the Chair at 9:27 p.m.

u. Borough's Right of Way – Motion by Councilor Rhoads, seconded by Councilor Toroney to grant request of Christopher Huff, 233 South Roland Street, for approval of a fence, encroaching the Borough's Right of Way, subject to execution of a Release and Hold Harmless Agreement in a form acceptable to the Borough.

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Councilor Rhoads commented that this matter should present no problem in that area.

Motion carried: 6 ayes.

v. Adjournment Meeting – Motion by Councilor Berry, seconded by Councilor Gibson to establish and advertise the date of Monday, December 29, 2008, 6:00 p.m. for the Adjournment Meeting. Motion carried: 6 ayes.

w. 2009 Council Schedule – Motion by Councilor Berry, seconded by Councilor Toroney to approve and advertise the 2009 Council Meeting Schedule. Motion carried: 6 ayes.

## BUDGET

Mr. Bobst referred to the sewer budget distributed and noted that the Committee is proposing no rate increase for the 2009 budget. This would be listed for approval at the Adjournment Meeting.

Mr. Bobst also responded to several concerns from the last meeting. He noted that the sewer plant is charging interest on outstanding accounts. He also noted that the budget is based on a 93% collection rate and also explained the collection process on Clean and Lien procedures.

Ms. Kirchner reviewed the \$45,000 in expenses for the street sweeper. She noted that it is in its eighth year of its eight-year life expectancy.

x. Street Sweeper – Councilor Gibson motioned to put the street sweeper out of service for the 2009 budget. There was no second to the motion and the motion died.

Manager Lopez advised that no major repairs would be approved for the street sweeper without authorization from Borough Council.

Codes – Mr. Bobst advised that the cuts to the Codes Department include the reevaluation of fees along with the elimination of a Codes Director and one Codes officer.

Finance – Mr. Bobst also noted that with Act 110, the Deed recording service would be eliminated. He added that the payroll function is proposed to be outsourced. He added that there would be a reduction of one employee in Finance and when the Finance Director position is filled there would be a reorganization of the department.

Parks & Recreation – Mr. Reber reported that he, along with the budget team, cut \$96,000 from the Parks & Recreation budget.

Economic Development – Mr. Lopez explained that the Economic Development Department costs the Borough approximately \$180,000 and noted that other partnerships are being explored to lessen the burden on the Borough taxpayers.

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President Garner added that the TriCounty Chamber of Commerce and the Pottstown Area Industrial Development have been working on a partnership to address the Strategic Plan and Economic Development of the Borough.

Councilor Toroney questioned the cost to the Borough and if unknown how would this benefit the Borough.

President Garner responded that this has not been determined but would be an agreement among several entities.

Mr. Lopez advised that as further information is received it would be forwarded to Council.

Public Works – Mr. Yerger explained that with the cuts to the streets division, outside contractors may need to be hired in the event of a large snowstorm. He added that additional duties may have to be redistributed.

Fire – Chief Lengel outlined the changes proposed for the fire companies and advised that they could save the Borough more than \$26,000. He also noted the reduced number of volunteers who respond to fires and stressed the importance of professional paid fire fighters.

Police – Chief Flanders advised that a total of \$390,000 has been cut including one fulltime and one part-time employee.

y. Matching Grants – Motion by Councilor Berry, seconded by Councilor Toroney to continue with matching grant programs as follows:

- a) Homeownership Initiative - \$35,000
- b) Airport Runway - \$15,000
- c) Early Intervention Program - \$32,500

President Garner commented on the importance and the return to keep these items in the budget for 2009.

Motion carried: 6 ayes.

President Garner advised that no action needs to be addressed on the 140 College Drive property or the meetings and conference line items. He added that matters with the PCTV and Maplewood agreement would be addressed in the new year.

z. Debt Service Reduction – Motion by Councilor Wenzel, seconded by Councilor Berry for a debt service reduction as recommended by the Budget team as follows:

- a) Airport hangar project on hold
- b) Reduce Parks & Recreation Capital project (proceed with mini-golf project)

Motion carried: 6 ayes.

aa. Waste Management Agreement Proceeds – Motion by Councilor Wenzel, seconded by Councilor Rhoads to use the balance of \$177,000 of the first installment of the Waste Management, Authority and Borough Agreement to reduce the budget deficit.

Solicitor Garner reminded that this was a three-way agreement with the assumption that the funds were to remain in the trash fund account.

President Garner requested a roll-call vote.

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

Motion carried: 3 ayes, 2 nays, 1 abstention.

ab. Economic Development Position – Motion by Councilor Berry to eliminate the Economic Development position for the 2009 budget. There was no second to the motion and therefore the motion died.

ac. Fire Department – Motion by Councilor Berry to reduce the Fire Department budget by 25%. There was no second to the motion and therefore the motion died.

ad. Staff Reduction – Motion by Councilor Berry, seconded by Councilor Toroney to reduce the Borough Staff by twelve positions, (four management and eight union) as recommended by the Budget team.

Councilor Toroney questioned Council's involvement in reducing staff since Council is not involved in hiring other than the Police Chief and Borough Manager.

Solicitor Garner responded that Council is voting on eliminating positions through the budget process, along with levying the tax ordinance and passing the budget.

President Garner requested a roll-call vote.

Berry	yes	Rhoads	no
Garner	yes	Toroney	yes
Gibson	no	Wenzel	no
Mayor Thomas	yes		

Motion carried: 4 ayes, 3 nays.

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President Garner commented that he does not agree with keeping an Economic Development position at a cost of \$180,000 and indicated he would not vote for a \$19% increase.

It was the consensus of Council to schedule the next budget meeting for Wednesday, December 17, 2008 at 6:00 p.m.

Councilor Toroney requested a detailed ledger of \$180,000 budget for the Economic Development Director.

#### REPORT OF BILLS

Motion by Councilor Berry, seconded by Councilor Wenzel to pay the outstanding bills in the amount of \$1,425,483.99. Motion carried: 6 ayes.

#### ADJOURNMENT

The meeting adjourned on motion by Councilor Berry at 10:55 p.m.

Attested,

Raymond W. Lopez  
Borough Manager