

February 9, 2009

POTTSTOWN BOROUGH COUNCIL

The regular meeting of the Pottstown Borough Council was called to order on Monday, February 9, 2009 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 Kenny Butler.

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 Mayor Sharon Thomas, Solicitor Charles Garner, Borough Manager Raymond Lopez and Borough Secretary Virginia Takach.

APPROVAL OF MINUTES

Motion by Councilor Wenzel, seconded by Councilor Allen, to approve the January 12, 2009 Council Meeting minutes as presented. Motion carried: 7 ayes.

PRESENTATION – OPEN SPACE GRANT

Chairman Jim Matthews of the Montgomery County Commissioners presented Council with a ceremonial check in the amount of \$250,000 awarded through the County's Open Space program. The check was accepted by the Mayor and President Garner on behalf of the Borough. The grant is for assistance with six small parks within the Borough. Mr. Matthews also informed Council that Pottstown and Norristown will be considered for funding of \$107 million dollars over the next seven years for economic development programs, noting that part of the money would be targeted towards attracting businesses to the downtown "Main Streets" for revitalization. He also advised that there will be a referendum on the November ballot for \$150 million dollars for transportation improvements and requested voter support.

COMMENTS FROM CITIZENS PRESENT

President Garner informed the public that it is not consistent with the Rules of Order to allow one to forfeit his/her time to another speaker as was allowed at last month's meeting and shall not be permitted moving forward.

a. Kathie Minotto, President AFSCME – commented on the Paychex firm that is now processing payroll for the Borough. She noted that the new system is quite

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difficult. Ms. Minotto informed Council that police officers have been overpaid thousands of dollars over the last few weeks and pay is being deposited in incorrect accounts. She added that she and Mr. Bobst have spent numerous hours working on the new system and requested that Council consider a deadline for Paychex to have these issues resolved.

b. David Schreiner, 247-249 East High Street – advised that he is the new owner of the property located at 247-249 East High Street and is in the process of refurbishing the building. He expressed concern and objected to the temporary drop-off zone established for the TriPAC, 245 East High Street.

c. Karen Weil, 366 Cherry Street – requested Council’s consideration to be reappointed to the Pottstown Planning Commission, noting that she has experience on the Commission and was also a member of Borough Council for eight years.

d. Mason Craig, 850 Feist Avenue – read a prepared statement to Council praising Council for last month’s decision to not allow the demolition of the property on Manatawny Street, part of Pottstown’s history.

e. Tom Carroll, 418 Wilson Street – urged Council to authorize Honeywell to move ahead with its energy-saving survey of the Borough.

f. Newstell Marable, President NAACP – reiterated his concerns regarding the Ricketts Community Center. He noted that the Center closes at 7:00 p.m., which does not support the needs of the community and requested that the Borough Manager allow activities to be conducted in Borough Hall. Mr. Marable also stated that there were no public meetings regarding the Center and accused Council of being discriminatory.

MAYOR’S REPORT

Mayor Thomas advised that she attended the YWCA Black Heritage Celebration and a summit at the Mt. Olive Baptist Church in cooperation with the Montgomery County Health Department and Family Services project. The Mayor added that she participated with the Police Department Community Partners and the Mayor’s Initiative on Neighborhoods program.

Mayor Thomas also noted that Johnson Controls had made a presentation in the fall and urged Council to move ahead with an RFQ process on the energy saving initiative. The Mayor commented that with the infrastructure money available, certain shovel-ready projects, such as the arches in the Borough, be considered for this money.

The Mayor commented on the R6 extension project and read a January 21st letter from the Montgomery County Commissioners wherein the Commissioners stated that the commuter rail line to Pottstown was a project in which they recommended to be submitted but was inadvertently omitted in submission.

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BOROUGH MANAGER'S REPORT

Manager Lopez advised that the restructuring of the Pottstown Borough Authority is a work in progress. He added that he is working with Staff for consideration of outsourcing plan reviews in the Codes Department. Mr. Lopez also noted that the Statewide Building Code and the grandfathering of Code Enforcement Certifications, which expire April 9th, are under discussion.

Mr. Lopez advised that there will be an Open Records Training on February 11th, NIMS training on February 24th. He added that a meeting will take place at the Montgomery County Community College on February 18th regarding the 422 Corridor. Mr. Lopez also advised of the March 21st Historic Home Buyers Show. The TriCounty Chamber of Commerce continues to work with the Economic Development Task Force and will provide a report when received and the Schuylkill River Festival plans are continuing.

COMMITTEE REPORTS

- a. Library – Councilor Allen advised that the next meeting is February 10th.
- b. Human Relations – Mayor Thomas announced that the next meeting is February 12th.
- c. PDIDA – Mr. Haley advised that the office is now located at 139 High Street. He added that the hanging basket project is being planned and the Sunday outdoor market will begin the 1st Sunday in April. The Celtic Festival is tentatively rescheduled to October 17th and 18th. Mr. Haley also provided an update of several potential businesses coming into the downtown and an economic development liquor license. He also requested Council's consideration in appointing Brian Patrick to the PDIDA Board.
- d. Cable – The next meeting is tentatively scheduled for February 23rd.
- e. COG – President Garner advised that he has been appointed as Chairman of COG and the next meeting is scheduled for March 10th, East Coventry Township.
- f. EAC – Mr. Read reported that the EAC is continuing to work on the modifications to the trash ordinance and advised that the new toters have been working well. Mr. Read also urged Council to consider the importance of a composting site.
- g. Regional Planning – Councilor Toroney advised that the January meeting was cancelled and the next meeting is scheduled for February 25th.
- h. Blighted Property Review – Solicitor Garner advised that there was no formal meeting in January. The next meeting is scheduled for February 26th, 3:30 p.m.

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i. Ricketts Center – Jeff Palmer, Olivet Boys & Girls Club, was present and advised Council that a \$50,000 grant will be provided to the Center from the Office of Justice program. He advised that this will be used for a new phone system, new equipment and staff training. Mr. Palmer also reported that the Advisory Committee meeting was held and was productive. He added that a written report will be provided to Council each month.

UNFINISHED BUSINESS

None.

NEW BUSINESS

a. Audit Report – Motion by Councilor Berry, seconded by Councilor Wenzel to acknowledge receipt of the Borough of Pottstown's Financial Statements and the Single Audit Report for Year ended December 31, 2007 as presented by Auditors, Zelenkofske Axlerod, LLC.

Councilor Toroney express concern that this report was provided to Council only at the time the report was being given on Wednesday evening. He added that he could not make an intelligent decision on this matter and would continue to vote in the negative if information is not received in a timely manner.

Councilors Berry and Rhoads agreed with Councilor Toroney's concern.

Mr. Bobst confirmed that the 2008 budget was closed on February 2, 2009.

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

b. Honeywell Agreement – Motion by Councilor Wenzel, seconded by Councilor Toroney to approve and authorize execution of a Memorandum of Understanding with Honeywell regarding the Pennsylvania Guaranteed Energy Saving Agreements (GESA) program in a form acceptable to the Borough Manager and Borough Solicitor.

Solicitor Garner confirmed that this allows Honeywell to proceed with an analysis of the Borough's energy systems at no cost to the Borough.

Motion carried: 7 ayes.

c. Noise/Repeal Deed Ordinance – Motion by Councilor Wenzel, seconded by Councilor Allen to adopt an Ordinance prohibiting certain Noise Disturbances and to repeal the Deed Registration Ordinance.

ORDINANCE NO. 2058

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AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN PROHIBITING THE MAKING OF CERTAIN NOISE DISTURBANCES AND PROVIDING FOR IMPOSITION OF PENALTIES FOR VIOLATION OF THE REGULATIONS SET FORTH HEREIN; AND FURTHER TO REPEAL THE DEED REGISTRATION ORDINANCE OF THE BOROUGH OF POTTSTOWN.

Motion carried: 7 ayes.

d. Amendment Fee Resolution – Motion by Councilor Berry, seconded by Councilor Toroney to adopt a Resolution to modify certain fees relating to the Code Enforcement Office.

RESOLUTION NO. 2009 – 6

A RESOLUTION TO AMENDING THE COMPREHENSIVE BOROUGH FEE RESOLUTION TO AMEND CERTAIN PERMIT AND INSPECTION FEES IMPOSED AND ASSOCIATED WITH THE CODE ENFORCEMENT OFFICE OF THE BOROUGH OF POTTSTOWN

WHEREAS, the Burgess and Town Council of the Borough of Pottstown adopted a comprehensive fee resolution on July 10, 1995; and

WHEREAS, the Borough annually reviews the Fee Resolution to determine if additions or amendments to the Fee Resolution are necessary and appropriate; and

WHEREAS, the Burgess and Town Council of the Borough of Pottstown desires to amend certain fees/service charges due to the change in cost for providing such services.

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

SECTION 1. The following fees imposed by Code Enforcement relating to Housing, Plumbing, Property Transfers, and Rental; Change of Occupancy, shall be amended to read as follows:

Use & Occupancy Permits	Fees
Failure to Attend Inspection/Appointment	\$28.00
Licensing Fees for rental units – Residential	
- Licensing Fee	\$75 single family
	\$57.00 all other units
- Reinspection	\$40.00 per unit
- Reinstatement	\$57.00 per unit
Registration Fee - Rental	\$115.00
Commercial Rental Unit	\$113.00 per 2,500 sq. ft. or fraction thereof

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Property Transfer Use & Occupancy Inspection	Fees
Residential Property Transfer	\$115.00 per unit
Commercial Property transfer	\$115.00 per 2,500 sq. ft. or fraction thereof
Short Term Rental	\$28.00
Second and/or subsequent inspects – short term rental	\$23.00

SECTION 2. The following fees imposed by Code Enforcement associated with Building Permits, Plumbing Permits, and Plan Reviews shall be amended as follows:

Building Permit Fee	Fees
Construction Permit	\$60.00 for the first \$2,000.00 and then 2%
Plumbing Permits	Fees
Each plumbing fixture installed:	
- Residential	\$15.00
- Commercial	\$15.00
Sewer Ejector or Interceptor (grease, hair, oil, etc.)	\$25.00
Sewer lateral/water lateral	\$35.00
Inspection Fee	\$56.00

SECTION 3. All future modifications of these fees and other fees established by the Comprehensive Borough Fee Resolution shall be made by Resolution duly adopted by the Burgess And Town Council of the Borough of Pottstown.

SECTION 4. This Resolution shall become effective immediately upon enactment.

ENACTED and RESOLVED this 9th day of February 2009.

Solicitor Garner explained that these fees simply allow the Codes Department to return to the former calculation of fees.

Motion carried: 7 ayes.

e. **Blighted Property** – Motion by Councilor Wenzel, seconded by Councilor Gibson to authorize the Solicitor to prepare and advertise an amendment to the Blighted Property Review committee Ordinance changing the number of members from four (4) to five (5), allowing an additional at large appointment. Motion carried: 7 ayes.

f. **H2O PA Grant** – Motion by Councilor Gibson, seconded by Councilor Berry to authorize the Borough Manager to send a letter to the Upper Pottsgrove Township Commissioners, on behalf of Pottstown Borough Council and the Pottstown Planning commission, indicating that the projects proposed by Upper Pottsgrove

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Township for submission to the H2O PA Grant Program are consistent with the Pottstown Metropolitan Area Regional Comprehensive Plan. Motion carried: 7 ayes.

g. Sale of Borough Vehicles – Motion by Councilor Gibson, seconded by Councilor Wenzel to award the sale of Borough Vehicles as per the bid tabulation of February 2, 2009 as follows:

- a) 1990 Chevy Van to Scott Schaeffer, Birdsboro, PA - \$928
- b) 1999 Chevy Cavalier to Scott Schaeffer, Birdsboro, PA - \$1,828
- c) 2000 Ford Crown Vic to PCS Auto Sale, Bala Cynwyd, PA - \$1,089

Motion carried: 7 ayes.

h. PDIDA – Motion by Councilor Rhoads, seconded by Councilor Wenzel to appoint Jeffrey Leflar to the Pottstown Downtown Improvement District Authority for a five (5) year term to expire January 1, 2014.

President Garner request a roll-call vote.

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

Motion denied: 3 ayes, 4 nays.

i. PDIDA – Motion by Councilor Berry, seconded by Councilor Wenzel to appoint Brian Patrick to the Pottstown Downtown Improvement District Authority for a five (5) year term to expire January 1, 2014.

President Garner requested a roll-call vote.

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

Motion carried: 5 ayes, 2 nays.

j. PDIDA – Motion by Councilor Toroney, seconded by Councilor Berry to reappoint John Armato to the Pottstown Downtown Improvement District Authority for a five (5) year term to expire January 1, 2014.

President Garner requested a roll-call vote.

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

Motion carried: 6 ayes, 1 nay.

k. Planning Commission – Motion by Councilor Rhoads, seconded by Councilor Wenzel to appoint Jeffrey Leflar to the Pottstown Planning Commission for a four (4) term to expire February 1, 2013.

President Garner requested a roll-call vote.

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

Motion denied: 2 ayes, 5 nays.

l. Planning Commission – Motion by Councilor Berry, seconded by Councilor Toroney to appoint Dan Weand to the Pottstown Planning commission for a four (4) year term to expire February 1, 2013.

President Garner requested a roll-call vote.

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

Motion carried: 7 ayes.

m. Planning Commission – Motion by Councilor Toroney, seconded by Councilor Gibson to appoint Karen Weil to the Pottstown Planning Commission for a four (4) year term to expire February 1, 2013.

President Garner requested a roll-call vote.

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

Motion carried: 6 ayes, 1 nay.

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

- a) 152 North Hanover Street –
- b) 20 North York Street
- c) 235 High Street

Motion carried: 7 ayes.

REPORT OF BILLS

Motion by Councilor Berry, seconded by Councilor Toroney to pay the outstanding bills in the amount of \$2,541,669.41. Motion carried: 7 ayes.

ANNOUNCEMENTS

Councilor Toroney requested that Council be provided a report of the Authority meetings or the Authority minutes.

Councilor Berry requested that a discussion be listed for next month's meeting to consider limiting the time for committee and other reports.

President Garner, on behalf of Council, recognized John Reber, Director of Parks & Recreation for his diligent efforts in seeking grant money for projects and properly directly those dollars.

Councilor Toroney advised that he would provide Mr. Reber's comments and concerns to the Regional Planning Committee with respect to the Route 100 Traffic Study by McMahon Associates.

ADJOURNMENT

The meeting adjourned at 8:20 p.m. on motion by Councilor Allen.

Submitted by,

Raymond W. Lopez
Borough Manager