

March 9, 2009

POTTSTOWN BOROUGH COUNCIL

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

PLEDGE OF ALLEGIANCE

ROLL CALL

Councilors present were Mark Gibson, Maureen Allen, 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 Wenzel was absent.

APPROVAL OF MINUTES

Motion by Councilor Berry, seconded by Councilor Gibson, to approve the February 9, 2009 Council Meeting minutes as presented. Motion carried: 6 ayes.

PUBLIC HEARING – SIGN ORDINANCE AMENDMENT

Solicitor Garner opened at Public Hearing regarding the proposed ordinance amendment to the Zoning Ordinance, particularly the sign provision of the ordinance. He advised that the purpose of the amendment is to regulate electronic message signs including LED signs. Mr. Garner added that there is flexibility in the ordinance to allow for a change in the size of the sign if that becomes necessary.

Solicitor Garner requested public comment. Hearing none, the public hearing closed at 7:10 pm.

COMMENTS FROM CITIZENS PRESENT

a. Newstell Marable, President NAACP – 880 Cross Street – expressed his objection regarding Council's ruling that one may not yield time to another in order to continue speaking. He requested a copy of the law pertaining to this. Mr. Marable also reiterated his concerns regarding the happenings at the Ricketts Community Center that it is not being used as a community center. He distributed several items of correspondence to the Council members regarding the Community Center.

b. Philip Thees, 63 South Evans Street – advised Council of the concerns of the South End residents since the section of roof blew off of the building at the former

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Mrs. Smith's site. He stated that an infestation of mice and roaches has occurred in the homes since this incident several weeks ago. Mr. Thees requested that the owners be notified and the building secured.

MAYOR'S REPORT

Mayor Thomas reported that she attended the National Incident Management System Training on February 24th and reviewed the leadership role of elected officials during emergency situations. She added that she took part in an In-Service training on February 25th with the Pottstown Police Department and the District Attorney's office, reviewing domestic violence, interventions and training updates to the manual.

BOROUGH MANAGER'S REPORT

Manager Lopez reported that a second Open Records Training session was held in February, along with the ICS 402 NIMS training for elected officials. He added that he, along with several Staff members, attended a Saturday session for Emergency Management Training in preparation for the November 17th, Limerick Generating Station drill. Mr. Lopez also noted that he continues to work with Engineering firms as the commercial building plan review and possible legislation for grandfathering for home improvement contractors. He advised that if this bill passes in July, it would be a loss of revenue for the Borough. Mr. Lopez added that he is also working with other municipalities affected by the recent change in the Deed Registration Ordinance. He also reported that the Home Buyers Show is scheduled for March 21st at the Community College and efforts continue to bring a Celtic Fest to the Borough along with the Schuylkill River Festival scheduled for October.

Mr. Lopez presented an award to Borough Council for the Pottstown Pedestrian Underpass. He also noted that a grant of \$2,000 was presented from Genesis, the Pottstown Neighborhood Partnership and the Susquehanna Bank for a clean-up community project scheduled for April 25th.

Councilor Gibson noted that the \$2,000 can be used only for the Washington Street Corridor area.

Councilor Toroney requested that Mr. Thees' concerns regarding the building on the former Mrs. Smith's site be addressed as soon as possible.

COMMITTEE REPORTS

- a. Library – Councilor Allen had no report.
- b. Human Relations – Mayor Thomas referred to the minutes distributed and advised that communication is continuing to revitalize the Communicators, a program between the Human Relations Commission and the Pottstown School District. She also reported that several members of the Commission attended the Right to Know training at

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Borough Hall. Mayor Thomas also praised the efforts of the Commission regarding the proposed logo.

c. PDIDA – Councilor Berry referred to the agenda item at the request of PDIDA for application to DCED to continue funding for the Main Street program. He added that updates were provided by the Restructuring Committee and plans for the proposed Celtic Fest. Mr. Berry also noted that Jeff Braise, PA Downtown Center, will be attending the April meeting for the visioning process for PDIDA.

d. Cable – There was no report.

e. COG – President Garner advised that the next meeting is March 10th at East Coventry Township.

f. EAC – President Garner noted that the report was provided by Mr. Read at the Committee of the Whole meeting. Mr. Read's report included an update on the trash and recycling matters, along with his request to resign as Chairman of the Council. Mr. Read's recommendation for Chairman is Jim Derr, a member of the EAC. He also reiterated his concern in moving forward with establishing a composting site near the Borough.

g. Regional Planning – Councilor Toroney advised that there was a presentation from the Pottstown Health and Wellness Foundation regarding a study for regional parks and recreation facilities. He added that a presentation was also provided by Leo Bagley regarding the Route 422/Rail system, advising the urgency and upcoming survey of the implementation of a toll on Route 422. Councilor Toroney also noted that the Commission adopted a proclamation for the March 28th Earth Hour project. He added that a discussion took place regarding the proposed Commerce Drive strip mall. Mr. Toroney reported that he was elected as Vice-Chairman of the Committee.

h. Blighted Property Review – Solicitor Garner referred to the November minutes approved at the February meeting. He added that Kathy Phifer, Montgomery County Department of Housing & Community Development was present and reported on the additional money that may become available to Borough projects for blighted properties. He added that the next meeting is scheduled for March 26th.

i. Ricketts Center – Jeffrey Palmer, Olivet Boys & Girls Club was present to provide an update of the first completed month of operation. He advised that the membership is approximate 100 youth members and 40 adults. Mr. Palmer also advised that a basketball team has been established through a grant received by the Boys & Girls Club. He also announced an open house for the Ricketts Center scheduled for March 24th, 4:00 p.m. – 7:00 p.m. There will also be new programs introduced this month.

UNFINISHED BUSINESS

None.

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NEW BUSINESS

a. Sign Ordinance – Motion by Councilor Toroney, seconded by Councilor Allen to adopt an Ordinance amending the Sign Ordinance to permit electronic Message Signs in the Heavy Manufacturing District.

ORDINANCE NO. 2059

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING VARIOUS SECTIONS OF ARTICLE 7, SIGNS, OF CHAPTER 27, ZONING, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED, TO PERMIT ELECTRONIC MESSAGE SIGNS IN THE HEAVY MANUFACTURING DISTRICT, SUBJECT TO CERTAIN CONDITIONS.

Motion carried: 6 ayes.

b. Human Relations – Logo – Motion by Councilor Berry, seconded by Councilor Toroney to approve the Pottstown Human Relations Commission’s Logo as presented on March 4, 2009.

Councilor Toroney praised the efforts of the Commission for the well-designed logo.

Motion carried: 6 ayes.

c. PDIDA Grant – Motion by Councilor Berry, seconded by Councilor Gibson to adopt a Resolution authorizing the filing of an application with the Department of Community and Economic Development for funding in the amount of \$135,000 to assist the Pottstown Downtown Improvement District Authority and the Main Street Manager Program.

RESOLUTION NO. 2009 – 7

A RESOLUTION OF THE POTTSTOWN BOROUGH COUNCIL
AUTHORIZING THE FILING OF A PROPOSAL FOR FUNDS WITH
THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

WHEREAS, the Borough of Pottstown is desirous of obtaining funds from the Department of Community and Economic Development in the amount of \$135,000 for the Main Street Manager Program

BE IT FURTHER RESOLVED, that the Pottstown Downtown Improvement District Authority (PDIDA) will assume the provision of full local share of project costs.

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BE IT FURTHER RESOLVED, that the Pottstown Downtown Improvement District Authority (PDIDA) will reimburse the Commonwealth for the State's share of any expenditures found by DCED to be ineligible.

BE IT FURTHER RESOLVED, that the Secretary of Pottstown Borough is directed to execute a certificate attesting to the adoption of this Resolution and to furnish a copy of the Resolution to the Department of Community and Economic Development

Motion carried: 6 ayes.

d. Trilogy Park Lease – Motion by Councilor Berry, seconded by Councilor Allen to authorize Staff to amend the Lease Agreement between the Borough and Trilogy Park to reflect a fee of \$100 annually effective October 1, 2009. Motion carried: 6 ayes.

e. Camping Event – Trilogy Park – Motion by Councilor Rhoads, seconded by Councilor Gibson to grant request of the Parks & Recreation Department to allow Trilogy Park to host a camping event on Field #2, Memorial Park, on May 20 through May 24, 2009 subject to approval of the Police and Fire Departments. Motion carried: 6 ayes.

f. Suspension Police Officer – Motion by Councilor Berry, seconded by Councilor Allen to ratify the Mayor's disciplinary action of the suspension imposed upon a Pottstown Police Officer. Motion carried: 6 ayes.

g. Blighted Property Amendment – Motion by Councilor Gibson, seconded by Councilor Berry to adopt an Ordinance amending the Blighted Property Review Ordinance to increase the number of members from four (4) to five (5).

ORDINANCE NO. 2060

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING SECTION 941, COMMITTEE ESTABLISHED, OF SUBPART (E), BLIGHTED PROPERTY REVIEW COMMITTEE, OF PART 9, COMMISSIONS AND COMMITTEES, OF CHAPTER 1, ADMINISTRATION AND GOVERNMENT, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED, TO INCREASE THE SIZE OF THE BLIGHTED PROPERTY REVIEW COMMITTEE FROM (4) MEMBERS TO FIVE (5) MEMBERS

Motion carried: 6 ayes.

h. Appointment Blighted Property Review – Motion by Councilor Allen seconded by Councilor Gibson to appoint William Sharon to the Blighted Property Review Committee. Motion carried: 6 ayes.

i. Frech Subdivision Plan – Motion by Councilor Berry, seconded by Councilor Toroney to grant preliminary/final approval of the Frech Property Subdivision

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Plan, 10 West Eighth Street, subject to satisfying the following conditions within 90 days:

- a) Compliance with the Bursich letter of February 9, 2009
- b) Condition to ensure relocation of existing water and sewer laterals subject to review and approval of the Public Works Director and the Pottstown Borough Authority
- c) Payment in full of all Borough review fees

Motion carried: 6 ayes.

j. Frech Subdivision Plan – Motion to grant the following waiver request from the Subdivision and Land Development Ordinance for the Frech Property Subdivision Plan:

- a) Section 504 & 505 – requirement of shade trees and open space trees
- b) Section A402.2 – requirement of contour elevations within 100 feet of site
- c) Section A525 & A527 – Temporary deferral on requirement to install curbing and sidewalks

Motion carried: 6 ayes.

k. EAC – Motion by Councilor Allen, seconded by Councilor Berry to accept the resignation of Don Read as Chairman of the Environment Advisory Council. Motion carried: 6 ayes.

l. EAC – Chairman – Motion by Councilor Toroney, seconded by Councilor Berry to appoint Jim Derr as Chairman of the Environmental Advisory Council. Motion carried: 6 ayes.

m. Drop-off Zone/950 High Street – Motion by Councilor Rhoads, seconded by Councilor Gibson to authorize the establishment of a drop-off zone in the area of 950 High Street, as recommended by the Parking Committee, with signs to be paid by the applicant, Pottstown Training Center, and authorize the Solicitor to prepare and advertise the ordinance.

President Garner referred to a report from Corporal Boyce with a review of the area and a confirmation that the Center will pay for any signs to be placed. The request of the Center to install the signs may not be honored.

Councilor Toroney questioned why the bus stop area could not be used as the drop off zone.

Chief Flanders commented that there would be room in the bus stop area, adding that certain individuals take longer to load and unload from vehicles than others.

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President Garner confirmed that the signs would indicate no parking in the loading zone from 7:00 a.m. to 3:00 p.m. Monday through Friday.

Motion carried: 5 ayes, 1 nay. Councilor Toroney cast the negative vote.

n. Rescind Drop-off Zone – Motion by Councilor Allen, seconded by Councilor Berry to adopt a Resolution rescinding Resolution No. 2009 – 3 which established a Drop-off/Loading Zone on a portion of the 200 block of the north side of High Street.

RESOLUTION NO. 2009 – 8

A RESOLUTION OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN REPEALING RESOLUTION NO. 2009 – 3, ADOPTED JANUARY 12, 2009, WHICH HAD ESTABLISHED A TEMPORARY DROP-OFF LOADING ZONE ON THE 200 BLOCK OF N. HIGH STREET

WHEREAS, Borough Council had established, by and through Resolution No. 2009 – 3, adopted January 12, 2009, a temporary drop-off/loading zone on the 200 block of N. High Street; and

WHEREAS, such drop-off zone would have been in effect until April 30, 2009; and

WHEREAS, based upon the request of the property owner, it is the desire of the Burgess and Town Council of the Borough of Pottstown to eliminate, by Resolution, the 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:

SECTION 1. Resolution 2009 –3 adopted January 12, 2009, is hereby repealed.

SECTION 2. This Resolution shall become effective immediately upon enactment.

ENACTED and RESOLVED this 9th day of March, A. D. 2009.

Motion carried: 6 ayes.

o. Lawn Maintenance/Airport – Motion by Councilor Berry, seconded by Councilor Toroney to award the 2009 Lawn Maintenance bid for the Pottstown Municipal Airport to Coventry Properties, Spring City, PA in the amount of \$450 per cut.

Manager Lopez commented that the Airport FBO was previously assigned the maintenance of the Airport, which was changed several years ago.

Motion carried: 6 ayes.

p. Lawn Maintenance/Borough Garage – Motion by Councilor Berry, seconded by Councilor Allen to award the 2009 Lawn Maintenance bid for the Borough Garage to Down to Earth Landscaping, Pottstown, PA in the amount of \$30 per cut.

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Councilor Toroney questioned why this could not be accomplished through the Clean and Lien Department.

Mr. Bobst advised that this could be accomplished through that department.

Councilor Toroney moved to table this matter until further information is obtained. Councilor Berry seconded the motion and it passed unanimously.

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

- a) 1318 High Street
- b) 538-540 High Street

Motion carried: 6 ayes.

r. HARB – Motion by Councilor Berry, seconded by Councilor Toroney to ratify action of the Building Permit Officer approving a Certificate of Appropriateness for the property located at 1154 High Street. Motion carried: 6 ayes.

s. Earth Hour Day – Motion by Councilor Toroney, seconded by Councilor Allen to adopt a Resolution supporting the Pennsylvania Outdoor Lighting Council in proclaiming March 28, 2009 Earth Hour Day.

RESOLUTION NO. 2009 – 9

A RESOLUTION OF THE POTTSTOWN BOROUGH COUNCIL AUTHORIZING AND SUPPORTING THE PENNSYLVANIA OUTDOOR LIGHTING COUNCIL AND PROCLAIMING EARTH HOUR DAY ON MARCH 28, 2009

WHEREAS, the adverse impacts of energy waste on the environment must be a concern to all Borough of Pottstown citizens and businesses; and

WHEREAS, we sometimes need to be reminded of the role we each need to play in energy conservation and environmental protection; and

WHEREAS, the Pottstown Borough Council encourages energy conservation by its citizens and businesses; and

WHEREAS, the evening of March 28, 2009 from 8:30 p.m. until 9:30 p.m. has been designated around the world as Earth Hour, a time for citizens and businesses to demonstrate their commitment to the environment and energy conservation by extinguishing all but essential outdoor lighting during that period.

NOW THEREFORE, we, the Pottstown Borough Council of the Borough of Pottstown do hereby designate the hour of 8:30 p.m. to 9:30 p.m. on the evening of March 28, 2009 as EARTH HOUR.

Motion carried: 6 ayes.

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REPORT OF BILLS

Motion by Councilor Berry, seconded by Councilor Toroney to pay the outstanding bills in the amount of \$1,645,507.15. Motion carried: 6 ayes.

ANNOUNCEMENTS

President Garner advised that the Police and Fire reports are now listed on the Borough's website.

ADJOURNMENT

The meeting adjourned at 8:15 p.m. on motion by Councilor Allen.

Submitted by,

Raymond W. Lopez
Borough Manager